

A Guide to the Procedure for Recognition of Refugee Status

Immigration Bureau
Ministry of Justice

INTRODUCTION

“A Guide to the Procedure for Recognition of Refugee Status” (the first version) based on the Immigration Control and Refugee Recognition Act, which was partially amended in 1981, was compiled for the purpose of establishing refugee recognition procedures in line with Japan’s participation in the Convention relating to the Status of Refugees and related matters. The second version was published to make additions and alterations to the procedure guidelines because a bill partially amending the Immigration Control and Refugee Recognition Act with the aim of adding the Permission for Provisional Stay System and the Refugee Adjudication Counsellors System was passed on May 27, 2004 in the 159th ordinary session of the Diet and was promulgated on June 2, 2004. This third version is published to provide an additional description of temporary asylum procedures.

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SECTION 1. OUTLINE OF REFUGEE RECOGNITION SYSTEM OF JAPAN

As the Convention relating to the Status of Refugees (hereinafter referred to as “the Refugee Convention”) and the Protocol relating to the Status of Refugees (hereinafter referred to as “the Protocol”) were put into effect for Japan in 1982, the system of refugee recognition was established for the purpose of domestic implementation of these provisions of the treaties. Under this system, an alien who is a refugee may apply for refugee recognition and be recognized as a refugee by the Minister of Justice, and may avail him/herself of the protection as a refugee as prescribed in the Refugee Convention.

The word “refugee” in this Guide means a refugee as defined in Article 1 of the Refugee Convention or in Article 1 of the Protocol: a person who is outside the country of his/her nationality owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and is unable or, owing to such fear, is unwilling to avail him/herself of the protection of that country.

The procedure for refugee recognition is to investigate and determine whether an alien is eligible for the status of refugee or not.

SECTION 2. RIGHTS OR BENEFITS ENJOYABLE FOR AN ALIEN RECOGNIZED AS A REFUGEE

The following are examples of the rights or benefits that an alien recognized as a refugee is entitled to enjoy.

1. Partial Relaxation of Conditions for Permanent Residence Permit

When an alien staying in Japan wants to obtain permission for permanent residence, he/she must meet the following two conditions.

- ① He/she is of good conduct.
- ② He/she has sufficient income, assets or ability to support him/herself.

An alien staying in Japan with the refugee status may be granted permission for permanent residence at the discretion of the Minister of Justice even if he/she does not meet the second condition.

2. Issuance of Refugee Travel Document

When an alien recognized as a refugee intends to travel to a foreign country, he/she may be issued a refugee travel document. An alien who has a refugee travel document may depart from and enter Japan any number of times within the term of validity described in the document.

3. Various Rights Stipulated in the Refugee Convention

An alien recognized as a refugee, in principle, may be accorded the same treatment as a citizen of a signatory nation [of the Refugee Convention] or an ordinary alien with regard to various rights stipulated in the Refugee Convention. Japan accords to refugees the same treatment as is accorded to Japanese nationals with respect to qualifications as recipients of the National Pension Plan, Child Support Allowance, Welfare Allowance and similar benefits.

SECTION 3. PROCEDURE FOR RECOGNITION OF REFUGEE STATUS

1. Application Procedure

(1) Application Period

There is no provision that restricts the period of application for refugee recognition.

(2) Office of Application

Application for recognition of refugee status is accepted by the regional immigration bureau, district immigration office or branch office that has jurisdiction over the place of residence or of temporary lodging of the applicant.

An applicant shall appear in person in order to make an application. However, if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons, the application may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant.

The following is a list of divisions in charge of applications available in each regional immigration bureau and district immigration office.

Tokyo Regional Immigration Bureau	Refugee Division
Narita Airport District Immigration Office	Inspection Administration Section
Yokohama District Immigration Office	Employment and Permanent Residence Division
Osaka Regional Immigration Bureau	Employment and Permanent Residence Division
Kansai Airport District Immigration Office	Inspection Administration Section
Kobe District Immigration Office	Status Division
Nagoya Regional Immigration Bureau	Permanent Residence Division
Chubu Airport District Immigration Office	Inspection Administration Section
Hiroshima Regional Immigration Bureau	Entry and Status Division
Fukuoka Regional Immigration Bureau	Entry and Status Division
Naha District Immigration Office	Status Division
Sendai Regional Immigration Bureau	Status Division
Sapporo Regional Immigration Bureau	Status Division
Takamatsu Regional Immigration Bureau	Status Division

(3) Necessary Documents for Application

The following documents should be prepared for an application. An alien who cannot fill out an Application Form because of an injury or physical disability may make oral statements on the matters to an immigration inspector or to a refugee inquirer instead of the application form.

(i) Documents to be Submitted

- a. Application for Recognition of Refugee Status (The application form is available at the office of application.) 1 copy
- b. Material showing that the applicant is a refugee (The applicant may submit a statement to assert that he/she is a refugee instead.) 2 copies
- c. Photograph (a 5 × 5 cm, bare-headed, full face, bust photograph taken within two months before the day of submission with the applicant's full name and the date of birth on the back) 2 copies

However, an alien without a legal status of residence such as an undocumented resident must submit 3 copies of his/her photograph.

(Note) An alien without a legal status of residence means anyone other than a person who is in Japan with a status of residence described in Appendix I or II of the Immigration Control and Refugee Recognition Act, a person who is permitted to disembark for temporary asylum for whom the period of stay described in a written permission has not elapsed, or a special permanent resident (Refer to page 13 onward.)

(ii) Documents to be Shown

- a. Passport or Certificate of Status of Residence (An alien who cannot show either a Passport or a Certificate of Status of Residence is requested to submit one copy of a written statement of reasons for such failure.)
- b. Certificate of Alien Registration (in case it is in the possession of the applicant)
- c. When an alien has entered by provisional landing, crew member's landing, emergency landing, landing due to disaster or landing for temporary refuge, he/she is requested to produce such permits

- d. Permit for Provisional Release in the case of an alien under provisional release

(4) Proof of Refugee Status

Recognition of refugee status will be based on the materials submitted by the applicant. Therefore, an applicant him/herself is expected to prove that he/she is a refugee by substantial evidence or by testimony of persons concerned.

When sufficient proof cannot be established from the materials submitted by the applicant, a refugee inquirer will inquire into the facts stated by the applicant through interview with the applicant or reference to public offices, etc. and make efforts so that an appropriate recognition of refugee status can be gained.

2. Permission for Provisional Stay

When an alien without a legal status of residence such as an undocumented resident applies for refugee recognition for the purpose of stabilizing his/her legal status, he/she is permitted to temporarily stay in Japan and deportation procedures are suspended if he/she meets certain requirements such as that an application for refugee recognition is submitted within six months after he/she disembarked in Japan (or the day he/she became aware of the fact that the circumstances in connection with which he/she may become a refugee arose while he/she is in Japan) or he/she directly entered Japan from a territory where he/she may suffer the persecutions that are stipulated in the Refugee Convention.

It is not necessary to separately apply for a Permission for Provisional Stay additionally because judgment on the permission is given based on documents submitted by an applicant for refugee recognition, including an application form for refugee recognition.

(1) Stay based on the Permission for Provisional Stay

With the Permission for Provisional Stay, deportation procedures are suspended temporarily. An alien may legally stay in Japan until the permission period elapses due to the expiration of the period of Provisional Stay or other reasons.

(2) Written Permission for Provisional Stay

A written Permission for Provisional Stay is issued to an alien who is permitted to temporarily stay in Japan by the Minister of Justice. He/she is always required to carry this document during the period of permission.

(3) Period of Provisional Stay and the Extension of the Period

In principle, the period of Provisional Stay is three months.

Application for the extension of the period of Provisional Stay is received from ten days before the expiration, and application forms are available at each regional immigration bureau, district immigration office and branch office.

(4) Conditions for the Permission for Provisional Stay

The place of residence and the range of activities of a person who is permitted to temporarily stay in Japan are subject to restrictions. Regarding activities in Japan, he/she will be subject to various conditions such as that he/she is prohibited from being employed, and he/she is obliged to appear at a specified place on a designated date to cooperate for refugee recognition procedures when requested by the refugee inquirer.

(5) Withdrawal of Permission for Provisional Stay

Permission for Provisional Stay may be withdrawn if a person who is permitted to temporarily stay in Japan violates the set conditions, if he/she dishonestly submits falsified documents to be recognized as a refugee, if he/she makes a false statement, and in other similar cases.

3. Issuance of Certificate of Refugee Status

A Certificate of Refugee Status is issued to an alien who is recognized as a refugee by the Minister of Justice. When seeking various protection measures as a refugee, the refugee can present this Certificate to prove his/her status as a refugee.

4. Permission related to the Status of Residence

When an alien who is recognized as a refugee has not acquired a legal status of residence yet, an equivalent status of residence as a fixed domicile resident is given to him/her if he/she meets certain requirements such as that an application for refugee recognition is submitted within six months after he/she disembarked in Japan or he/she directly entered Japan from a territory where he/she may suffer the persecutions set forth in the Refugee Convention.

Even if those requirements are not met, an alien may be exceptionally permitted to live in Japan when there is a special reason for permitting his/her residence in Japan.

SECTION 4. APPEAL

1. Procedures for Filing an Appeal

(1) Appellant

An alien who was not recognized as a refugee despite application for recognition of refugee status or whose recognition of refugee status has been revoked after being recognized as a refugee may file an appeal to the Minister of Justice.

(2) Period to File an Appeal

An appeal must be filed within seven days from the date the alien receives the notice of refusal of refugee status or of revocation of refugee status. However, if any unavoidable circumstance such as a natural disaster prevents him/her from doing so, he/she may file an appeal even after 7 days have passed.

(3) Office for Filing an Appeal

An appeal can be filed at the regional immigration bureau, district office or branch office that has jurisdiction over the place of residence or of temporary lodging of the appellant as in the case of an application for recognition of refugee status.

An appeal may be filed by proxy or by sending the necessary documents by mail.

The following is a list of offices to file an appeal at the respective regional immigration bureaus and district immigration offices.

Tokyo Regional Immigration Bureau	Adjudication Division
Narita Airport District Immigration Office	Adjudication Division
Yokohama District Immigration Office	Adjudication Division
Osaka Regional Immigration Bureau	Adjudication Division
Kansai Airport District Immigration Office	Inspection Administration Section
Kobe District Immigration Office	Status Division
Nagoya Regional Immigration Bureau	Adjudication Division
Chubu Airport District Immigration Office	Inspection Administration Section
Hiroshima Regional Immigration Bureau	Adjudication Division
Fukuoka Regional Immigration Bureau	Adjudication Division
Naha District Immigration Office	Status Division
Sendai Regional Immigration Bureau	Status Division
Sapporo Regional Immigration Bureau	Status Division
Takamatsu Regional Immigration Bureau	Status Division

(4) Necessary Documents for Filing an Appeal

The following documents must be submitted:

- a. Appeal Form (The form is available at the office.) 1 copy
- b. Material showing the reasons for appeal (The appellant may submit a statement of reasons for appeal) 1 copy

2. Refugee Adjudication Counsellors System

The Minister of Justice is required to ask for the opinions of Refugee Adjudication Counsellors in making decisions on filed appeals. The Refugee Adjudication Counsellors are appointed from among academic experts on legal issues or international affairs who can make fair judgments on filed appeals.

3. Decision by the Minister of Justice

A Certificate of Refugee Status is issued to an alien if the Minister of Justice decides that his/her appeal is reasonable and recognizes him/her as a refugee.

If an alien who is recognized as a refugee meets certain requirements, a status of residence as a fixed domicile resident is given to him/her and he/she is permitted to live in Japan.

Even if these requirements are not met, an alien may be exceptionally permitted to live in Japan when there is a special reason for permitting his/her residence in Japan.

SECTION 5. REFUGEE TRAVEL DOCUMENT

When an alien recognized as a refugee who resides in Japan intends to leave the country, he/she may be issued a Refugee Travel Document from the Minister of Justice.

1. Office of Application

The office of application for issuance of Refugee Travel Document is the same as the office of application for recognition of refugee status (See SECTION 3.1.(2)). In principle, an applicant must make the application by appearing in person, but applications may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons.

2. Necessary Documents

(1) Documents to be Submitted

- a. Application for Refugee Travel Document (The application form is available at the office of application.) 1 copy
- b. Photograph (a 5 × 5 cm, bare-headed, full face, bust photograph taken within six months before the day of submission with the applicant's full name and the date of birth on the back) 2 copies

(2) Documents to be Shown

- a. Passport or Certificate of Status of Residence (An alien who cannot show either a Passport or a Certificate of Status of Residence is requested to submit one copy of a written statement of reasons for such failure.)
- b. Certificate of Alien Registration
- c. Certificate of Refugee Status

3. Period of Validity of Refugee Travel Document

The Refugee Travel Document is valid for one year. During the period of validity the holder may leave and enter Japan as any number of times. When, however, regardless of the validity of the Refugee Travel Document, an "authorized period of entry into Japan" is determined, such as the case when the remaining authorized period of stay in Japan is less than one year, the holder must enter Japan before the authorized period of

entry into Japan expires. The authorized period of entry into Japan is shown at item 2 on the first page of the Refugee Travel Document. The holder of the Refugee Travel Document is always expected to make sure of the authorized period of entry into Japan and not to confuse it with the period of validity of the Refugee Travel Document.

4. Fee

Upon the issuance of a Refugee Travel Document, a necessary fee will be charged. For an extension of the period of validity of a Refugee Travel Document in a foreign country, the fee required in the currency of that country will be charged.

SECTION 6. DISEMBARKATION PERMISSION FOR TEMPORARY ASYLUM

Disembarkation permission for temporary asylum is granted by the immigration inspector to aliens embarked on vessels, etc. when the immigration inspector deems that they have escaped from territories where their life, body, or physical freedom was imperilled for the reasons specified in the Refugee Convention or other similar reasons and that it is reasonable to allow them to disembark temporarily, and therefore it is permission granted as a “national emergency measure to provide protection (territorial asylum).”

1. Application

(1) Eligible Persons

Aliens embarked on vessels or aircraft

(2) Application Method

In order to make an application, an applicant shall appear in person at the regional immigration bureau located at the port of entry. However, if the applicant is under 16 years of age or cannot appear in person because of illness or any other unavoidable reasons, the application may be made by his/her father or mother, spouse, child or another relative on behalf of the applicant.

2. Necessary Documents for Application

(1) Documents to be Submitted

- a. Alien Disembarkation Record (generally called an E/D card; this card may be given out in the aircraft and is available from an airline counter or immigration inspection booth at the airport.) 1 copy
- b. Declaration (available from the regional immigration bureau located at the port of entry; status-related matters, the reason for application, etc. should be stated.) 1 copy
- c. Photograph (if any) 2 copies
- d. Material showing justification for asylum (if any) 1 copy

(2) Documents to be Shown

- a. Passport and other voyage documents (if any)
- b. Documents showing identification (if any)

3. Issuance of Certificate of Permission for Temporary Asylum

If, upon inspection, disembarkation permission for temporary asylum is granted, a certificate of permission for temporary asylum is issued. This certificate specifies the period of stay, residence, and the terms of disembarkation such as the scope of activity.

Appendixes I and II of the Immigration Control and Refugee Recognition Act

Annexed Table I (Reference in Articles 2-2 and 19)

(1)

Status of Residence	Activities authorized to engage in
Diplomat	Activities on the part of constituent members of diplomatic missions or consular offices of foreign governments hosted by the Japanese Government; activities on the part of those who are provided with similar privileges and/or immunities as are granted to diplomatic missions in accordance with treaties or international customary practices; and activities on the part of their family members belonging to the same household.
Official	Activities on the part of those who engage in the official business of foreign governments or international organizations recognized by the Japanese Government; and activities on the part of their family members belonging to the same household (excluding the activities described in the “Diplomat” column of this Table).
Professor	Activities for research, direction of research or education at colleges, equivalent educational institutions or “Kotosenmongakko.”
Artist	Activities for the arts that provide income, including music, the fine arts, literature, etc. (excluding the activities described in the “Entertainer” column of Table (2)).
Religious Activities	Missionary and other religious activities conducted by foreign religionists dispatched by foreign religious organizations.
Journalist	News coverage and other journalistic activities conducted on the basis of a contract with foreign journalistic organizations.

(2)

Status of Residence	Activities authorized to engage in
Investor/Business Manager	Activities to commence management of international trade or other business in Japan or to invest in and manage such business existing in Japan or to engage in conduct of such business, or to manage such business on behalf of foreign nationals (including foreign juridical persons, hereinafter in this section referred to as “foreign nationals”) who have commenced management of such business in Japan or have invested in such business existing in Japan or to engage in conduct of such business (excluding activities to engage in management or conduct of business which is not allowed without the legal qualifications prescribed in the “Legal/Accounting Services” column of this Table).
Legal/Accounting Services	Activities to engage in the legal or accounting business, which is required to be carried out by “Gaikokuhojimubengoshi,” “Gaikokukoninkaikeishi” or those with other legal qualifications.

Medical Services	Activities to engage in medical treatment services, which are required to be undertaken by physicians, dentists or those with other legal qualifications.
Researcher	Activities to engage in research on the basis of a contract with public or private organizations in Japan (excluding the activities described in the “Professor” column of Table (1)).
Instructor	Activities to engage in language instruction and other education at elementary schools, lower secondary schools, upper secondary schools, secondary educational schools (“Chutokyoikugakko”), special schools for the visually impaired, handicapped children’s schools, advanced vocational schools (“Senshugakko”), vocational schools (“Kakushugakko”) or other educational institutions equivalent to vocational schools in facilities and curriculum.
Engineer	Activities to engage in services, which require technology and/or knowledge pertinent to physical science, engineering or other natural science fields, on the basis of a contract with public or private organizations in Japan (excluding the activities under “Professor” column of Table (1) and excluding the activities described in the “Investor/Business Manager,” “Medical Services,” “Researcher,” “Instructor,” “Intra-company Transferee” and “Entertainer” columns of this Table).
Specialist in Humanities/ International Services	Activities to engage in services, which require knowledge pertinent to jurisprudence, economics, sociology or other human science fields or to engage in services which require specific ways of thought or sensitivity based on experience with a foreign culture, based on a contract with public or private organizations in Japan (excluding the activities described in the “Professor,” “Artist” and “Journalist” columns of Table (1) and excluding the activities described in the “Investor/Business Manager,” “Legal/Accounting Services,” “Medical Services,” “Researcher,” “Instructor,” “Intra-company Transferee” and “Entertainer” columns of this Table).
Intra-company Transferee	Activities on the part of personnel who are transferred to business offices in Japan for a limited period of time from business offices which are established in foreign countries by public or private organizations which have head offices, branch offices or other business offices in Japan and who engage at these business offices in the activities described in the “Engineer” or “Specialist in Humanities/International Services” column of this Table.
Entertainer	Activities to engage in theatrical performances, musical performances, sports or any other show business (excluding the activities described in the “Investor/Business Manager” column of this Table).
Skilled Labor	Activities to engage in services, which require industrial techniques or skills belonging to special fields on the basis of a contract with public or private organizations in Japan.

(3)

Status of Residence	Activities authorized to engage in
Cultural Activities	Academic or artistic activities that provide no income, or activities for the purpose of pursuing specific studies on Japanese culture or arts, or activities for the purpose of learning and acquiring Japanese culture or arts under the guidance of experts (excluding the activities described in the “College Student,” “Pre-college Student” and “Trainee” columns of Table (4)).
Temporary Visitor	Sightseeing, recreation, sports, visiting relatives, going on inspection tours, participating in lectures or meetings, business contact or other similar activities during a short period of stay in Japan.

(4)

Status of Residence	Activities authorized to engage in
College Student	Activities to receive education at colleges or equivalent educational institutions, specialized courses of study at advanced vocational schools (“Senshugakko”), educational institutions designated for preparing persons who have completed 12 years of education at schools in foreign countries to enter college, or “Kotosenmongakko.”
Pre-college Student	Activities to receive education at high schools (including the latter courses of secondary educational schools (“Chutokyoikugakko”)), high school courses of special schools for the visually impaired or of handicapped children’s schools, higher or general courses of advanced vocational schools (“Senshugakko”), or vocational schools (“Kakushugakko”) (excluding the educational institutions described in the “College Student” column of this Table) or other educational institutions which are equivalent to vocational schools in facilities and curriculum.
Trainee	Activities to learn and acquire the technology, skills or knowledge at public or private organizations in Japan (excluding the activities described in the “College Student” and “Pre-college Student” columns of this Table).
Dependent	Daily activities on the part of the spouse or unmarried minor child of those who stay in Japan with the status of residence mentioned in Tables (1), (2) or (3) (excluding “Diplomat,” “Official” and “Temporary Visitor”) or of those who stay with the status of residence of “College Student,” “Pre-college Student” or “Trainee” in this Table.

(5)

Status of Residence	Activities authorized to engage in
Designated Activities	Activities which are specifically designated by the Minister of Justice for foreign individuals.

Annexed Table II (Reference in Articles 2-2 and 19)

Status of Residence	Personal relationship or status on which the residence is authorized.
Permanent Resident	Those who are permitted permanent residence by the Minister of Justice.
Spouse or Child of Japanese National	The spouses of Japanese nationals, the children adopted by Japanese nationals in accordance with the provisions of Article 817-2 of the Civil Code (Law No. 89 of 1896) or those born as the children of Japanese nationals.
Spouse or Child of Permanent Resident	The spouses of those who stay with the status of residence of “Permanent Resident” or Special Permanent Resident (hereinafter referred to as “permanent resident etc.”), those born as children of a permanent resident etc. in Japan and having been residing in Japan.
Long Term Resident	Those who are authorized to reside in Japan with designation of period of stay by the Minister of Justice in consideration of special circumstances.

List of Related Organizations

United Nations High Commissioner for Refugees (UNHCR)	Shibuya Ward, Tokyo	03-3499-2075
International Organization for Migration (IOM)		03-3595-2487
Refugee Assistance Headquarters of the Foundation for the Welfare and Education of the Asian People	Minato Ward, Tokyo	03-3449-7011
Japanese Red Cross Society	Minato Ward, Tokyo	03-3438-1311
Caritas Japan	Koto Ward, Tokyo	03-5632-4439
Rissho Kosei-kai	Suginami Ward, Tokyo	03-3383-1111
Japan Evangelical Lutheran Association	Shibuya Ward, Tokyo	03-3447-1521
Refugee Council Japan (RCJ)	Shinagawa Ward, Tokyo	03-3444-8865
Alien Residency Comprehensive Information Center, Tokyo	Minato Ward, Tokyo	03-5796-7112
Alien Residency Comprehensive Information Center, Yokohama	Kanazawa Ward, Yokohama	045-769-0230
Alien Residency Comprehensive Information Center, Osaka	Suminoe Ward, Osaka	06-4703-2150
Alien Residency Comprehensive Information Center, Kobe	Chuo Ward, Kobe	078-326-5141
Alien Residency Comprehensive Information Center, Nagoya	Minato Ward, Nagoya	052-559-2151 - 2
Alien Residency Comprehensive Information Center, Hiroshima	Naka Ward, Hiroshima	082-502-6060
Alien Residency Comprehensive Information Center, Fukuoka	Hakata Ward, Fukuoka	092-626-5100
Alien Residency Comprehensive Information Center, Sendai	Miyagino Ward, Sendai	022-298-9014

Illustration of Services Rendered for Recognition of Refugee Status

