

Summary of UNHCR’s Comments on the Proposed Amendment to Article 3 of the Nationality Act of Japan (21 October 2022)



Millions of people around the world remain stateless today. They often can’t have an identity document, go to school, see a doctor, get a job, open a bank account, buy a house, or even get married. As they may not have a legal residency in any country, many stateless people do not have freedom of movement and may face detention and can experience lifetime obstacles.

The UN General Assembly gave UNHCR, the UN Refugee Agency, a global mandate to **identify, prevent and reduce statelessness and provide protection to stateless people**. UNHCR thus works with governments to develop and improve legislation to avoid statelessness from arising and establish procedures to recognize stateless people and give them a legal status so that their basic human rights are protected and that they have a pathway to a nationality.

Every person has the right to say #IBELONG

UNHCR’s **#IBELONG** campaign to end statelessness by 2024 is endorsed by Japan and supported by the **Global Compact on Refugees** and **Global Compact on Migration**. It contributes to the **Sustainable Development Goals**, including Target 16.9 to provide legal identity for all. UNHCR is grateful for Japan’s expression of support to its activities to **eliminate statelessness**. While Japan is not yet a party to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, it is considering its **accession to both Conventions**.

Key Recommendations

Prevent statelessness in amending Article 3 of the Nationality Act

UNHCR welcomes Japan’s efforts to end the situation of *mukosekisha* (Japanese nationals without family registers). Such efforts were demonstrated in the “Bill for the Partial Amendments of the Civil Code and Other Laws” submitted to the Diet on 14 October 2022. At the same time, with regard to the amendment to Article 3 of the Nationality Act included in Bill (which entails the intention of retroactively nullifying the nationality acquired by a child whose parentage is acknowledged when it is revealed that no biological relationship exists), UNHCR recommends Japan consider the following to ensure the **prevention of statelessness and arbitrary deprivation of nationality under international law**:

1. Include an exception to the newly proposed rule to strengthen the mechanism to prevent statelessness when **loss of nationality** occurs (when opposing facts exist against recognition of parentage).
2. Reformulate the proposal to **retroactively** treat a person (whose parentage is considered invalid in relation to the nationality already acquired) as never having been a national, as **an administrative decision to withdraw the person’s nationality**. This will help ensure individual examination of **proportionality and due process** including the right to appeal.
3. Ensure that the examination of factors includes the person’s ties to Japan and considers **the best interests of the child**, provided in the Convention on the Rights of the Child, in case of **withdrawal of nationality of a minor**.
4. Establish a **limitation period** beyond which an acquired nationality cannot be withdrawn, even when there is no possibility that withdrawal of nationality will result in statelessness, e.g., **7-years limitation period** in line with that for the right to assert the annulment of parentage recognition to be newly inserted in the Civil Code.