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A review of assistance programmes for asylum seekers and refugees -in Japan

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Introduction

The number of asylum seekers and recognized refugees as well as those granted a special permission to stay on humanitarian grounds has risen in recent years in Japan. The situation surrounding these individuals has changed significantly since Japan's State Assistance programme was established some 30 years ago. In particular, the global economic crisis of 2008, the recent recession and the natural disasters of 2011 have not only affected the lives of Japanese nationals but also various groups of individuals who are of concern to UNHCR. Some asylum seekers were reportedly unable to meet even their most basic needs.

In 2008 and 2009, as a result of the significant increase in the number of asylum seekers, the State Assistance programme experienced budget constraint. While the situation appears to have stabilized, thanks to emergency fundraising activities carried out by concerned NGOs and the government's efforts to allocate additional funds to meet the needs, the number of asylum applications has constantly increased since then.

While official statistics are not available at the time of writing, the applications lodged for refugee status determination in 2012 may exceed 2,500. Given this evolving situation, a comprehensive review at this point may be warranted in order to determine whether the assistance provided by different entities are meeting the needs of persons of concern, and to identify what types of assistance and support are considered useful to facilitate the sustainable integration of recognized refugees or those granted a special permission to stay on humanitarian grounds.

The review has also been prompted by the introduction of the 2009 UNHCR policy on refugee protection and solutions in urban areas. To date, a number of real-time evaluations have been undertaken by UNHCR in different regions of the world to review the implementation of this policy. This review is an undertaking that looks at the situation in Japan using the guidelines provided in the said policy, and particularly focusing on three approaches: (a) community outreach and mobilization; (b) enhanced link to host municipalities; and (c) inclusion of persons of concern into existing programmes for Japanese nationals and foreign nationals living in Japan.

The reviewer held discussions with relevant central and local government officials, NGO and civil society representatives, and other stakeholders. The reviewer also carried out interviews with refugees and asylum seekers and visited schools, churches and NGO offices where assistance is provided. Furthermore, the review also benefited from books and articles which analyze the current assistance scheme provided by the Government.

Historical and operational context

Japan is home to more than 10,000 refugees and asylum seekers. As at the end of 2011¹, this number includes 307 individuals who were recognized as Convention refugees, 2,342 persons granted special permission to stay on humanitarian grounds and 683 individuals who are awaiting the result of refugee status determination. Including their family members who came to Japan through the Japan-funded orderly family reunification programme, about 11,000 Indochinese refugees and their families were allowed to settle in Japan, of which

¹ The compilation of statistics was undertaken by UNHCR.

approximately 9,800 persons are believed to remain in Japan.² In addition, there were 45 refugees who arrived in Japan from a refugee camp in Thailand in 2010 and 2011 under the third-country pilot resettlement programme. The number of asylum seekers and humanitarian status holders has increased considerably in the past five years.

These asylum seekers and refugees live as part of a larger community of foreign nationals living in Japan. Over two million foreign nationals represent about 1.7 per cent of the entire population.³ In Japan, refugee problems have been and still are often regarded as something which takes place in far-away lands. Even now, many Japanese remain unaware of the presence of refugees and are surprised to find that there are such refugees who have been living in Japan for more than two decades.

It was not until the mid-1970s that the country witnessed the arrival of a sizable number of refugees upon its shore and thus it gradually started to introduce measures in dealing with refugees. Following the first arrival of boat people from Viet Nam in May 1975, the Government of Japan decided to allow the long-term settlement of boat people and accepted to receive Indo-Chinese refugees from refugee camps in South-East Asia. This scheme was eventually expanded to include not only Vietnamese but also Cambodian and Laotian refugees. A total of over 11,000 Indo-Chinese refugees and displaced persons were eventually allowed to settle in Japan.

Reflecting on its commitment to contribute to international responsibility sharing in finding solutions to refugee problems, Japan became a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in 1981 and thereafter promulgated the Immigration Control and Refugee Recognition Act (ICRRA) in 1982. Subsequently, the matter pertaining to the refugee status determination was handled by the Immigration Bureau as per ICRRA.

This was a different approach from the permanent settlement of some 11,000 Indo-Chinese refugees and their families which was decided and implemented through a series of Cabinet agreements. In the 1980s and 1990s, asylum seekers who filed an application for refugee status in Japan were mainly from Myanmar, Turkish Kurds and Afghanistan.

Japan's geographic isolation from its neighbouring countries is said to be one of the main factors limiting the number of applicants for refugee status. The number of asylum seekers remained low until early 2000, as did the number of persons recognized as refugees. For example, the number of persons who were recognized as refugees stood at 94 in the years 1992 to 2001. However, as it will be explained later in this paper, for the past ten years, not only has the number of asylum seekers increased but so has the number of countries they come from. While the majority of applications continue to be submitted from asylum seekers from Myanmar, the remaining asylum seekers represent over 20 nationalities.

² "A Report on the Local Integration of Indo-Chinese Refugees and Displaced Persons in Japan". A study commissioned by UNHCR Tokyo (December 2009). The total number includes those who were resettled from refugee camps abroad (about 62 per cent), those who applied to come to Japan through Orderly Departure Programme as well as those who arrived in Japan directly as Boat People or already in Japan as a foreign student.

³ http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri04_00015.html

Protection environment

While Japan acceded to the 1951 Convention and introduced the ICRRA in 1982, no national law has been developed which comprehensively covers the rights and the obligations of asylum seekers and refugees in the country. Moreover, while the labour shortage that the country will face, due to the declining birth rates and the aging society has been talked about in the past, the systematic analysis and how the Government is going to deal with this issue have not been on the political agenda to date.

Therefore, while a number of foreign residents who have settled down (or plan to settle down) in the country has increased over the past years (starting from so called Old Comers (Chinese and Korean origin) to New Comers (Brazilians and Peruvians of Japanese descent), the treatment of these persons has been done on an ad hoc basis.

As a result, no domestic laws exist governing the treatment of such persons. The lack of a legal framework covering refugees and migrants has not facilitated the discussion on assistance issues over the years, particularly in periods when there was a shortfall in the budget for State Assistance programmes for asylum seekers and recognized refugees.

Japan is considered one of the safest countries in the world. This is also reflected by the comments of persons of concern themselves during the participatory assessments, who mentioned that one of the most important aspects of life in Japan is safety. There are few reports of targeted violence or attacks against refugees, and while discrimination against foreigners (not necessarily refugees) may exist, incidents associated with xenophobic sentiments are rare.

Two particular protection-related issues are related to the assistance provision and need to be mentioned: issues relating to refugee status determination and detention.

Refugee status determination

The ICRRA is implemented by the Ministry of Justice (MoJ) – the competent authority to undertake Japan's refugee status determination (RSD) procedures. Following the revisions made to the Immigration Act of 2004, Japan's asylum system has incorporated safeguards to ensure checks and balances within the procedure and enhance transparency. The close linkages between the RSD procedure and assistance provision may be found in the following two areas.

First, the MoJ sped up the release of first instance decisions (through the establishment of a six-month timeframe for initial RSD decisions). At the end of 2011, the processing time was down to 5.4 months. However, due to the increased number of applications, decision-making at the appeals level has stagnated and it takes more than two years for an asylum seeker to receive a decision after having filed an appeal against the negative decision in the first instance. As this paper will discuss in Section IV, with the number of asylum seekers increasing, their needs are not covered by the State Assistance programme, leaving many asylum seekers without assistance.

Second, the RSD process does not become final at the appeals stage. An asylum seeker can seek judicial review within six months of the administrative process under the Administrative

Litigation Act (*gyosei jiken sosho ho*)⁴, and this process may take several years until a decision is reached. Alternatively, an asylum seeker may recommence the RSD application process as many times as s/he desires, as there is no domestic law limiting the number of applications by any one person. Following the introduction of a criteria for assistance in 2010, so-called ‘repeat applicants’ are not, in principle, eligible for assistance, unless their cases are under judicial review. In 2011, for example, 29 per cent of total RSD applicants were so-called ‘repeat applicants’.⁵

Detention

Detention of asylum seekers, often for long periods, has been a main protection concern over the years. While it is a common occurrence for refugees with limited knowledge of Japan’s immigration system or who fear arrest if they visit an immigration office, illegal entrants, and/or those who file an application for refugee status after overstaying their visa may, in principle, be subject to detention. According to the Ministry of Justice, of all refugee applicants in 2011, about 38 per cent applied for refugee status, while staying in the country illegally.⁶ Once detained, asylum seekers face a host of difficulties, including exacerbated physical and mental health issues, and limited access to assistance.

They may, however, be granted alternatives to detention (ATDs) provided by ICRRA, i.e. provisional release (PR) and provisional permission to stay (PPS) if they fulfill certain criteria. Despite the significant efforts to decrease the number of detained asylum seekers (from 332 in 2009 to 150 in 2011), the implementation of ATDs has not fully been maximized.

One of the de facto requirements for being granted PR and PPS is for those released to have an accommodation upon release, which is difficult to secure for many asylum seekers. Even when they are released, they are not eligible to work. This would mean that one-third of asylum seekers need to depend on the assistance of others and, if they are considered to fall under the ‘repeat applicants’ category, they need to find their own means of survival.

Following the government’s participation in the sub regional Alternatives to Detention (ATD) roundtable in the Republic of Korea in April 2010, changes were introduced, including the establishment of the detention monitoring committee, further reduction of detainees and launching of the Immigration Bureau’s partnership with the Japan Federation of Bar Associations (JFBA), in providing legal counseling to detainees.

Additionally, the Immigration Bureau started to provide mental health services for those in need as of July 2011. Discussions to explore further expansion of ATDs were held with relevant stakeholders (e.g. UNHCR-Forum for Refugees Japan and MoJ) in 2011, as a result of which a Memorandum of Understanding was concluded between FRJ, JFBA and Ministry of Justice in February 2012. Some pilot cases are being implemented under this cooperation framework.

⁴ Theoretically, an asylum seeker can also seek judicial review of her/his rejection at first instance.

⁵ Source: Ministry of Justice Press Release, “The number of individuals recognized as refugees in 2011”, 24 February 2012

⁶ MoJ Press Release on refugee applications in 2011, 24 February 2012

Data collection

Because eligibility for state assistance depends in many cases on an individual's standing within the RSD process, MoJ's decision has a profound effect on the life of each person who seeks asylum in Japan.

Once an individual submits an application for refugee status, her/his position as an asylum seeker entails eligibility for certain forms of assistance. However, whether the individual concerned is staying in Japan legally or not at the time of application largely determines the rights and entitlements that s/he can access while waiting for the result of refugee status determination. Those legally residing in Japan and those that hold residency status are eligible for a residency status, which, in practice provides a work permit. However, for those who do not have any legal status at the time of application may become subject to detention and are not be allowed to work during the entire process of RSD.

If recognized as Convention refugee, her/his eligibility for assistance changes. S/he gains assistance and other entitlements. If not recognized as a refugee, an individual may still be allowed to stay in Japan on humanitarian grounds. These include individuals who may not be able to return due to the prevailing circumstances in their country of origin,⁷ those that are married to Japanese national, those that have medical concerns or those that have other links to Japan are permitted to stay. The number of individuals granted humanitarian status (HS) has risen sharply in the last ten years, from 67 annually in 2001 to over 500 in 2009.⁸

For the purpose of this review, the term 'persons of concern' will be used to refer to broad category of persons encompassing asylum seekers, Convention refugees and HS holders – with which this review primarily concerns itself, and who have various entitlements to particular forms of assistance from the government.

In addition, there are two other groups of refugees who arrived in the country under particular circumstances: (a) the Indochinese refugees; and (b) Myanmar refugees from camps in Thailand who began arriving in 2010 under the framework of Japan's pilot refugee resettlement project. While these persons will not be the subject of this review, reference will be made to them as and when necessary.

What do (or do not) the statistics tell us?

In the last five years, the annual number of asylum applications in Japan has increased considerably⁹ and so has the number of those recognized as refugees or granted special permission to stay on humanitarian grounds. In 2009, a record high number of 531 persons

⁷⁷ A number of States party to the 1951 Convention have offered a form of international protection to persons who are considered to be in need of international protection but who fall outside the scope of the 1951 Convention and other international instruments to which the state is party, e.g. Addressing protection needs arising out of situations of generalized violence. "Providing international protection including through complementary forms of protection" EC/55/SC/CRP.16, 2 June 2005

⁸ Analysis undertaken on the basis of the annual statistics by Ministry of Justice.

⁹ In 2005, 384; in 2006, 954; in 2007, 816; in 2008, 1,599; in 2009, 1,388; in 2010, 1,202; and in 2011, 1,867. (source: *Annual Statistics by the Ministry of Justice*)

were either recognized as refugees or granted a special permission to stay on humanitarian grounds¹⁰ (Figure 1).

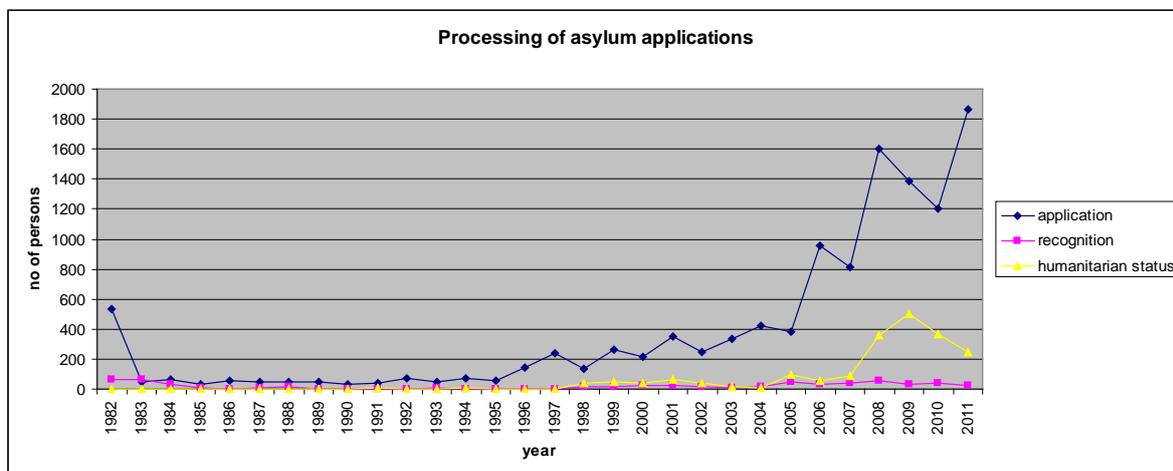
The increase in asylum applications as of 2005 could be attributed to the ICRRA revisions passed in 2004 and which came into effect in 2005, the so-called “60-day rule” was abolished, allowing a number of those who, in previous years would have been rejected for passing the 60-day deadline, to be considered for refugee status.

Second, in 2005, as part of its directive to reduce the number of illegal entries and stays, the Immigration Bureau implemented a strict deportation policy. This has prompted those who have not applied for refugee status to do so in order to avoid deportation.

Third, those individuals who managed to stay in Japan without applying for refugee status in the past began to apply for refugee status after they began faced difficulties (job loss, etc.) due to the global economy downturn. For some, loss of job meant loss (or non-renewal) of work permit. In order to circumvent the situation where their stay in the country becomes illegal, they applied for refugee status.

Fourth, as mentioned earlier, the current system allows individuals whose claim for refugee status has been rejected to re-apply without restrictions. The number of re-applications remains high and in 2011, for example, 540 individuals who applied for refugee status (29 per cent) were those who had undergone the RSD process in the past.¹¹

Figure 1 – Processing of asylum applications

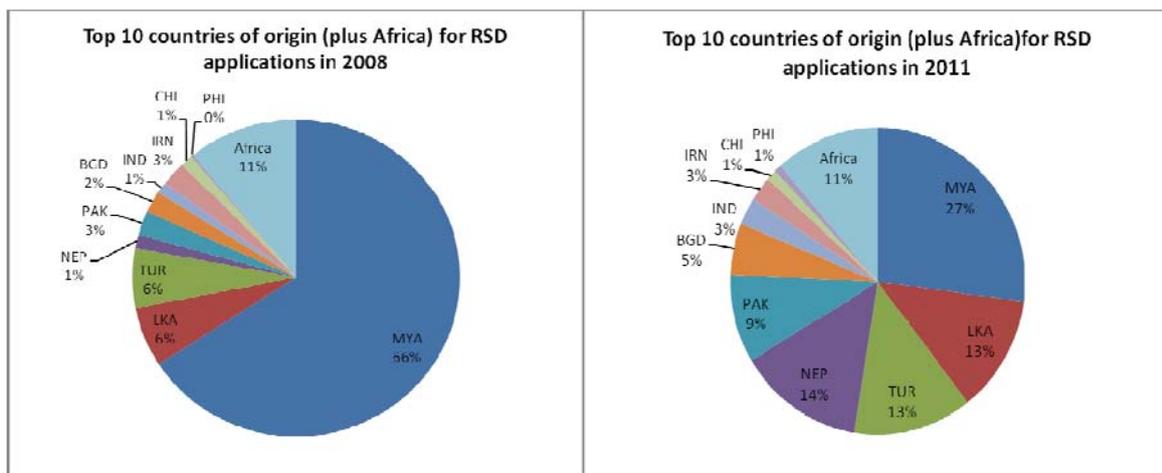


Source: Compilation of annual statistics published by the Ministry of Justice

In addition to the increase in asylum applications and the recognition rate, there are other important trends that can be observed in Figure 2 below.

¹⁰ 501 individuals were granted humanitarian permission to stay. (source: Annual Statistics by the Ministry of Justice.)

¹¹ Source: Ministry of Justice Press Release, “The number of individuals recognized as refugees in 2011”, 24 February 2012



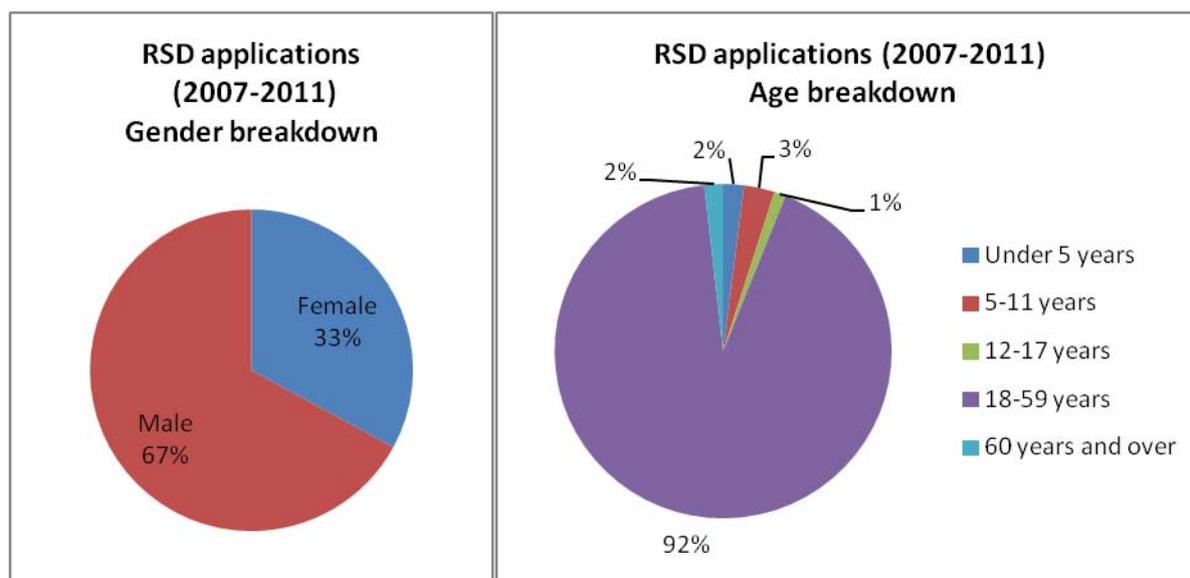
Source: compilation undertaken by UNHCR of the statistics of Ministry of Justice

First, there is a significant decrease in refugee applications of asylum seekers from Myanmar (from a peak of 979 in 2008 to 489 in 2011). The number of asylum seekers from Turkey has been unstable but declined from 35 per cent in 2001 to 13 per cent in 2011. On the other hand, the number and proportion of asylum seekers from Sri Lanka, Nepal, Bangladesh and India has risen substantially in the past three years – all together, applications from South Asian countries rose from 20 per cent in 2001 to 44 per cent in 2011. The proportion of African asylum seekers has been unstable, but applications have generally hovered around 10 per cent of the total; however, between 2001 and 2011, applications from African asylum seekers increased more than five times.

Second, asylum seekers from Myanmar continue to be recognized as refugees or granted HS at significantly higher rates than applicants from other countries. For example, in 2008, when applications from asylum seekers from Myanmar peaked at 979 (66 per cent of all applications), 95 per cent of all recognitions and 91 per cent of all HS were for applicants from Myanmar. It should also be noted that more asylum seekers of non-Asian origin have also been granted HS or refugee status as compared to a decade ago.

Third, although it has been long believed that those persons living in urban areas are predominantly single and male, the gender and age breakdown of the asylum seekers at the time of RSD application is illustrated in Figure 3 below. According to these figures, one third of the population is female, whereas the majority of applicants are adult, as many of them tend to bring their family members only after they are recognized as refugees or granted a permission to stay. The implication here is that the assistance and services may require some adjustments to address the needs of both men and women, already at the stages involving arrival, reception and during the period of RSD, as opposed to initiating such programmes only after the time of recognition.

Figure 3. Gender and age breakdown of RSD applications (2007-2011)



Source: breakdown undertaken by UNHCR of statistics of Ministry of Justice, 2007-2011, *ibid*.

Fourth, Immigration Bureau statistics include only those who file for application and undergo RSD procedures. If family members of Convention refugees or those with humanitarian status apply for refugee status, they would almost automatically be granted the same status as the principal applicants. However, many family members do not file a refugee status application if/as they are satisfied with the residency status they are already holding. As such, the statistics do not necessarily include family members, who join them after the principal applicants are recognized as refugees or granted HS, unless they undergo RSD as well; neither will a child born to a recognized refugee or a person with HS. Currently, there are no statistics that show the total number of persons who reside in Japan as 'persons of concern' and their family members.¹²

In reality, however, as their stay in Japan gets longer, they will, more often than not, start a family and some will have children. Their spouse or children will not necessarily appear in statistics and therefore inhibit those involved in protection and assistance of persons of concern to UNHCR in Japan from having a comprehensive picture on the demographic situation and trends of those whom they assist.

According to one of the refugees who has been living in Japan for the past 15 years:

When I first came to Japan, I was alone, leaving my family behind in my country. I rented an apartment and stayed with five to six people together, sharing food, available material resources and helped each other. But when I got recognized as a refugee, I started to have a prospect of staying in Japan for a longer period of time. Like others, I asked my family to join me. When my wife and children came, I moved out of the small apartment that I used to

¹² With the introduction of the new residency management system in July 2012, it is hoped that some of these problems will be resolved, through the issuance of new resident cards, as well as the database link between the Ministry of Justice and the Ministry of Internal Affairs and Communications.

stay and rented a bigger apartment. Now I have different needs - I have to think about their health, children's education and so on, in addition to the basic minimum needs, such as food, accommodation, clothing, etc.

This is a typical story of how the needs of persons of concern change over time. The implication of the lack of comprehensive statistical knowledge has a significant impact on what types of assistance are provided and how. For example, not knowing how many are school-age children, how many have reached (or are approaching) the retirement age, how many women are in their reproductive age, etc. will make it difficult for government entities, NGOs, municipalities and UNHCR to develop appropriate and meaningful strategies on the protection, assistance and social integration of those persons of concern. Moreover, as no benchmarks could be set out in a quantifiable manner, it will be nearly impossible for service providers to measure the effectiveness, efficiency and relevance of the assistance received by persons of concern, as well as how this assistance has evolved over time.

Age, Gender and Diversity Mainstreaming (AGDM) participatory assessments

As a means of ensuring that all persons of concern enjoy their rights on an equal footing and are able to participate fully in the decisions that affect their lives, UNHCR has used participatory assessments to identify protection needs and to reflect the views and opinions of asylum seekers in protection strategy and programme development. UNHCR Tokyo has carried out the participatory assessments for past few years.

The most recent exercise was conducted in October-December 2012 and focused on: (a) understanding the issues surrounding female refugees and asylum seekers; and (b) understanding the life of persons of concern beyond Tokyo metropolitan area. Some of the pertinent issues raised in this assessment are with respect to:

1) Securing livelihoods:

- Refugees stressed that insufficient Japanese language ability is a major obstacle to securing employment.
- Some participants mentioned that their low wages, coupled with their family members' illegal residential status in Japan makes it difficult for families to sustain their livelihood. This difficulty is compounded when a family's sole income-earner becomes ill.
- The vast majority of participants said that their difficulty in finding employment matching the education, skills, and experiences obtained in their country of origin. Some of them used to work as accountants, teachers, librarians or journalists but that their skills or certificates were not recognized in Japan. They would therefore continue working as hotel cleaners and waiters/waitresses and had no prospects of progressing in their career.
- Some commented that, while vocational schools are open to students of any age, the age limits that typically apply to entry-level positions in Japan's professional work force, and this made it very difficult to find employment in the fields for which refugees receive training in Japan.

- Since the March 2011 natural disasters, some companies have reportedly reduced both the total number of employees and the number of working hours offered to each employee. They also indicated that their incomes have thus been substantially reduced. As many refugees are employed on a part-time basis, they are easily laid off, resulting in the family abruptly facing difficulties in sustaining their livelihood.
- A number of middle-aged participants indicated uncertainty regarding their ability to support themselves financially as they approached retirement age.
- Many participants reported difficulties in identifying a guarantor as a pre-condition to signing a residential lease.
- Some female refugees with Muslim background reported that they did not have access to the family budget and that they need an authorization from their husband every time they need money.

2) Access to education

- A large majority of parents placed significant importance on children's education but could not support their study due to their lack of proficiency in Japanese and/or their lack of knowledge on the Japanese education system. They equally feel the need to find additional help for their children's study but the lack of funds prevents them from accessing such support that may be locally available.
- A considerable majority indicated that it is important that education be made accessible without jeopardizing the student's ability to make a living. Many participants mentioned that their need to work long hours limits their ability to prioritize language education and vocational training.
- Some participants highlighted difficulties in maintaining their own cultures because of pressure to adapt to Japanese society, as well as limited opportunities to engage in cultural practices and speak their languages.
- Parents also expressed concern over the identity crisis (between two cultures) that many children experience. As a result, a communication gap emerges between generations.
- Some refugees reported that they wanted their children to attend an English-language school but could not afford tuition fees.

3) Community participation and integration

- Many men and women suffer from loneliness and feel that they cannot make friends in their new environment. Some refugees highlighted the lack of Japanese friends and a support network as a concern in case of an emergency, while others have close Japanese friends; in which case, their contact with the local community appeared to become more frequent.

- Many refugees reported that they cannot participate in community-level events due to their Japanese language skills. Some do not receive any community information from their neighbours, although they are willing to participate in community work, such as cleaning and garbage recycling.
- African refugees felt that they were not accepted by the local community.

4) Health

- Some participants suggested that, because of their low income, they could not afford National Health Insurance (NHI) premiums. Participants with NHI coverage also commented that, even after the 70 per cent subsidy, a typical visit to the doctor unaffordable.
- Many participants indicated that they do not know where to ask for help when they become ill.
- Some refugees expressed difficulties in communicating with medical personnel due to language barriers.
- Some mothers who have small children do not go to see the doctor, even if they are sick, as they cannot find anybody taking care of their children while they are away from home.

5) Access to information

- While NGOs were often cited as helpful contact points, access to basic information (ranging from legal processes to job openings) is often a major challenge.

6) Detention

- Many refugees and asylum seekers indicated that they had been detained on at least one or more occasion.
- Those parents who experienced separation from children while in detention reported that they had difficulty re-establishing the relationship with their children.

The participatory assessments revealed the impact of the March 2011 disaster on their life, the gaps between education and employment, the language barriers, difficulties in accessing necessary information and their worries about the future. On the other hand, some refugees have very close Japanese friends and with their support, they have good relationship with the local community.

Among others, it is encouraging to note that some refugee women are determined to enhance their professional skills and made significant efforts to master Japanese and study to acquire the necessary certificates to start a new business. The information obtained directly from persons of concern, as well as the assessments thereof need to be used together with home

visits, monitoring and become the basis for the strategies and approaches to be developed not only by UNHCR but also by other partners who closely work with persons of concern.

Assistance and access to services

The increase in the number of asylum seekers as well as the number of individuals recognized as refugees or granted humanitarian status have budget implications. In 2008, due to an increase in the number of applications for refugee status, the government faced a budget shortfall. NGOs and other service providers raised funds to cover the shortfall.

At the same time, a review of the criteria for determining the eligibility for assistance was undertaken by the government, this resulted in the introduction of more specific eligibility criteria in 2009 and 2010. While the situation regarding budget constraints has been contained, the lives of persons of concern continues to be difficult, in part because of the global economic crisis (2008-2009), the 2011 natural disasters and the years of economic stagnation experienced by Japan.

The following sections will describe and analyze current assistance programmes for asylum seekers and highlight the characteristics of the assistance system in Japan. Table 1 provides an overview of the assistance programmes available to those different categories of persons.

Assistance to asylum seekers

Asylum seekers are said to be the most directly affected among the various groups of individuals of concern to UNHCR. Some of them claim to be unable to meet even their most basic needs. According to an NGO that has been involved in refugee assistance for a long time, a significant number of asylum seekers are living in conditions approaching poverty.

Among others, accommodation always poses an acute problem for asylum seekers. While asylum seekers in contact with an established community in Japan or that have contact details of somebody residing in Japan may be able to depend on a network to find accommodation when first arriving in Japan, others may be left to find their own housing on the open market, making use of whatever social networks they have.

Asylum seekers who cannot afford private homes and who do not qualify for public or other assistance may be at risk of becoming homeless. Recently arrived asylum seekers, and those granted PRs, are particularly vulnerable to this risk, and may sleep in parks, internet cafés or a series of friends' houses for some days. Asylum seekers without work permits may rely on any assistance that may be available to them for an extended period of time. Others may instead chose to enter illegal, unregulated labour markets. Some service providers expressed the fear that when people are forced to live in such situations, they may be tempted to engage in illegal activities if they were unable to find other ways to survive.

Those who come to Japan on their own may be subject to exploitation and abuse. One asylum seeker told the story of his passport taken by the guesthouse owner, in lieu of the key money for temporary accommodation and as he had no money to pay, he was obliged to accept work in a farm in substandard conditions. Such stories may not be exceptional. As one of the interviewees has put it:

Their existence as an asylum seeker in itself poses a risk to mental health disorder. Isolated, living in poverty, and the fact that a number of conditions are imposed for public assistance provision, an asylum seeker normally faces a hard life while waiting for the result of the refugee status determination.

Table 1: Entitlements of asylum seekers, refugees and "humanitarian status" (HS) holders

		Asylum seekers	Humanitarian Status holders	Refugees
Social assistance	Subsistence allowance	1) public programmes (RHQ) available for needy individuals. (limited, however, to those whose application for RSD is pending at first instance / appeal level / judicial process for first instance or appeal level .) 2) NGO-funded programs available (cash / in-kind)	1) No special public programmes (RHQ) available. 2) public social security programmes available to all Long-Term Residents, and to Designated Activities status holders through special application; 3) NGO-funded programmes available	1) Settlement Support Program (RHQ) available for approximately 180 days; 2) public social security programmes available afterwards; 3) NGO-funded programmes available
	Medical assistance	1) public programmes (RHQ) available for needy individuals 2) depends on individual's residency status 3) A few NGOs/doctors providing medical services 4) access to medical services for foreign residents in general	1) eligible for national public or employment-related health insurance; 2) NGO-funded programmes available	
	Shelter	1) public programmes (RHQ) available for needy individuals 2) NGO-funded programmes available	1) No special public housing assistance (RHQ) available; 2) NGO-funded programmes available	1) public housing assistance through settlement support programme of RHQ available; 2) NGO-funded programmes available
Language training		1) possible access to publicly available language courses (to foreign residents in general)	1) Public funded training (RHQ) NOT available 2) local government and NGO-funded programmes available	1) publicly funded training (RHQ) available through settlement support programmes; 2) local government- and NGO-funded programmes available
Employment		Eligible to apply for a work	1) Automatically entitled to a	1) Automatically entitled to a

	permit IF legally staying in Japan at the time of application for refugee status.	work permit; 2) may access public and NGO-funded employment services; 3) may access public vocational training (though may not be able to afford costs); 4) Not entitled to access RHQ programme	work permit; 2) may access public and NGO-funded employment services; 3) may access public vocational training (though may not be able to afford costs) 4) Entitled to access RHQ programme
Education	Depends on individual's residency status	1) free public education available to age 16 2) nearly no financial aid for secondary and post-secondary study	1) free public education available to age 16 2) limited financial aid for secondary and post-secondary study
Family reunification	N/A	Many face difficulties in bringing their family members to Japan, as not meeting the criteria (having sufficient financial means etc.)	Most may bring core family members to Japan
Local integration programmes	N/A	NGO-funded programmes available	Public (RHQ) and NGO-funded programmes available

Another interviewee has pointed out:

As many asylum seekers have to worry about what to eat tomorrow, they have no time and energy to concentrate on the preparation for RSD interviews.

Not only the long waiting periods for the outcome of the RSD decision and the uncertain future, but also the fact that they cannot be self-sufficient while waiting for the decision often negatively affect the physical and psychological status of asylum seekers, in particular, their self-esteem and self-respect. As one of the asylum seekers has put it:

I am an able bodied man, with a wife and children. I only wish that I would be able to work. For me to depend on the assistance provided by others is such a humiliating experience. I have the skills and I can greatly contribute to the Japanese economy, should there be an opportunity given to me.

It should be noted that UNHCR's policy on protection of refugees and search for durable solutions fully recognizes that it is generally more beneficial and economical for refugees to establish their own livelihoods than it is for them to rely on assistance in the form of cash payments. This principle should also be applicable in the case of asylum seekers.

In addition to the protection concerns, such as abuse and exploitation, as mentioned above, asylum seekers often face depression, adjustment disorder and/or substance abuse. According to a psychiatrist who often deals with patients from different nationalities, many of the asylum seekers are potentially at high risk of mental disorder, whether because of their experiences in their country of origin or due to their status in Japan.

Asylum seekers may, in principle, avail themselves of the provision of the Services and Supports for Persons with Disabilities Act (Syogaisya Jiritsu Shien Hou). This Act provides that an individual's expenses for continuous treatment of psychiatric disorders at a medical institution may be covered as for other persons with disabilities (jiritsu shien iryohi), regardless of the patient's nationality or residential status (in reality, they are required to cover 10 per cent of the actual cost).

However, medical institutions with appropriate expertise and interpretation services are rare and many psychiatric hospitals are reluctant to treat asylum seekers often because of the language barriers. Furthermore, because of their diverse cultural understandings of mental illness and individual variations in willingness and capacity to seek help, it takes time and energy for the concerned asylum seeker to get the actual help.

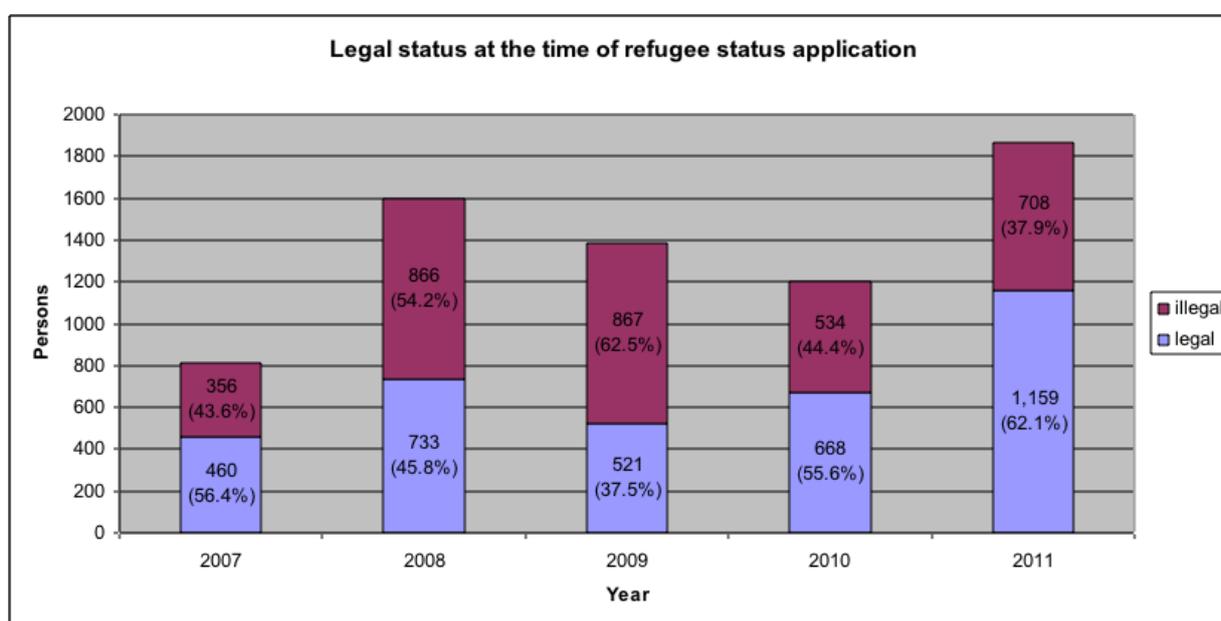
Asylum seekers and their residency status

While asylum seekers that have legal residency status at the time of applying for refugee status are normally allowed to apply for a work permit, asylum seekers with no legal status, including those holding provisional permit to stay (PPS) or provisional release (PR) are ineligible for work permits. Even if an asylum seeker holds residency status and is able to obtain a designated activities (DA) status, s/he needs to wait for six months following submission of her/his application for refugee status before s/he can apply for a discretionary six-month, renewable work permit.

Figure 4 shows the number and the percentage of asylum seekers who hold legal status in Japan at the time of refugee status application. Looking at the past five years, on average 48.5 per cent of the asylum seekers were in Japan illegally when they submitted their RSD application. As asylum seekers without legal residency status are not allowed to work, this would mean that nearly half of the asylum seekers are ineligible for a work permit.

This would also mean that these persons are not able to engage in gainful employment during the whole process of refugee status determination, which in many cases can take more than 2 years. Asylum seekers with a valid visa at the time of application would still need to wait for six months before they can apply for a work permit.

Figure 4. Legal status at the time of refugee status application



Source: MoJ Press Release

Those ineligible to work are, in principle, entitled to state assistance provided through Refugee Assistance Headquarters (RHQ).¹³ However, the current criteria exclude some persons, for example, if they are repeat applicants,¹⁴ or if they are found to be gaining above a certain level of income through a part-time job or if they have above a certain level of remittances from family or friends abroad. As the latest statistics show that nearly one-third of the applicants in 2011 were repeat applicants, apart from those who are in the process of the court proceedings, such persons may be neither allowed to work or entitled to the state assistance.

¹³ Following the Government's decision to accept Indo-Chinese refugees for settlement in Japan in 1978, the government entrusted the work to facilitate the reception and the local integration of refugees to the Foundation for the Welfare and Education of the Asian People. The Refugee Assistance Headquarters (RHQ) was set up as part of the Foundation. Since then, RHQ has been engaged in assisting not only Indo-Chinese refugees but also the Convention refugees. Their assistance has been extended to asylum seekers since 1995. Their work is financially supported by funds from the Ministry of Foreign Affairs, the Agency for Cultural Affairs, and the Ministry of Health, Labour and Welfare. For details, see <http://www.rhq.gr.jp/>.

¹⁴ If, however, the case is under the judicial review for first instance or appeal level, the repeat applicant will become eligible for RHQ assistance.

State assistance

It should be pointed out that among the countries in the Asia-Pacific region which have signed the Convention, the Government of Japan is one of the few countries¹⁵ that provides housing and living expenses to asylum seekers. Since the administrative audit (gyosei kansatsu) carried out in 1982, the Ministry of Foreign Affairs (MoFA) has provided specific assistance to asylum seekers, and provided cash assistance and accommodation to needy asylum seekers. Beginning in 1995, MoFA has supplied this assistance by entrusting RHQ with a dedicated budget to deliver special welfare benefits (SWBs).

An asylum seeker applies for assistance by completing and personally submitting a request for SWBs to RHQ. The latter then interviews the asylum seeker on her/his financial status and then, based on RHQ's finding and report against the set criteria, MoFA and RHQ discuss and determine whether the asylum seeker is in need and whether s/he will receive SWBs. SWBs may include not only subsistence benefits but also housing and medical benefits.

Subsistence benefits from RHQ come to 1,500 yen per person per day (750 yen for children under 12), and may also include housing support. Typically, this support takes the form of rental support. There is an upper limit and the amount of support differs depending on the rent and the number of residents.

Other costs, including rental agreement or renewal fees, are not covered. Furthermore, SWBs provided by RHQ to asylum seekers may include support for medical expenses. This support takes the form of reimbursement of accrued expenses upon request supported by receipts. This initial payment consists of the entire cost of treatment if the asylum seeker has no national health insurance or social insurance coverage, or 30 per cent of the cost if s/he does.¹⁶

RHQ also manages an emergency shelter for refugee applicants (ESFRA), a hostel for recently arrived asylum seekers. The latter are entitled to reside there for three months or longer if they cannot find a private residence, which can be difficult and result in prolonged stays in ESFRA.

Issues associated with the public assistance have been highlighted in the past and were repeated during the course of the review. They include the following:

First, many asylum seekers are not authorized to work, if they do not have residency permits. For these persons, assistance becomes critically important. In accordance with the needs assessment, those who receive remittances from relatives abroad, and/or those who have work (legal or illegal), are not considered eligible for RHQ assistance or would have the amount of assistance reduced. In reality, it is very difficult for the majority of asylum seekers receiving state assistance to cope adequately as they need to cover all basic expenditures from the daily stipend they receive (1,500 yen).

¹⁵ Other countries include Australia and New Zealand, etc. The most recent example is South Korea, where the new Refugee/Asylum law provides that those asylum seekers in need will either be provided assistance or work permit. As many other countries in Asia-Pacific region have not signed the 1951 Convention, assistance is often provided by UNHCR in cooperation with NGOs.

¹⁶ Asylum seekers are required to make the payment and get the amount reimbursed by RHQ at a later stage.

Second, the time between the submission of an application and receipt of initial benefits is said to be currently between two and two and a half months, due to an increased number of asylum seekers at the end of 2012. This is a long time for many of the asylum seekers to wait, especially if they lack food and accommodation.

This may be partly due to the fact that the application needs to go through several procedural stages before the final decision is made, i.e. interview(s), submission of proof by the applicant, recommendation by RHQ and decision by MoFA. It has been explained that the assessment of the eligibility of the applicants needs to be undertaken thoroughly in order to avoid any abuses of the system. As the increase of asylum seekers continues, it would be prudent to find the way to speed up the process.

Third, the assistance is normally provided for four months. This period was established on the duration of the RSD process some 20 years ago. However, as the number of asylum seekers increased and the RSD process now takes longer, the period when assistance is provided is much shorter than the actual RSD process. The MoJ has taken the initiative to set the target period for completion of first-instance decisions to six months and met its target in the first half of 2011 (at the end of 2011, the processing period took 5.4 months).¹⁷

In reality, however, the majority of rejected cases appeal against the first decision and the total duration from the launch to the receipt of the appeal decision can sometimes take more than two years. Although this 'four-month rule' has been applied in a flexible manner and many asylum seekers are provided with subsistence allowance for a longer period (about 12 months), the question still remains as to what happens to those whose assistance is terminated and who are yet to receive the final RSD decision.

Fourth, as the number of repeat applicants grows, the number of individuals who are not eligible for state assistance increases. Those who are in desperate situations will need to depend on assistance from NGOs, religious groups, their own community and friends. In Japan, however, no government's funding is given to NGOs that work in the field of refugee protection and assistance within the country.

Assistance provided by civil society

While waiting for the government decision on their application for assistance or when the state assistance cannot cover their basic needs, asylum seekers, depending on their specific needs, can knock on the door of NGOs. NGOs that are members of the Forum for Refugees Japan (FRJ) provide assistance to asylum seekers in need of shelter, food, medical and psychological support and legal counseling.

Some NGOs, though their numbers and budgets are limited, provide subsistence support to asylum seekers with particularly urgent needs. A number of asylum seekers approach the Japan Association for Refugees (JAR) for such assistance. In 2009, when Government assistance faced with budget shortage, several NGOs mounted a vigorous fundraising campaign to cover the gap of assistance especially for those in dire need.

¹⁷ http://www.moj.go.jp/nyuukokukanri/kouhou/nyuukokukanri03_00029.html

Corresponding to the increased number of asylum seekers in Japan, the number of individuals who approach JAR has increased over the past years. JAR provides legal and social counseling to asylum seekers as well as material assistance to those who are destitute.

The above Graph 5 shows the visits of individuals and the cases dealt with by JAR. Although these numbers actually include all three categories of persons of concern, i.e. asylum seekers, individuals who are permitted to stay on humanitarian grounds and refugees, it is understood that the assistance provided by JAR goes predominantly to asylum seekers. These graphs reflect the major trends of who, among asylum seekers (nationalities), are approaching JAR for assistance and in what percentage.

Graph 5 shows the visits of persons of concern to JAR office. 46% of those who approach JAR for information, questions and requests for assistance are from Africa, followed by individuals from South Asia (28%), South East Asia (14%) and the Middle East (6%). While the highest number of RSD application is submitted by those from Myanmar (Graph 2), the number of persons who go to JAR from this region (South East Asia) only comes as the third.

This difference has been explained by the stakeholders as follows: individuals from Myanmar have been staying in Japan for many years (some of them for more than two decades) and over the years, the communities have been established and networks developed. There is a well-established network of self-support mechanism among themselves and the newcomers could avail of such mechanisms for getting necessary information and for assistance in case of emergency, for example. Such a mechanism does not exist for other nationalities and this is particularly evident for those from Africa. Those without community support mechanisms are in a more difficult situation and therefore approach NGOs for assistance.

NGOs, particularly those with social workers trained in intercultural assistance and immigration matters, also provide subsistence-related counseling to asylum seekers. For example, International Social Services Japan (ISSJ) is one of the longest serving service providers in Japan in this regard and has been offering assistance since the time of Indo-Chinese refugees more than three decades ago.

The Catholic Tokyo International Center (CTIC) provides one-stop service center at the church, offering emergency assistance, Japanese lessons and making computers available for use to asylum seekers. It also worked with other NGOs and businesses to provide paid work opportunities and vocational training for asylum seekers.

In terms of accommodation, JELA and JAR also run shelters made available to asylum seekers¹⁸. For example, between July 2010 and June 2011, JAR provided shelter to some 46 persons.¹⁹ JELA, which initially had an official contract with the Government of Japan in providing accommodation to asylum seekers, remains one of the key NGOs running two shelters. Some other NGOs also occasionally provide rent subsidies to asylum seekers awaiting state assistance.

Non-Japanese speakers can also receive medical assistance through telephone counseling provided by International Medical Information Center which is managed by the Association of Medical Doctors of Asia (AMDA). According to a report by AMDA, the majority of

¹⁸ FRJ is son to open a shelter (January 2013).

¹⁹ JAR "Annual report, July 2010 – June 2011" page 6

requests received are for referrals to medical institutions that provide service in several languages.²⁰ A very few NGOs, e.g. CTIC-Minatomachi Shinryojyo and Tsurumi University Refugee Dental Care Project, provide free of charge medical consultation for asylum seekers and other foreigners who do not have easy access to medical services.

One unique programme that needs a special mention is the free dental treatment provided for asylum seekers at Tsurumi University Dental Hospital. The programme started in February 2010, by forming a dental treatment team named “RPT (Refugee Project Team) in the Hospital, with the realization that many asylum seekers have no opportunities to have dental treatment.

From February 2010 to December 2011, the team treated the total number of 84 new patients from 25 countries who have been referred to by FRJ. As not so many asylum seekers can afford the transportation fees to and from Tsurumi, FRJ covers such cost and makes arrangements for interpreters/volunteers to accompany the patients for the first time, in case of need. In 2011, a satellite clinic was established in Tokyo to enable easier access for asylum seekers.

Assistance provided by municipalities

NGOs have gained considerable knowledge of existing welfare systems and on how to access available services. For example, in the area of medical treatment, some programmes are available to all foreigners, including asylum seekers, refugees and HS holders. These programmes include the provision by some local governments of free medical check-ups for lifestyle-related diseases, HIV, child delivery and care and maternal health.

Some medical institutions are sensitized to the plight of refugees and may provide low-cost treatment with service in foreign languages: Information Center Kanagawa, for example, provides medical interpreters in southern Kanagawa. NGOs have been playing a key role in referring asylum seekers to such available programmes and at the same time initiated discussions and negotiations to raise awareness among the staff who work at municipalities, hospitals (in particular, medical social workers) and other institutions which deal with foreigners in general.

Many municipalities handling registrations for national health insurance (NHI) coverage are unaware that asylum seekers may be eligible for NHI coverage. Coupled with language barriers, many asylum seekers thus face difficulties in securing coverage. The Japan Association for Refugees (JAR) has successfully raised awareness on municipal offices allowing NHI access to asylum seekers with valid visas.

In addition to public insurance schemes, asylum seekers may be able to avail themselves of other public systems to cover or reduce medical costs. One such scheme is the Free/Low-Cost Medical Treatment Programme (Muryo Teigaku Shinryo Jigyō), established under article 2-3(9) of the Social Welfare Act. Through this programme, medical institutions run by social welfare organizations, public interest corporations and similar institutions provide free or low-cost medical services to needy persons, including foreigners, irrespective of their residential status. The number of participating institutions varies according to prefectures.

²⁰ See <http://amda-imic.com>

Asylum seekers may apply to access such services by approaching the provider directly, by referral from a municipal office, or through coordination between providers and NGOs. As an example of such coordination, RHQ and JAR have arranged the treatment of asylum seekers at participating institutions through cooperation with these institutions and the Tokyo Council of Social Welfare (TCSW).

Furthermore, JAR has organized workshops, in collaboration with Social Welfare Councils at the municipal level, for those involved in social welfare activities to raise awareness on refugee issues. This has been of significant importance as asylum seekers/refugees form a minority of within the community of foreign nationals established in Japan and little attention has been so far been paid on the specific issues faced by refugees and asylum seekers.

Programmes available to Convention refugees

Once an individual is recognized as a refugee or granted a special permission to stay on humanitarian grounds, s/he will have access to the same entitlements as are available to Japanese nationals. For Convention refugees, the state-run settlement support programme is provided through RHQ, this includes: (a) Japanese language education course; (b) Guidance on Japanese life; and (c) Vocational counseling service.

The course is offered twice a year and lasts for approximately 180 days. RHQ also offers vocational counseling services to refugees, as well as financial assistance to employers providing vocational or language trainings for refugees.²¹ RHQ also provides accommodation for those who cannot commute to the center during these six months as well as subsistence allowance to those who have no other income. Since April 2006, they started to offer one year course to enable those who are already working attend the course in the evening.

Those that have taken the course have expressed their appreciation for the opportunity to attend the course offered by RHQ. Many evaluate the content of the programme quite highly and mention that the Japanese proficiency they have attained at the Japanese course helped them have smother transition to the new life in Japan. They often referred to the bonds that they established with the Japanese teachers and the counselors, who, even after the course, became their mentor to provide advice on many aspects of their life.

While the programme is currently budgeted to cover the needs of those persons, the actual number of persons who enroll in the programme appears to be limited. It has been explained that it is because many persons have already been working and attending the course will oblige them to leave the job, which they had difficulty in finding in the first place.

Many are reluctant to lose such an opportunity although they are keenly aware that the acquisition of such skills will enable them to increase in salary and promotion. The establishment of one-year programme which is offered in the evening was intended to accommodate such needs. The total number of 'students' ranges between 20 and 30 every year, including their family members and they can take this programme at their convenience (no rigid time frame to take the course within the year of recognition etc.)

²¹ <http://www.rhq.gr.jp/japanese/know/kur/employer.htm>

Assistance to humanitarian status holders

Such an integration programme, however, is not made available to those who are granted permission to stay on humanitarian grounds. The reasons given is that they are not considered as refugees and that the programme is not intended for those temporary nature (on paper) of stay for many of the individuals who are granted a special permission to stay. Furthermore, many HS are from Myanmar and have been living in Japan for several years and have already acquired the skills and knowledge on how to survive in the country.

While such arguments may be valid, the fact remains that many HS holders have been making a living in Japan already for many years and are having families. As the challenges that they face in adapting to the Japanese way of life are in principle the same as for the recognized refugees, many of these persons will benefit from such an orientation programme that is offered to the Convention refugees. Among others, the Japanese language skills as well as the knowledge on the Japanese customs and manners will greatly help them live in a harmonious manner as active members of the Japanese society.

As the increased number of individuals from countries other than Myanmar are provided with such a permission in recent years and this trend is likely to continue, a consideration may be given to extend the same programme to those persons. In fact, the best practice implemented in several countries is to grant the same status and rights as Convention refugees. Another related issue to HS holders is the termination of assistance when the concerned individual is granted a permission to stay.

There are reports that the assistance which the concerned individual has been receiving from RHQ as an asylum seeker is terminated even before s/he had the time to look for an employment. As a result, persons who are in similar situation have difficulties adjusting to the life without any external support.

Employment and language training

Convention refugees may access Hello Work and public vocational training schemes and services provided by NGOs, such as JAR and CTIC. However, when applying for work through Hello Work's competitive process, refugees are considered for jobs alongside economic migrants who have lived in Japan for a long period and may speak Japanese fluently.

JAR may also provide accompaniment to employment offices and job interviews, and hold workshops related to résumé writing, employment law and interview training. In 2011, JAR established a entrepreneurship support program for refugee empowerment, with a view to improving the employment outcomes of refugees and asylum seekers through the creation of career path model.

Many such persons settle in Japan through their own efforts or with the support from their community or NGOs. They face difficulties in finding jobs or move from one job to another. Many of them occupy low-end jobs such as dish washing or cleaning in restaurants and hotels, or dismantling/construction, or factories that are often unstable, dangerous and/or underpaid work that puts their health at risk. During the participatory assessment in 2011 and 2012,

many participating refugees /HS holders expressed their frustration at not being able to find a job that is in line their education, skills, qualifications and past experiences.

Even if they had completed higher education or hold special qualifications in their home countries, they are not recognized in Japan. Particularly those who were holding government jobs in the past, or worked as accountant, university professor, or teacher, are disappointed and do not find much fulfillment in the job they find in Japan. Some mentioned that they are just closing their eyes as they need to make a living and that they only wish that their children will get out of such a life and pursue their career.

Particularly after the 3.11 disaster in 2011, it was reported that it became particularly hard for them to find a job and that for those who held a job before the disaster, their incomes have been substantially reduced. The job hunting has become highly competitive and the types of jobs that Japanese nationals were not interested during the time of the resettlement programme of the Indochinese refugees are now taken by Japanese very quickly.

At the same time, they highlighted two issues that could help them enhance their career prospects. First, is their Japanese language skills. Even those who have been living in Japan for many years, many of them still lack sufficient Japanese language skills, in particular, writing and reading, which is a major obstacle to securing employment or promotion. Apart from the language class RHQ offers for Convention refugees and family members, some NGOs also offer free Japanese language courses. Some courses, such as those offered by the International Exchange Associations and by volunteer groups in city halls, community centers, and schools, are open to all foreign residents.

Similarly, many municipal governments, provide language courses for their foreign residents / constituencies. Others, such as those offered by Support 21, Minna no Uchi, JAR, CTIC, and the Christian Coalition for Refugees and Migrant Workers, are intended specifically for asylum seekers, HS holders and refugees or meant to include the persons of concern in their programme. Although such services are available, some participants reported making slow progress in acquiring Japanese language skills. According to them, they are too busy in making ends meet, have two or three part-time jobs and therefore have no time or energy to continue their Japanese language lessons.

Second, opportunities are available to enhance technical skills or engage in vocational training. Some commented that, while vocational schools are open to students of any age, age limits that typically apply to positions in Japan's professional work force, make it very difficult to find employment in the fields for which refugees receive training in Japan.

Education

Public education is available for foreign residents up to the age of 16 and is managed by local governments and their willingness and interest in accepting asylum seekers or their children in public schools may vary from one municipality to another. Thus far, this situation does not appear to have caused major difficulties. NGOs at times intervene with local education boards to assist those who want to send their children to public school, i.e. in case of refusal.

Structural differences between Japanese and foreign education systems may also render persons of concern ineligible for placement in some institutions. For example, refugees from

Myanmar, where primary and secondary education span 11 years, cannot meet the requirements of a Japanese university where students have at least 12 years' previous educational experience.

Securing a place for infants in child-care centers is difficult for Japanese nationals let alone for persons of concern. Also, parents are required to cover the expenses which are often prohibitive, particularly in the Tokyo metropolitan area.

The most challenging issue in relation to education, however, is not necessarily the structural barrier that prohibits children from pursuing education. It is rather that the difficulty proceeding to higher level. Two reasons were highlighted in the interviews: Even if public high schools are free as from 2010, there are associated costs that the individual family needs to cover, such as uniforms, transportation, school trips and cost for extracurricular activities.

Children of those families who already face financial difficulties may opt for work to support the family. For those who cannot pursue their education at day school but want to pursue education at higher level, five out of eight night schools in Tokyo have Japanese classes for foreign children. This would, however, mean that those who wish to study at a night junior high school may not be able to do so in their residential area. Moreover, financial assistance available to these children at the high school and post-secondary levels is again limited.

Unlike Japanese children, children of refugee parents cannot get educational support at home or attend preparatory schools. Some parents do not fully understand the Japanese educational system and do not prepare their children for their entrance exams. In this regard, Support 21 and Minna no Ouchi assist children in catching up with their daily schoolwork.

A tutor, who could be a retiree, a volunteer from the community or an individual from the company through their CSR work, is assigned to each student and helps with study. Although it may not have been intended initially, this support system also helps some children, particularly adolescents, who may not receive individual attention at home, to have somebody to talk to about their personal problems.

For refugees who wish to pursue higher education, some scholarship programmes are offered by NGOs, such as the Support 21, JELA, REN as well as by several universities in collaboration with UNHCR (Refugee Higher Education Programme). Beyond the support offered by these organizations, however, financial aid for refugees and HS holders is limited and they do not qualify for public financial aid programmes which foreign exchange students and Japanese nationals have access to.

The fact that not so many children can pursue their education at a higher level becomes a determining effect when it comes to employment possibilities. Should one wish to pursue a career in the Japanese society, the graduation certificate at least from high school is considered a "must." Those who have not attained the education at the high school level will only be able to earn her/his living on daily basis not more. One of the interviewees who is engaged in an NPO education support programme opined that this is the area that the Government and other agencies need to look into, so as not to pass on the cycle of poverty from one generation to another.

Older persons

Last but not least, the problem faced by older persons requires an increased attention. The problem faced by older persons was highlighted during the participatory assessment as well as in the interviews. Among those who have been living in Japan for nearly 20 years and are approaching the retirement age expressed serious concern over how to sustain their life after they retire.

Although refugees and those with HS have, in principle, unhindered access to the existing pension scheme, such information is not widely disseminated and they will not be able to benefit much even if they have started the contribution in recent years. They often feel isolated and do not have much contact with the Japanese communities. As a consequence, a much larger number of persons of concern become depend on social welfare when they retire from work.

Characteristics of the assistance system in Japan

While this study has so far looked at the assistance provided to persons of concern to UNHCR with different legal status, namely, asylum seekers, those granted a special permission to stay on humanitarian grounds and Convention refugees, this section will highlight the characteristics of the assistance system in Japan.

First, while the assistance provided by RHQ is fully funded by the Government of Japan, NGOs and other individuals that are engaged in providing assistance to persons of concern undertake fund-raising activities on their own. When, for example, an asylum seeker is considered ineligible for Government assistance, there is very little social safety net for them and the task of supporting them consequently falls on their communities, NGOs and those individuals who demonstrate the spirit of humanitarianism and voluntariness and who are eager to help others in need. There are no subsidies or financial assistance provided to these agencies or individuals for their programmes.

Second, it appears that asylum seekers somehow get connected to the service providers after landing in Japan. However, the time lapse between their arrival and the time that they actually get connected to RHQ or JAR or lawyers appears to vary depending on whether they already had a friend living in Japan, or whether they meet a god Samaritan in the church or in other cases, in the detention center. In fact, among those the interviewer met during the course of the study, many asylum seekers have had the experience of being detained at least once and that is where they get the information where to call (go) for help.

Third, the current activities of agencies (both public and private) are focused on helping the needy individuals who come to their door steps or referred to them by another agency. This means that those who proactively seek information and those who have somebody to tell them to approach the service provider will be able to access the available services. The risk therefore exists that those for one reason or another, do not get connected may not get assisted. This includes such individuals who do not know how to seek asylum in Japan.

Fourth, almost all the programmes that are available to persons of concern in Japan take an individual case approach and assistance is provided on the basis of the specific needs of the individual concerned. In other words, community support / empowerment related

programmes are rare and only a handful of existing programmes take the community-based approach.

Fifth, in relation to the fourth point, there is rare involvement of persons of concern in the design and planning of the programmes which concern themselves. Their involvement is, interpretation and translation, at best. This perhaps is related to the fact that the activities of State / civil society programmes are very much geared towards individual assistance where the confidentiality of individual cases needs to be protected. While this is a valid concern, there are other ways of involving them, as they often have the best resources and networks.

Sixth, while a number of programmes have been initiated by different NGOs, religious groups and individuals, the coordination among themselves, including with RHQ is limited to the discussion on specific individual cases. The only functioning coordination network appears to be the Service Coordination Working Group of FRJ but efforts of developing a coordinated approach / strategy beyond individual case discussions are still limited. Given that the intensive discussion and coordination on the issue of detention (and alternatives to detention) has developed into a Memorandum of Understanding between the Ministry of Justice, Japan Federation of Bar Associations (JFBA) and FRJ in 2012, a similar approach on the assistance provided to persons of concern may be a possibility.

Finally, while there are existing programmes for Japanese nationals and foreign nationals living in Japan, the linkages with such programmes or resources at municipalities and governments are still limited. There have been a number of interventions that the service providers made in the past with the municipal governments and where such interventions were made, there was a clear effect. As the local governments often introduce unique projects in assisting foreign residents based on the foreign communities' needs and ensuring harmonious co-existence between foreign residents and the host community, such linkages could be more systematically made and strengthened.

In addition, indirectly related, there is an issue of capacity building of the personnel who are involved in the assistance programmes. While these service providers, public or private, have gained considerable knowledge and experiences in the past decades, the opportunities for them to further build their capacity and actually discuss their common issues may need to be enhanced.

Other partnerships to be explored and strengthened

It is generally recognized that in the urban context, it is preferable to ensure that refugees have access to existing services, both public and private, rather than establishing dedicated and parallel programmes for them. UNHCR's policy on refugee protection and solutions in urban areas recognizes that municipal authorities and mayors have a particularly important role to play in the objective of expanding protection space.

The discussion on the services to be provided and how these should be made available has become lively in Japan because of the increase in the numbers of so-called "newcomers," which initially consisted of foreign residents of Japanese descent ("Nikkeijin"), such as those from Brazil and Peru, as opposed to the groups of people who have been settling down through its historical and cultural ties in neighbouring countries.

Recent initiatives and debates on the reception and integration of foreign residents have been initiated at the municipal level, where a number of newcomers have settled down and it has developed into a forum among 28 local governments (hosting large numbers of foreign residents) to gather and share information and discuss common issues on an annual basis. The establishment of a multiculturalism promotion division/section to facilitate the adaptation of foreigners to the Japanese way of life has become common in other cities due to the increased number of foreign residents.

In January 2009, following the global economic crisis and with the recognition that foreign residents in Japan, particularly those who do not master Japanese were facing difficulties in the areas of education and employment, the government established a unit dealing with the promotion of measures specifically targeted at foreign residents. In April 2009, the Council for the Promotion of Measures for Foreign Residents of the Cabinet Office issued a series of measures to be taken in the areas of education, employment, housing, disaster prevention, etc.

In 2010, the government issued a basic policy on measures for foreign residents of Japanese descent, followed by an Action Plan on Measures for Foreign Residents of Japanese Descent in March 2011. This Action Plan reflects the actual difficulties that foreign residents face in living in Japan and proposes measures to improve their situations, which encompasses wide-ranging issues, from Japanese language to employment, renting houses to traffic safety education. The Action Plan also identifies the designated Ministry which will be responsible for ensuring that the actions are taken. The Cabinet Office monitors the progress on each action and coordinates the follow up actions, as necessary.

The initiative and the action plan primarily target newcomers and other foreign residents and refugees living in Japan are not necessarily considered as the beneficiary group. Nevertheless, given that the difficulties faced by refugees living in Japan are similar to those faced by other foreign residents, the formulation of this action plan, with a few modifications would offer a good start for a more comprehensive approach towards ensuring the local integration of persons of concern into the Japanese society.

Services available at central and municipal level

There are a number of initiatives and programmes that have been created to meet the needs of foreign residents in Japan. While they do not necessarily take the needs of refugees into consideration specifically, the inclusion of relevant issues may be promoted in the future. For example, the annual meeting of Inter-Municipal Government Meeting on Matters relating to Foreign Residents, comprising 28 municipalities hosting large numbers of foreign residents does not necessarily include those cities which accommodate groups of people that are of concern to UNHCR, however, this provides a good forum for information sharing and learning from other initiatives.

For example, in 2011, the meeting in Nagano put ‘third country resettlement programme’ on its agenda for the first time. As the meeting does not distinguish whether the foreign resident is of Japanese descent, spouse of Japanese or refugees, the issues commonly faced by different categories of foreign residents may be tabled and discussed in this forum and certainly, the issues surrounding persons of concern may be included in such discussions. In addition, other potential resources may also include the following.

The Council of Local Authorities for International Relations (CLAIR) is a public welfare foundation established to support and coordinate relevant activities by international affairs divisions of municipal governments and international councils/associations at municipal levels with a view to promoting multiculturalism at the local level.

It provides various services and assistance such as: (a) information materials on 'need to know' guidance on daily life in 13 different languages (which covers 94 per cent of the entire population of foreign residents in Japan), different manuals on information sharing, use of interpreters, disaster response, etc; (b) trainings on multiculturalism to local government officials/international council staff who are involved on matters associated with foreign residents; and (c) grants to the local authorities planning to initiate 'innovative' projects to assist foreign residents in need and share the information on the website.

The Social Welfare Association organizes training sessions targeting those who work as social workers in local communities, municipalities and hospitals. In particular, the training sessions organized in Aichi prefecture and Gunma prefecture seek to enhance an understanding of 'multicultural social work' and the specific issues arising from dealing with the foreign residents and their families. Their particular focus has been to build the capacity of social workers to: 1) deal with the problems faced by a particular individual and 2) to connect such an individual to the available social resources and services.

International Exchange Associations (IEA) are present in almost all Prefectures; semi-linked to the local government. They provide: 1) Japanese language lessons for foreign residents, 2) counseling for example on job opportunities, Japan laws, health care, etc. 3) training activities for volunteers and multicultural social workers. At times, they also provide financial assistance to cover the medical, accommodation and living costs.

Multicultural centers have been established in several municipalities to facilitate co-existence of foreign residents and Japanese nationals in the community to respond to the needs of foreign residents. They provide Japanese lessons, organize cultural events, as well as respond to enquiries on issues relating to health, immigration and registration.

Religious organizations and NGOs operate shelters for survivors of domestic violence (DV). Tokyo Women's Plaza, established by the municipal government, provides assistance and protection to needy individuals, regardless of nationality or legal status. Following the individual assessment, such agencies refer cases to privately-run women's shelters for mid- to long-term protection. There are some other NGOs that also accommodate those who are survivors/victims of SGBV (not only those that are related to DV incidents), and DV survivors who are not officially assessed by the designated agency, although such services are not usually funded by the state.

The Ministry of Education, Culture, Sports, Science and Technology offers several programmes/services designed to serve the needs of foreign students, including refugees studying at public schools. The municipal education boards provide counseling and various types of Japanese language sessions. Since 2009, MEXT has funded an IOM programme for out-of-school foreign students.

Involvement of refugee communities

The recognition among stakeholders involved in humanitarian operations that the focus on individual service delivery to refugees has proven to be “limiting, resource-demanding and to problem-focused”, has led to place greater emphasis on a community perspective. This approach recognizes the resilience, capacities, skills and resources of persons of concern, builds on these to deliver protection and solutions, and supports the community’s own goals.

It also seeks to empower refugees and persons of concern in shaping their destinies and aims at shifting the perception of refugees being the ‘objects’ or passive recipients of assistance to ‘subjects’ or resourceful and active partners in all assistance and protection activities. In pursuing this approach to facilitate the involvement of refugee communities, a two pronged-approach involving community outreach and community mobilization is proposed.

Community outreach

Reaching out to community is one of the key principles highlighted in the recent urban policy discussions and arises from the fact that urban refugees are often scattered throughout a city and it is difficult to make contact with them, to determine their needs and identify the most vulnerable amongst them. In order to develop an appropriate protection approach which ensures equitable outcomes for all persons of concern, regardless of sex, age and background, the adoption of a variety of different outreach methods, tailored to the national context are therefore recommended, as well as periodic visits to the neighbourhoods where refugees have congregated, as well as to facilities used by refugees.

‘Outreach’ in the urban context such as Japan would need to be looked at from two angles. One relates to the geographical coverage. Another is to reach out to those who may not be visible, may be forgotten, or may not approach service providers, but are in need.

Geographical coverage:

It should be noted that the majority of asylum applications are submitted in the Tokyo metropolitan area. While this trend has not changed drastically, the number of asylum applications submitted in Kansai region has also been increasing recently. UNHCR’s estimates indicate that while the number of application submitted in the Kansai region stood at 4.8 per cent in 2008, the numbers rose to 14.8 per cent in 2011.

A closer look at the situation would reveal that not all asylum seekers or those provided with humanitarian status are settling in the Tokyo metropolitan area, despite the concentration of services they could benefit from. There are pockets of areas in Kanto region where certain groups of nationalities would prefer to stay because there are other fellow nationals living there and they could benefit from stronger networks. Tatebayashi, Yotsukaido, Kawaguchi/Warabi are examples of areas in Kanto region where certain nationalities settle down.

Kanagawa, Osaka, Hyogo and Saitama prefectures have high concentrations of Indochinese refugees. Given the large settlement of Indochinese refugees, RHQ has a branch office in Kobe and provides the same support to persons of concern who reside in the Kansai region as

in Tokyo. They also have desks at some prefectural/municipal government offices and provide counseling service on a regular basis.

Nagoya has become one of the emerging cities where the increased number of asylum application is submitted in recent months and where asylum seekers concentrate, partly due to the availability of jobs in the informal sector. As compared to Tokyo, however, the number of NGOs working in these areas is small. There are stories of asylum seekers travelling all the way to Tokyo as they were unable to access information on the availability of assistance provided by the state while they were in Osaka or in Nagoya.

The invisible and the inaccessible

Recognizing the necessity to reach out to those who are outside Tokyo and/or those who may not approach RHQ or NGOs due to lack of information or due to lack of knowledge on what assistance they can access, some NGOs have initiated the community outreach activities.

JAR initiated the community outreach programmes following the global economy crisis in 2008. Recognizing the weak social safety net and knowing that different communities were being established and leaders selected, particularly among the Myanmar community, JAR organized leadership training and provided relevant information on pensions, health insurance, financial management, business matters, etc. Such activities are now being extended to cover other communities in different areas and provide useful opportunities for JAR to identify the needs in the communities and develop appropriate programmes to cater their needs.

One such outreach activity was organized by JAR after the March 2011 disaster. Following the disasters and given the very little information the service providers were able to obtain on the well-being of persons of concern, JAR initiated the programme to visit different refugee communities with emergency relief items. They visited areas where refugees, HS holders and asylum seekers concentrate and distributed basic emergency items.

Visiting these areas, JAR staff found that refugees had no or little information available in a language they understood; rumours also circulated among the foreign community, which prompted many other foreign nationals to leave the country. In such a situation, this type of activity was particularly useful, in providing the ‘sense of security and safety’ many persons of concern particularly felt isolated and left out. This community outreach activity provided an opportunity not only to monitor the well-being of refugees but also to provide information on or response to worries/rumours about nuclear radiation.

Perhaps most importantly, it enabled JAR to establish trust between the refugee communities and themselves. Another by-products of the visit was that during the conversation with asylum seekers, JAR staff identified an individual, who had not applied for asylum due to the disaster and due also to lack of information on where and how to submit application for RSD. This is a typical example of the benefit of the community outreach to ensure that the areas in the outskirts of Tokyo are visited and those in need are provided with the necessary information and assistance.

Another example was the initiative taken by the Tsurumi Dental University Hospital which provides dental services to asylum seekers that do not have a health insurance plan. Many of

the people that needed to see a dentist could not do so because of the distance involved, the Tsurumi Dental University Hospital therefore organized a dental mobile team which visited one of the concentration areas of asylum seekers. One of the benefits of such a visit was that it meant that people that rarely left their homes, particularly women and children, could access to dental treatment free of charge.

Apart from such initiatives, some NGOs organize information sessions to persons of concern on current issues; the most recent topic being the new resident registration system for foreign residents which will be introduced in July 2012. Refugees themselves organize information sessions among themselves.

Even with such initiatives, there remains a concern that there are people who are not able to access to information and provision of assistance, as no public or private agencies, including UNHCR, hold comprehensive information sessions on how individuals of concern can live in Japan.

Furthermore, in many cities and towns in other countries, the involvement of refugees in outreach activities have become the common practice. As they have their own means of sharing information through their network, which are often more effective than that of the service providers, the empowerment of these communities to become the effective partner may be considered in the context of Japan.

In this context, there is an initiative taken by the refugees (and foreign residents) themselves and the programmes that they organize have become successful: the Federation of Workers' Union of the Burmese Citizen (in Japan). The Federation, which has nearly 1,000 members, organizes workshops, inviting a lecturer from the Japanese Association of Metal, Machinery and Manufacturing Workers (JAM) – a Japanese Labour Union. They have already held more than 20 such workshops since 2004, providing information on the labour-related issues and the rights of workers.

According to one of the Burmese refugees who is holding a key position in this Union, more than 90 per cent of Burmese (not necessarily refugees) living in Japan find work in hotels or restaurants, as a cleaner or waiter (waitress). The information circulates among themselves on the availability of work or they share such information with those who are looking for a job. As the job offer is made through an informal network of friends and acquaintances, some of them start working without any contracts or without the knowledge of how much other Japanese employees are paid.

Often, they find out that they could be fired without notification or without any valid reasons, or their pay is much lower than that of Japanese, or they are told to do the job which was not what was agreed upon initially. As such occurrence is quite frequent, the Union provides information on the contract, the conditions of employment and what to do when faced with problems (dismissal, change of the nature of the job.) The Union has broad participation and includes not only Burmese ethnic origin but other ethnicities.

The fact that the foreign residents' community has established a labour union in itself is unique but this example also offers other characteristics. First, they tie up with the established Labour Union which has 380,000 members in Japan, has Japan-wide network of workers, and which is familiar with the Japanese labour law and labour-related issues. Thus they are able to respond to any labour-related questions that the Union's members would ask, they would

be able to connect those who face problems with their employers and link them up with lawyers who would provide necessary individual advice.

Second, in organizing the workshop, the Burmese Union members themselves participate in the planning and the design of the workshop programme. While many of the workshops that Japanese service providers or NGOs organize have Japanese lecturers, and refugees themselves are only asked to interpret what the lecturers say, in this case, they would be able to adjust the original programme and adjust it to the needs of their own people and explain the subject in a more culturally-sensitive manner. Although this may require the organizers to spend more time to explain what may be obvious to Japanese, such a methodology would ensure that the participants would fully understand why they need to take certain actions in order for their rights to be respected.

Community development and empowerment

In discussing the relief efforts following the March 2011 disasters and the support provided to foreign residents in Tohoku region, it was pointed out that empowering the community to help themselves and to enhance their ability to work with the Japanese community at the time of the disaster was the most effective way of supporting the foreign residents in Tohoku region.²²

As highlighted in earlier sections, in the Japanese context, the delivery of assistance to asylum seekers and refugees has so far been very much focused at the individual level and very few activities seem to exist that systematically focus on community mobilization and empowerment.²³ Nevertheless, there are some activities that have been initiated by NGOs that are worth mentioning. These activities take different approaches, hence have different outcomes.

OYA/Azadi: protection and empowerment of women. JAR established a separate division focusing on community empowerment in 2010 with a view to building the capacity of refugee communities. Through home visits, JAR staff identified the needs of Kurdish women and initiated a project to provide them with an opportunity to gather and do embroidery work together.

As women are traditionally expected to stay at home and do the house chores, they have little contacts with the outside world, even with their own community members. Not knowing how to make a telephone call, or sending out an SOS in case of emergency, including the time that they themselves become the subject of domestic violence, the protection risk surrounding them was considered high.

By providing an opportunity to gather, the project was intended for them to mingle with each other, to talk about their daily life and network among themselves. During the course of such activities, and as they gradually started to share their concerns and problems at home. Many of them told JAR staff that they felt isolated and expressed concerns over the communication gap between their children and themselves. They requested Japanese language classes which

²² Symposium entitled: “Social integration towards a participatory society: Changes in demographic structure, disaster and economic crisis”, held on 9 March 2012. The symposium was organized by the Sasakawa Peace Foundation.

²³ RHQ provides funds to some community-organized events.

they attended earnestly with the intention of taking the proficiency test. They also started a preparatory school for young children to learn, socialize among themselves before they start school.

(2) NGO Viet Nam in Kobe: Empowered to help themselves. 'NGO Viet Nam in Kobe' may provide a useful example of how refugees organize themselves and how they have transformed themselves from 'the beneficiary of assistance' to 'a group that helps itself'. The predecessor of the NGO Viet Nam in Kobe (*Kobe Teiju Gaikokujin Shien Center*) was initially established to help foreign residents affected by the Hanshin-Awaji Earthquake which hit Kobe and its surrounding areas in 1995.

With the realization that there was no established mechanism to help the foreign community in Hyogo prefecture, the municipal government encouraged the various foreign communities to form a group to assist their nationals. This group was thus formed as a group to facilitate the delivery of emergency assistance and providing necessary information in relation to the relief efforts and subsequently rehabilitation and reconstruction of the affected areas.

After four years' dedicated work mainly towards the victims and survivors of the earthquake, the Vietnamese members started to debate among themselves whether it is not time to turn this organization into a group which will help themselves. They gradually shifted their activities to receive individual enquiries from the Vietnamese community. The enquiries they received covered a wide range of topics, including children's education, the administrative procedures on registration on birth and death and change of address, pension schemes, the naturalization procedure, etc.

While keeping the strict confidentiality on the subject matters that the community members brought to their attention (and its source), the Secretary General of this group soon realized that there were certain common issues that warranted attention at the community level, while attending to the needs of individuals.

One such issue was the drug abuse, which surfaced after the earthquake, when many Vietnamese nationals lost their accommodation and had to stay in a make-shift accommodation in parks. Having lost the accommodation and the jobs, some people resorted to drugs to ease their frustration and sadness. When this was becoming a social problem in the area, she decided to take an initiative to engage in the prevention activities. She produced different types of information packages which she used to raise awareness among the community members on the risk of drug abuse.

Some Vietnamese individuals who arrived in Japan in the 1970s are approaching retirement age or already have retired. But having no Japanese friends and faced with the communication gaps with their children, many of them have withdrawn themselves from the community and just stay at home the whole day without any contacts with the outside world. Some of them depend on the social welfare system as they have not known about the pension scheme or have not had the money to deposit into such schemes, or in banks or investment over the years.

Initially, this NGO's activity focused on the establishment of a mobile team which visits those older persons on a regular basis to enquire about their health and chat about their life etc. Soon after, the NGO decided to connect these persons to the existing programmes which many Japanese older persons benefit from, such as, the visit to the nearby day care centers

and be enrolled in different programmes including flower arrangements, crafts, rehabilitation, singing or outdoor activities, etc.

While older persons were hesitant in the beginning, with the encouragement provided by the NGO, they soon started to enjoy the activities provided by the community centers for older persons. They not only benefited from the programmes offered by the institutions for the aged, but also got connected to the Japanese community which now recognizes them as community members and offer support to needy persons.

Throughout these activities, the NGO's principal approach has been not to create dependency. 'A little push' to encourage the persons concerned to make efforts by themselves (visiting the municipalities etc.) would normally help people gain confidence, according to its Secretary General. Creating an enabling environment where people feel confident in taking actions would help empower people, she said.

Another important feature of their activity is their link to the host municipality. There was a strong desire on the part of the municipality (both at the prefecture and city levels) after the earthquake to support the foreign nationals and their community. They provided the financial and material support so as to reach out to the maximum number of foreign residents in the prefecture.

Through a series of extensions, such support continued until now, which allowed the grassroots organizations such as NGO Viet Nam in Kobe to grow and empowered. Representatives of the foreign communities now have regular meetings with the prefectural governor where they have the opportunity to express their views on decisions that affect their lives. The prefecture partially covers the cost to sustain the activities of this NGO and where necessary, they can apply for grants to initiate new activities.

(3) Refugee Coordination Committee Japan (RCCJ): advocacy. A special mention needs to be made in relation to RCCJ. This group was established following the 2010 roundtable in which refugees participated. The organization initially consisted of about 70 persons, mainly of refugees from Myanmar but included some refugees from Africa. After the second election in 2011, the membership increased to about 100.

As the organization was created 'by refugees for refugees', it has established its own constitution and is engaged in some awareness-raising activities. The most recent ones include 'on-line talk show' where they invited the key figures from the government, the Diet, NGOs and a lawyer to discuss contemporary asylum and resettlement issues. While some concerns have been expressed during the course of the study over its management capability and organization skills, as well as limited participation by refugees of other nationalities, this group has gained some experience in making a positive impact on discussions of issues of relevant to its members.

In particular, their involvement in the recent discussions on the "pilot refugee resettlement" project has been seen as a key in facilitating the social integration of resettled refugees in Japan. While their participation in the discussions on various matters is gradually recognized by other stakeholders, two issues need to be looked at, in order for this group to become reliable and sustainable. First, on the part of the RCCJ itself, the leadership committee needs to enhance its skills in terms of its own management and organization, with a view to becoming an independent well-managed organization. Second, the government and civil

society should recognize refugees as equal partners and involve them in the discussions-activities related to planning, implementation and monitoring and evaluation. Refugees' own involvement in community outreach would be crucial and the role this group could potentially play would be of significant importance.

(4) Arusha Nail Salon: vocational training and self-sufficiency. This project, initiated by an individual entrepreneur and philanthropist, aims at providing vocational training on nail art and ensuring that acquired skills could lead to employment. Not only do they work in the salon, but client persons of concern also provide on-site service at a company once a week so as to expand their network of customers.

Those refugees who are now working in the salon mention that they used to keep looking for a better-paid job. As they transferred from one job to another, they needed to move their residence frequently. Their life had not been stable. However, after they started attending the training sessions and finally became a nail artist, their life changed significantly: "After having undergone the training and started to work as a nail artist, I can finally make a plan for my life. I can imagine how my future may look like."

Conclusion

This study has summarized the current features and characteristics of the assistance provided to asylum seekers, HS holders and Convention refugees in Japan. The study showed that there were higher numbers of individuals seeking asylum in Japan and that the content and the manner of assistance provided needs to be adjusted to meet their needs.

Thirty years have passed since Japan signed the 1951 Convention relating to the Status of Refugees. 'Assistance' during the 1980s may have meant the emergency provision of cash and in-kind assistance to newly arrived refugees and asylum seekers. However, in 2013, this approach is no longer sufficient. 'Assistance' needs to be looked at as a continuum, from reception to local integration. It needs to encompass promotion of self-reliance of refugees and community development. It also requires a partnership framework involving the central government, municipal authorities, civil society, including NGOs together with refugees themselves.

A more comprehensive approach will entail the adoption of the following key recommendations.

First, it would be ideal if an overall asylum legal framework may be established, which encompasses the current ICRRA but goes beyond, including the rights and obligations of refugees and asylum seekers, the principles of which are enshrined in the 1951 Convention.

Second, it may be suggested that the current Inter-Ministerial Coordination Meeting on Refugee Affairs include the discussion on assistance and support to persons of concern as an agenda item, as it does currently on the issues relating to the third country resettlement programme. The establishment of an Experts Council to review the progress may be a good way forward.

Third, the protection and welfare of asylum seekers and refugees needs to form part and parcel of the discussion and the development of a policy on Japan's overall immigration policy and dealings with foreign residents.

At the operational level, it is of utmost importance that the compilation and analysis of data and statistics on 'persons of concern' and their family members with age and gender breakdown is undertaken so as to facilitate the full understanding of their demographics, needs and resources.

When developing a comprehensive approach, an increased emphasis on community mobilization and empowerment of persons of concern, while strengthening the individual assistance programmes needs to be incorporated. AGDM participatory assessments as well as the direct involvement of persons of concern in the discussion process needs to be promoted as the key feature.

Recommendations

Policy:

1.1 Consider establishing an overall asylum legal framework which encompasses the current ICRRA but which extends between the principles enshrined in the 1951 Convention, this would include the rights and obligations of refugees and asylum seekers.

1.2 Include assistance and support to persons of concern as an agenda item in the Inter-Ministerial Coordination Meeting on Refugee Affairs. In order to ensure that a particular attention is paid to this issue, the mandate of the Experts Council on Resettlement may be extended to include other asylum-related issues and a similar process to study the issues and make recommendations on the way forward may be initiated.

1.3 Enhance the compilation and analysis of data and statistics on 'persons of concern' and their family members with age and gender breakdown so as to facilitate the full understanding of their demographics, needs and resources. This process may be facilitated through the introduction of new registration system of foreign residents in Japan which has come into effect as of 9 July 2012.

1.4 Place increased emphasis on community mobilization and empowerment of persons of concern, while strengthening the individual assistance programmes.

1.5 Ensure that the protection and welfare of asylum seekers and refugees forms part and parcel of the discussion and the development of a policy on Japan's overall immigration policy and dealings with foreign residents.

Assistance provisions:

2.1 Review the current state assistance system with respect to:

- Ensuring the provision of assistance to those in need who have no access to work permits and while their status is being determined. (review the current criteria)

- Identifying an efficient and effective way of determining the needs of each asylum seeker, in line with increasing numbers of asylum seekers.
- Extending the provision of assistance provided to the Convention refugees to those who were provided with a permission to stay on humanitarian grounds and in particular, those who are considered to be in need for complementary protection.
- Ensuring a coherent approach on the treatment of foreign nationals and of asylum seekers/refugees through cross-fertilization of the ministries discussing the relevant issues.

2.2 Recognizing the contribution made by NGOs in filling the gap of assistance programme for asylum seekers, consider allocation of funds to Japanese civil society organizations which support refugee programmes in Japan in addition to regular funding provided to RHQ.

2.3 Build the capacity of those engaged in refugee assistance and support (both public and private institutions) through training activities and information-sharing sessions.

Towards enhanced support

3.1 Undertake community outreach activities in a more systematic manner to understand the community dynamics, and identify the protection problems facing persons of concern, as well as disseminate information that is relevant to the lives of persons of concern.

3.2 Conduct the AGDM/participatory assessments activities on a regular basis and follow up with the proposed targeted actions, with the participation of persons of concern.

3.3 Develop a common action plan among FRJ members on the shared understanding of the situation of persons of concern, based on the AGDM/participatory assessments so as to maximize the available resources.

3.4 Extend activities outside the Kanto region, by way of linking up with civil society organizations that work in different areas.

3.5 Promote the inclusion of persons of concern into the overall activities and programmes targeting foreign residents at the municipal level, including access to services, access to information and disaster preparedness among others.

3.6 Develop community-based activities to empower refugee communities, taking into consideration the specific challenges faced by each community and the extent of community development.

3.7 Consider organizing seminars to discuss common issues and problems to encourage cross-fertilization and build networking among service providers.

3.8 Encourage further academic study to better understand the dynamics of communities composed of persons of concern, the way they manage their lives in Japan, as well as their aspirations.