

	Quick Facts	
	Immigration detainees (2019)	22,624
	Detained asylum seekers (2018)	577
	Detained minors (2019)	5
	International migrants (2019)	2,498,891
	New asylum applications (2019)	15,505
	Number of immigration detainees on a given day (2020)	914

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/asia-pacific/japan>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	22,624	2019	Number of immigration detainees on a given day	914	2020
	22,333	2018		1,054	2019
	19,766	2017		1,246	2018
	17,416	2016		1,351	2017
	15,867	2015		1,133	2016
				1,003	2015
			932	2014	
Number of detained asylum seekers	577	2018	Total number of detained minors	5	2019
				Not Available	2017
Number of dedicated long-term immigration detention centres	3	2013	Estimated capacity of dedicated long-term immigration detention centres	4,010	2012
Number of deportations/forced returns only	4,417	2019	Criminal prison population	56,805	2016
				64,932	2013
				72,975	2010
				79,809	2007
				76,413	2004
				65,508	2001
				52,713	1998
				47,398	1995
				45,082	1992
Percentage of foreign prisoners	5.6	2016	Prison population rate (per 100,000 of national population)	45	2016
	6	2012		51	2013
				57	2010
				62	2007
				60	2004
				51	2001
				42	1998
				38	1995
				36	1992

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	126,500,000	2020	International migrants	2,498,891	2019
	126,573,000	2015		2,044,000	2015
	126,400,000	2012		2,437,200	2013

International migrants as a percentage of the population	1.6	2015	Estimated number of undocumented migrants	59,061	2014
	1.9	2013			
Refugees	1,463	2019	Ratio of refugees per 1000 inhabitants	0.02	2016
	1,895	2018		0.02	2014
	2,191	2017		0.02	2012
	2,512	2016		0	2011
	2,474	2015			
	2,584	2014			
	2,581	2012			
Total number of new asylum applications	15,505	2019	Stateless persons	709	2018
	16,098	2016		585	2017
	5,000	2014		626	2016
	4,329	2012		631	2015
				852	2014
				1,100	2012

DOMESTIC LAW				
LEGAL TRADITION				
Legal tradition	Name		Observation Date	
	Civil law			
	Customary law			
LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Article 34 - No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.	1946	1946
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951)		1951	2006
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name			Year Published
	Ordinance for Enforcement of the Immigration Control and Refugee Recognition Act Ordinance of the Ministry of Justice No. (54 of October 28, 1981)			1981

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	1951

NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)

Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Release on bail	Yes	Yes	2016
	Home detention (curfew)	Yes	infrequently	2016

VULNERABLE PERSONS

Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Not mentioned	Yes	2015
	Elderly	Not mentioned	Yes	2015

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>According to NGO sources, there has been a decrease in arrests and detention orders in Japan during the pandemic. According to the Forum for Refugees Japan (FRJ), the number of detainees had decreased to around 520 by July, compared to 1,054 in April 2020. Additionally, the International Detention Coalition (IDC) reported that 563 asylum seekers were granted provisional release by April 2020. While some sources have noted that these releases may be a “promising” COVID-related response, the FRJ told the GDP that these releases--which FRJ said included both asylum seekers and irregular migrants--amounted to little more than releasing people into the community while providing no right to work, no access to national health insurance, and no support mechanisms. Based on an MoU between Japan’s Ministry of Justice (Moj), Japan’s Federal Bar Association, and FRJ, FRJ provides shelter and support for asylum seekers detained at airports. Nonetheless, the Moj deems the collaboration with FRJ not to amount to an “alternative to detention,” but rather a “housing provision program.” Once a person is granted “Landing Permission for Temporary Refuge”, or “Permission for Provisional Release,” or “Permission for Provisional Stay,” FRJ takes responsibility for providing assistance to them. However, according to FRJ, they only receive between 1-5 cases per year. The conditions for those referred to the programme under “Permission for Provisional Release” are the same as other types of releases, but FRJ can secure emergency shelter and arrange casework for the person including counselling and legal advice sessions. Earlier this year, Japan’s Expert Committee on Detention and Deportation released a set of recommendations regarding the long-term detention of undocumented non-citizens. However, the Japan Federation of Bar Associations argued that several recommendations suffered “unignorable problems that could potentially be in breach of the rights recognised by the Constitution of Japan and international human rights covenants.” The bar association emphasized that in 2018 Japan granted just 0.5 percent of applications for refugee status or complementary protection; by comparison, that same year numerous other countries--including Germany, France, Italy, and Canada--granted more than 30 percent. The bar association also noted that from 2010 to 2018, 20 percent of those granted refugee status in Japan and 40 percent of those given special residency for humanitarian reasons had previously been given written deportation orders. On 24 September, the Japan Times reported that according to immigration officials, the country was finalising new supervisory measures that will enable the release of non-citizens applying for refugee status but who face more than six months in detention. The measure comes following criticism of Japan’s long-term detention of non-citizens who refuse to accept deportation. The new measures also include the provision of financial support for released detainees to help them cover basic living costs, given that they are prohibited from seeking employment. The immigration authority is also reportedly planning to establish a new status for non-citizens whose refugee application is rejected but who are undeportable.</p>	<p>2020</p>
	<p>There have been many cases of COVID-19 infections in the country’s prisons, albeit none reported in immigration detention facilities (as of 27 April 2020). According to a report in The Japan Times, all new detainees are placed under quarantine to prevent new transmissions. At least 20 people from the Higashi-Nihon Immigration Center in Ushiku, Ibaraki Prefecture have been granted temporary release from detention. On 15 April, the Japan Federation of Bar Associations issued a statement calling on the government to grant detainees special or temporary permission to reside in Japan. On 17 April, an official from the Immigration Services Agency said: “The practice of releasing detainees for health reasons isn’t new, but we are offering more flexibility due to the coronavirus threat.” The Japan Federation of Bar Associations has previously criticised conditions at detention facilities, noting the lack of windows and the issue of overcrowding, which increases the risk of transmission. The Japan Association for Refugees has previously raised concerns regarding inadequate medical facilities within detention facilities which may, in the case of an outbreak, violate detainees’ rights to health. A journalist from the newspaper Mainichi Shimbun visited the detention facility of the Tokyo Immigration Bureau on 1 and 2 April 2020. The journalist noted that staff members at reception were using protective visors, gloves, and masks, and visitors were checked for their temperatures; however, when asked about conditions within the facility, one detainee said: “Compared to the workers, we do not have any such protective equipment. In our living quarters, I have not seen any sanitizer. I don’t know why. I have already told staff members that I want our communal telephones to be disinfected; but I don’t know whether they are doing this.” Another detainee told the journalist: “There are only 30cm between me and the next person.” On 27 April 2020, it was reported that 28 detainees (predominantly male, from 17 different countries) held in the Higashi-Nihon Immigration Center had issued demands to the detention centre, including requesting for more people to be temporarily released in order to combat the risk of transmission. Amnesty International Japan has launched a petition requesting the Minister of Justice to end the practice of re-detention of protesting detainees after a short-term release; ensure the principle of non-refoulement is respected in any circumstance; and incorporate an upper limit on the duration of immigration detention for only shortest period necessary to implement deportation orders. It has been signed by over 7400 people (as of 30 April 2020).</p>	<p>2020</p>
	<p>According to a lawyer who represents immigration detainees in Japan, to date the Immigration Services Agency has taken no action to safeguard or release detainees. This has prompted NGOs and advocates in the country to issue an appeal on the Immigration Review Task Force Facebook page demanding urgent action by the government.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2017
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2017
	CRPD, Convention on the Rights of Persons with Disabilities	2014
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2009
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1999
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1995
	CRC, Convention on the Rights of the Child	1994
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1985
	VCCR, Vienna Convention on Consular Relations	1983
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1982
	CRSR, Geneva Convention Relating to the Status of Refugees	1981
	ICCPR, International Covenant on Civil and Political Rights	1979
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1979
Ratio of relevant international treaties ratified	13/19	

Relevant international treaties and date of ratification

International treaty reservations	Name	Reservation Year	Observation Date
	CRC Article 9	1994	1994
	CRC Article 37	1994	1994

Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	0/6	
	0/6	

Relevant international treaties and date of ratification				
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year	
	Human Rights Committee	§ 19 (c): Take measures to ensure that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered and that immigrants are able to bring proceedings before a court that will decide on the lawfulness of their detention.	2014	
	Committee against Torture	§ 9(a): Continue its efforts to bring all legislation and practices relating to the detention and deportation of immigrants or asylum seekers in line with the absolute principle of non-refoulement under article 3 of the Convention; (b) Ensure that the detention of asylum seekers is only used as a last resort, and when necessary, for as short a period as possible, and introduce a maximum period of detention pending deportation; (c) Further utilize alternatives to detention as provided for in the Immigration Control and Refugee Recognition Act; (d) Strengthen the independence, authority and effectiveness of the Immigration Detention Facilities Visiting Committee, inter alia, by providing appropriate resources and authority to ensure effective monitoring detention centres and allowing them to receive and review complaints from immigrants or asylum seekers in detention; (e) Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Stateless.	2013	
	Committee on the Rights of the Child	§ 78 (a): Take immediate measures, including through the establishment of a formal mechanism, to prevent the detention of asylum-seeking children, ensure the immediate release of all such children from immigration detention facilities and provide them with shelter, appropriate care and access to education.	2010	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date	
	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	2012		
	Special Rapporteur on the human rights of migrants	2010		
	Special Rapporteur on trafficking in persons, especially in women and children	2009		
	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	2005		
Non treaty-based international human rights mechanisms				
Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Special Rapporteur on the human rights of migrants	§ 82(a): Clear criteria should be established to limit detention to cases where it is strictly necessary. Legislation should provide for alternatives to detention of migrants. The Immigration Control Act should be amended to introduce a maximum period of detention pending deportation. Under no circumstances, detention should be indefinite. The detention of sick persons, minors or parents of minors should be avoided; (b) Urgent measures should be adopted to improve the level of health care provided to migrants in detention centres; (c) Training and other awareness-raising activities for officers in charge of deportation procedures should be carried out in order to prevent violence during such procedures; (d) The Immigration Detention Facilities Visiting Committee should be given appropriate resources and authority to effectively monitor conditions of detention and respond to complaints in a timely manner;	2011	2011

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	Yes	2008	2017
	Yes	2012	

INSTITUTIONAL INDICATORS

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	Immigration Bureau	Ministry of Justice	Justice	2012
	Immigration Bureau	Ministry of Justice	Justice	2007

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Private Contractor	Private For-Profit	2012
	[Private company]	Private For-Profit	2012

More information about immigration detention in Japan is available at the website of the Global Detention Project (www.globaldetentionproject.org)