

A Statement of Objection to Forced Repatriation

13th January 2015

On the 18th of December 2015, the Ministry of Justice forcibly repatriated a number of people. This was done using a chartered aircraft. According to press releases and press conferences conducted by the Ministry of Justice, 32 people were deported in total. There were 26 Sri Lankans (25 men and one woman) and six Vietnamese people (all men). The youngest deportee was 25, and the oldest was 64. There were 31 men and one woman aboard the plane. The total cost of the operation was \40 million.

The deportees included a Sri Lankan refugee, A-san, whom RAFIQ had been supporting. We strongly oppose the detention and forced repatriation of refugees.

1. Sudden Re-Detention of Refugees, without Attempts to Persuade them to Repatriate Voluntarily

A-san was provisionally released from an immigration detention centre in 2008. Since his release, he had presented himself every month without fail to renew his provisional release. When he presented himself in November last year, there was no indication that he would be returned to his country of origin.

When A-san went to renew his provisional release on the 17th of December 2014, however, he was suddenly re-detained. This re-detention took place despite the fact that there was no risk of A-san absconding.

On the same day, A-san was taken to Tokyo, and on the following day he was deported on board a chartered aircraft.

No one attempted to persuade A-san to repatriate voluntarily, and the reason for his re-detention has not been made clear. He was deported without even being given a moment to think about what was happening.

Didn't he need a reason for his re-detention? Shouldn't attempts have been made to persuade him to return to his country voluntarily?

2. Detention and Deportation of Refugees without Guarantors Being Informed

A-san's guarantor is a RAFIQ member.

On the 17th, we heard that A-san had been re-detained. On the 18th, we went with A-san's guarantor to the Osaka Immigration Bureau to meet A-san and confirm what had happened. (We did not find out until later that A-san had already been deported at this point.) Until we went to the Immigration Bureau, A-san's guarantor had not been contacted at all.

A refugee's guarantor is the person who ensures there is no risk of them absconding. They should be informed of the facts and the reasons for a refugee's re-detention.

3. Re-Detention and Deportation of Refugees

A-san is a member of a minority group in Sri Lanka. He came to Japan and applied for asylum. His older brother has been granted asylum in Canada. A-san's application for asylum in Japan had been denied, however, and as such he was preparing to take his case to court. The Immigration Bureau had been informed of this. Nevertheless, he ended up being deported to his home country, where he had been persecuted.

Presenting refugees with written deportation orders and detaining them in immigration detention centres violates article 33 of the Convention Relating to the Status of Refugees (the non-refoulement principle), which forbids repatriation. Such actions have been repeatedly condemned by international human rights organisations. The state must uphold the non-refoulement principle while refugees are present in Japan. In other words, it must make efforts not to deport refugees.

Furthermore, the Refugee-Recognition Act allows refugees the right to take their case to court within six months of their applications being declined. This right is being taken away from them.

4. Repatriation to Unstable Home Countries

Presidential elections were due to take place in Sri Lanka on the 8th of January 2015. Ever since the elections were announced in December 2014, the situation in the country has been unstable. According to Human Rights Watch, "this will be an election exposed to violence and oppression".

The refugees were deported on the 18th of December, shortly before these elections.

Deporting refugees to unstable countries in this manner is dangerous. Depending on the results of the election and the country's situation after the election, it is likely that these refugees have been deported to a country where they have a "well founded fear of persecution".

For the reasons given above, we strongly object to the forced repatriation of these Sri Lankan refugees.

RAFIQ (A Network that Works with Refugees who Live in Japan)