

Tough Asylum

Faced with stringent refugee laws, Burmese asylum seekers in Japan try new ways to win recognition

By NEIL LAWRENCE/NAGOYA, JAPAN

1 If concern for the plight of refugees could be measured in money, Japan would certainly be considered a benefactor of the highest order. In 2005, the country ranked second only to the US as a donor to the UN High Commission for Refugees, giving US \$94.5 million to assist some of the world's most vulnerable and oppressed people. Despite falling to fifth place last year, Japan is still considered one of the financial pillars of the UNHCR.

2 By other measures, Japan has fallen far short of its obligations to refugees. In 2005, Japan ranked 34th (out of 50) in the number of applications for refugee status it had received — and dead last when this number was considered in relation to the total population. The rate of recognition is also among the lowest in the world, and seems calculated to discourage potential asylum seekers.

3 According to a UNHCR-commissioned report published in February 2006, Japan had recognized just 330 of the 3,544 applications for asylum it had received since 1981, when it became a party to the 1951 Convention Relating to the Status of Refugees.

4 Despite the best efforts of the Ministry of Justice to keep Japan off the radar of would-be asylum seekers, however, a few people each year still make the country their refuge of last resort.

5 Typically, those seeking refugee status in Japan are illegal overstayers who choose not to take their chances with the impartiality of the government's recognition procedures, until arrest forces their hand.

6 One 13-year resident of Nagoya, a Burmese man arrested in March and currently awaiting a decision at the

West Japan Immigration Detention Center in Ibaraki, Osaka Prefecture, fits this profile. An active member of the local Burmese community, he estimated that there are 200 to 300 of his compatriots living in and around Nagoya's Aichi Prefecture, most of them illegally. He described the constant fear of arrest as being "like a disease."

7 Conditions at the IDC in Ibaraki have done little to allay this fear. Besides persistent complaints from local immigrant rights groups about overcrowding and inadequate access to healthcare at the facility, there have been serious concerns about the heavy-handedness of staff. In one incident in October 2001, guards at the center bound a detainee in a blanket and attempted to put him on a plane back to China; they gave up their efforts only after the pilot refused to take off.

8 In a highly unusual move last July, nine Burmese men, including an exchange student with a valid visa, submitted applications for refugee status at the Nagoya Immigration Bureau. This marked the first time that Burmese overstayers in Japan had applied for asylum prior to arrest, and the first time asylum seekers had sought recognition en masse.

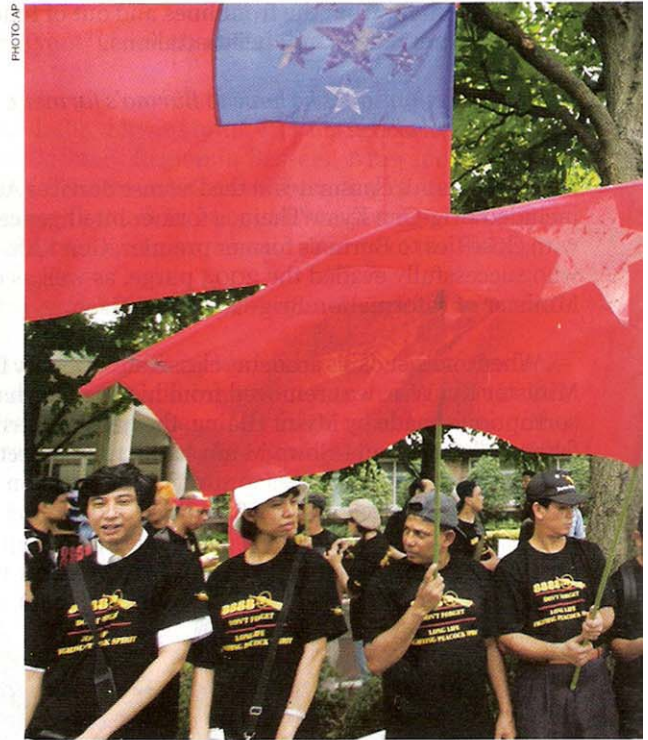
9 "Refugees who voluntarily turn themselves in are more likely to be taken seriously," said Majima Jokei, a Buddhist nun of the Nichiren sect and the coordinator of the group action, explaining the decision of the nine men (who have since been joined by

another man and a woman) to subject themselves to Japan's refugee-recognition system. She also pointed to the difficulties faced by those who apply for asylum after being detained for immigration violations as a further reason for the move.

10 "There is a lot of pressure when we are arrested," said a Burmese asylum seeker who was provisionally released in July, after nine months in detention for overstaying his visa. Like many other Burmese in Japan, he said that he did not become aware of his legal rights until after he was arrested.

11 Despite his release, the pressure has been unrelenting: in October, the man's wife was arrested for illegally overstaying her visa, and remains in custody in Nagoya.

12 Under revisions of the Immigration Control and Refugee Recognition Act, which went into effect in May 2005, applicants for refugee status no longer face automatic detention and deportation procedures, even if they are staying in Japan illegally. Critics have long



asserted that the practice of detaining asylum seekers obstructs their efforts to establish their status as refugees. Despite the recent revisions in refugee policy, however, many applicants remain in detention centers, including some who

mese-language publication *Erawan*.

Some veteran activists, however, feel that legal battles over the status of Burmese in Japan risk eclipsing the struggle for democracy in Burma. "There's frustration among some Bur-

political statement probably won't have any influence," he said.

According to Inamori, changes to Japan's refugee laws are more likely to have a bearing on the outcome of the applications, which are still being considered by the Ministry of Justice. Besides the abolition of a rule that required that applications be submitted within sixty days of entering Japan, which was the most commonly cited reason for rejection in the past, the introduction of independent three-member panels of "refugee examination counselors" as part of the appeal process is expected to bring Japanese refugee recognition procedures more in line with international standards.

In a UNHCR-commissioned report on Japan's refugee policies, however, Professor Meryll Dean of Britain's Oxford Brookes University noted that the general lack of transparency in the appeal process extends to the selection of the counselors, who are appointed by the Ministry of Justice and therefore likely to be "sympathetic to the bureaucracy and restrained in their criticism of the Ministry of Justice refugee determination procedure."

Despite such misgivings, some modest increases have been made in the numbers of refugees winning recognition under the revised system. According to Inamori, 15 percent of applicants were recognized in 2005, up from 5 percent the previous year. But, he added, the numbers are still in the dozens, compared with the thousands recognized in countries such as Australia or Canada, where recognition rates are typically around 90 percent. As Amnesty International, responding to the 2005 reforms, noted, "The Japanese government has some way to go before its refugee recognition system meets the international obligations it has undertaken."

Burmese asylum seekers seem to be taking the lead in challenging Tokyo to live up to its commitments. Of the 46 applicants who were granted asylum in 2005, 43 were from Burma. Most had been languishing for years in detention centers, or in a society indifferent to their plight. But as political reform under military rule remains elusive in Burma, more Burmese in Japan appear to be discovering that the struggle for human rights begins not at home, but with their host. ■



Maung Maung, one of 43 Burmese granted asylum in Japan in 2005, calling on the Japanese government to end its support for the military junta in Burma

sought asylum upon arrival in Japan and who have already been recognized by the UNHCR in other countries.

Majima described the Nagoya group's decision to join forces as an act of political solidarity, as well as a way to pool limited legal resources. Inspired by activists such as Su Su Nwe, who was imprisoned in October 2005 for reporting cases of forced labor inside Burma, and released last June following an international outcry, the would-be asylum seekers were warned that they would face an uphill battle that could last up to three years, with no guarantee of success.

"We did it this way because we want to draw attention to the situation in our country," said one member of the group, which originally aimed to collectively submit their applications to immigration officials on June 19, the birthday of Burmese pro-democracy leader Aung San Suu Kyi. The delay in preparing the applications allowed others to join after reading about the planned action in the Tokyo-based Bur-

mese activists both in Tokyo and in Nagoya [who] criticize Japanese pro-democracy movements for focusing too much on refugee affairs," observed Tetsu Hakoda, a long-time Burma activist and webmaster of the Japanese-language BurmaInfo.org website.

Another member of the Nagoya group defended the decision to link their political struggle against the Burmese regime with the issue of their legal status in Japan, saying it was "easier to talk to Japanese people about refugees than about politics."

While it remains to be seen if the Nagoya asylum seekers' group application will succeed in raising Japanese awareness of Burma's political situation, it is unlikely to have much impact on their chances of winning recognition, according to a lawyer for the group.

Koichi Inamori, one of eight lawyers involved in the collective legal action, pointed out that each case will be judged on its own merits—by the Ministry of Justice in the first instance, or by the courts, in the event that their initial applications and subsequent appeals are rejected. "The fact that they have applied as a group to make a

Learning with the Irrawaddy 17

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Activities to do Before Reading

Activity 1

Title

Read the title and the subtitle of the article and discuss the following questions with your partner:

- 1) Which word in the subtitle has the same meaning as 'tough' in the title?
- 2) What is an asylum seeker?
- 3) What do you think the article is about?

Activity 2

UNHCR donors

The first paragraph says that in 2005 Japan was the second highest donor to the UNHCR. America was the highest donor. Which other countries do you think donated money to UNHCR in 2005? Make a list with your partner.

Your teacher will give you a list of 10 individual countries. With your partner rank them in order of the amount of their donation in 2005. (You already that know America was first and Japan was second).

Activities to do During Reading

Activity 3

Vocabulary Crossword

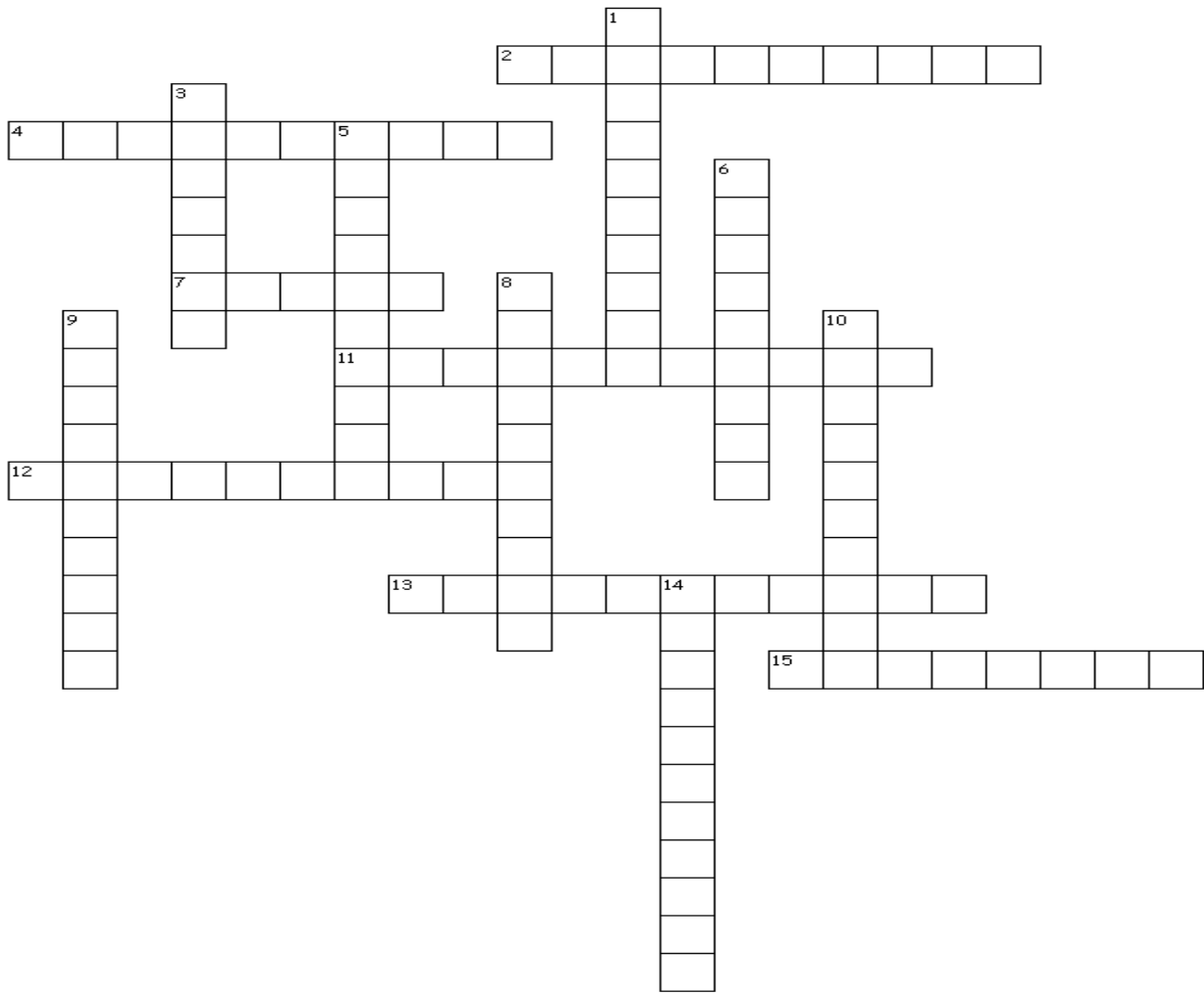
Complete the crossword by finding the words in the article that matches the definitions given in the clues. The paragraph where the word appears is given after the clue to help you.

Across

2. coming after something else (p18)
4. someone who gives money to help someone (p1)
7. to reduce the effect of a bad situation or feeling (p7)
11. the act of recognising someone or something (p2)
12. continuing to do something (p7)
13. being prevented from developing or improving (p22)
15. officially stopped from leaving a place (p9)

Down

1. a duty to do something (p2)
3. someone who has a lot of experience in something (p15)
5. someone who is a citizen of the same country as someone else (p6)
6. the official ending of a law or system (p19)
8. actions that break a law (p9)
9. easily harmed or attacked (p1)
10. shared or done by all members of a group (p18)
14. not interested in someone or something (p22)



Activity 4

True or false

Use the article to decide whether the following statements are true or false. Explain your choice in your own words using evidence from the text.

- 1) Japan joined the Convention Relating to the Status of Refugees in 1951.
- 2) Most people who seek asylum in Japan live there illegally.
- 3) Staff at the Ibaraki IDC treat the detainees badly.
- 4) The Burmese asylum seeker released in July has had no problems since his release.
- 5) The Nagoya group will be successful if they fight for three years.
- 6) One member of the group finds it difficult to talk about politics with Japanese people.
- 7) The rule that applications for asylum have to be submitted within 60 days has been stopped.
- 8) There has been no improvements in the number of refugees accepted in Japan since the system was changed.

Activity 5

Prefixes

A prefix is a group of letters that are placed at the beginning of a word to make a new word. Often they are used to form the opposite of the word. In the article the prefixes *il-*, *im-*, *in-*, *un-* are used to form the words illegal, impartiality, inadequate, unlikely, unusual, and unrelenting. The following words also use the one of these prefixes to form their opposite. In pairs, look at the words and choose the prefix you think is the correct one:

- | | |
|--------------|---------------|
| 1) possible | 7) perfect |
| 2) necessary | 8) patient |
| 3) direct | 9) accessible |
| 4) equal | 10) complete |
| 5) active | 11) countable |
| 6) passable | 12) developed |

When you have all the correct prefixes, choose 6 words (with their prefixes) and write a sentence using each one.

Activities to do After Reading

Activity 6

Discussion

In pairs or small groups, discuss the following questions on the subject of refugees:

- 1) Why do you think Japan does not accept many refugees?
- 2) Which countries do you think accept the most refugees?
- 3) If you were going to seek asylum, where would you go? Why?
- 4) Do you think anyone would apply for asylum in Burma? Why?
- 5) The article says there are many migrant workers in Japan, in which other countries in Asia are there Burmese migrant workers?
- 6) What do you think the life of an illegal migrant worker is like?

Activity 7

Speech

The caption under the picture of Maung Maung says that he is 'calling on the Japanese government to end its support for the military junta in Burma.' What do you think he said when he was speaking? What would you say if you were Maung Maung? Prepare a short speech to give to the Japanese government.