Japan’s Liberal-Democratic Paradox of Refugee Admission

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In-migration embodies the liberal-democratic paradox: the tension between the right of an individual and the collective will of a polity. This is well illustrated by escalating conflicts over admission of the “special category” of international migrants: refugees. Taking Japan as a notoriously difficult case, this paper analyzes recent developments in Japan’s embattled refugee policy and argues that grassroots efforts by civil society provide a way to move beyond the current gridlock of the state-centric paradigm of refugee admission. Specifically, empirical evidence available to date suggests that private refugee sponsorship that enables individuals and community organizations to voluntarily sponsor the resettlement of UN-recognized refugees offers a viable policy instrument in Japan’s context. While retaining the democratic communitarian outlook on admission of foreigners, the model injects liberal universalist qualities into immigration policy that are capable of motivating positive change domestically and, potentially, across East Asia at large.

Keywords: civil society, East Asia, immigration ethics, immigration policy, Japan, private sponsorship, refugees

All too often, liberalism and democracy are yoked together and assumed to move in tandem, when in fact they pull in opposite directions. In-migration embodies this liberal-democratic paradox: the tension between the right of an individual and the collective will of a polity. At the theory level, it creates seemingly irreconcilable conflict between the right of in-migrants to immigrate and the right of political communities to restrict their entry and settlement, which splits political theorists into two opposing camps (Akakpo and Lenard 2014). But this paradox also has a subtler dimension: the tension between the minority and majority of citizenry within the polity over the degree of border openness. Although, in line with the trend of this philosophical tug-of-war, the admission policies of liberal democracies have grown more liberal in recent years (de Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018), the issue grows steadily more divisive, producing strong anti-immigrant attitudes in native populations (Citrin and Sides 2008). At times, such attitudes erupt in a democratic backlash, as exemplified by the Brexit referendum vote and Donald Trump’s presidential victory, prompting the question of whether immigration policy can be both liberal and democratic (Freeman 2010). This tension is well illustrated by escalating worldwide conflict over admission of the “special category” of international migrants: refugees.

Japan is a case in point. More than any other liberal democracy, it privileges democratic over liberal thinking in philosophical and practical debate over refugee acceptance.

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Although more than one-quarter of the world’s forced migrants originate in and flee to Asia, with five of the top ten refugee-producing states being Asian (namely, Afghanistan, Syria, Myanmar, Iraq, and Vietnam), this oldest and most affluent Asian democracy—and champion of global liberal norms and human security—accepts only a tiny fraction of regional refugees (Ho, Madokoro, and Peterson 2015; Kurusu 2011; Strausz 2014). The figures are so negligible that in the context of the global refugee crisis, Japan’s admission record has been described by Human Rights Watch as “abysmal” and its practices have been slammed for lacking ethical leadership (quoted in Asahi Shinbun 2017a). Such international criticism is, however, dismissed in Tokyo, where Japanese officials maintain that Japan is simply not a country of immigration. They reiterate the notion of national sovereignty, and point to the persistence of public division on the subject and a majority consensus that favors the status quo. In short, the government argues that democratic legitimacy confers on it the right to decide who can be admitted and the terms of that acceptance.

In light of ongoing global debate regarding refugees, this paper surveys Japan’s embattled refugee policy with an eye toward the liberal-democratic paradox of migrant admission. Without dismissing global structures of authority in this transnational realm—yet in contrast to the emphasis on the regulatory power of international norms—it highlights Japan’s remarkable ability to fend off increasing pressures to expand the volume of refugee intake through conventional state-centric channels, a phenomenon that is likely to continue. Consequently, the paper scrutinizes the Japanese sociopolitical landscape and recent policy developments to gauge the feasibility of alternative, civil society–centered policy solutions. Drawing on publicly available data and personal interviews, I present evidence suggesting that private refugee sponsorship that enables individuals and community organizations to voluntarily sponsor the resettlement of UN-recognized refugees is a viable supplementary option in Japan’s context. By implication, this model also addresses conceptual demands: it retains the democratic humanitarian outlook on foreigners’ admission, while injecting liberal universalist qualities into immigration policy that motivate positive change. I suggest further that an ethically sound and workable private refugee sponsorship policy in Japan could set an example for the East Asian region at large, which clearly needs a new policy direction.

This paper proceeds as follows. The first part summarizes the global dilemma of refugee policy in the context of the theoretical debate regarding migrant admission.

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1 As of mid-2017, there were some 9.5 million persons of concern to the United Nations High Commissioner for Refugees (UNHCR) in Asia and the Pacific, including 3.7 million refugees (UNHCR 2017c).

2 Some caveats should be noted. Given the multifaceted character of the topic and space limitations, this paper omits some important areas of inquiry. It does not aim to offer a blueprint for private refugee sponsorship with precise functional specifications, including the degree of state involvement—although, suffice to say, the state still has an important role to play in administering the program, which includes management of the application process. Nor does this paper aim to explore all of the many benefits (and potential pitfalls) of this model (on this point, see Fratzke 2017; Hyndman, Payne, and Jimenez 2017; Kumin 2015). More broadly, the question of refugee integration and societal incorporation falls outside this paper’s scope. Finally, the paper does not enter into the debate on the allocation of international legal, financial, and physical obligations in refugee protection.
The second part zeroes in on the Japanese case. It outlines the notion of Japan’s democratic “refugee deficit,” reviews policy initiatives of the Japanese government, and analyzes the viability of private refugee sponsorship in light of recent developments and efforts by civil society. The conclusion suggests that a full-fledged private refugee sponsorship policy in Japan can serve as a model for other parts of East Asia and offers directions for future research.

**Refugee Admission: A Dilemma of Ethics and Policy**

The ethical question of whether states have the right to deny entry to migrants—including refugees—has been vigorously debated. In a most basic sense, the arguments fall into two broad categories: liberal universalism and democratic communitarianism. Ranging from cosmopolitan egalitarianism to utilitarianism, the universalist approach advocates moral impartiality between all individuals: Whether compatriots or foreigners, they deserve equal moral consideration. In the fundamentally unfair system of nation-states, therefore, states must act as “cosmopolitan moral agents” (Gibney 2004, 59) and give equal weight to the claims of citizens and noncitizens alike; in practice, they should allow entry to as many migrants as possible. Thus, universalists call for open or much more open borders, and particularly for the “special category” of international migrants—refugees (Bader 2005; Carens 1987, 2014; Cole 2000, 2014; Dummett 2001; Kukathas 2005; Seglow 2005; Singer and Singer 1988).

In contrast, the communitarian, or partialist, approach takes a moral stance that privileges citizens and their communities. Communitarians argue that states—which are central to the formation and maintenance of culture and identity, distribution of resources, and expression of the democratic will—have a duty to prioritize the needs of their members over those of outsiders. Thus, regardless of who prospective migrants are and their motivations, states have a moral prerogative to restrict access to their national territories with admission policies that reflect their particular vision of political community. In short, democratic states have moral permission to exclude in principle (Meilaender 2001; Miller 2004, 2005, 2016; Walzer 1983; Wellman 2008; Whelan 1988).

Although liberal universalists have entered volubly into this theoretical debate, real-world refugee policy falls far short of this moral high ground. Not surprisingly, therefore, scholars have attempted to bridge competing moral claims and to imbue them with practical relevance. For example, Gibney (2004) integrates the ethical and the political into his “non-ideal theory” of the politics of asylum, which is based on the “humanitarian principle.” Rooted in a communitarian worldview, it holds “that states have an obligation to assist refugees when the costs of doing so are low” (231). Critics, however, have pointed to difficulties in translating this normative preference into state policies (Freeman 2005). Boswell (2005) has proposed an alternative framework attuned to communitarian ideals that she believes can better motivate states. She argues that ethical reasoning with regard to refugees should not be conducted through abstract reflection, but instead must be derived from the liberal values of Western societies. As such, advocating for a state’s duty to refugees serves as affirmation of one’s identity as a member of a Western liberal state.
The problem with Boswell’s ideal is that pluralist Western democracies tend to be divided over what constitutes their fundamental values. Public opinion polls show that attitudes toward immigration in these societies have grown negative (Citrin and Sides 2008). With rising flows of migrants from the Middle East and North Africa, Europeans are particularly concerned about integrating ethnically and culturally distinct asylum seekers (Ipsos 2016; Poushter 2016). A recent study by Chatham House revealed that on average, 55 percent of people surveyed across European states want a ban on immigration from Muslim-majority countries, with the numbers exceeding 60 percent in countries such as Belgium, France, and Austria (Goodwin, Raines, and Cutts 2017). A case in point is the failure of the EU’s two-year migrant relocation scheme, which ended in September 2017. Due in part to public backlash, member states have collectively fulfilled only 28 percent of their asylum resettlement pledges, prompting the EU to abandon any further relocation quotas.3 Moreover, and importantly, Boswell’s ethical model has little, if any, applicability to non-Western states, such as the tightly knit East Asian polities organized around ethnic national identities (see Castles and Davidson 2000).

Most recent scholarly efforts have been geared toward fostering interstate cooperation on refugee protection based on normative concepts of equitable sharing of global burdens and responsibilities—predominantly, again, in regard to the Western democracies of Europe and North America (Bauböck 2018; Betts 2015; Biondi 2016; Coen 2017). Hopes have been raised by a UN-proposed comprehensive framework grounded in these notions in the form of a “Global Compact on Refugees” (Appleby 2017). However, although the Compact underscores the need for cooperation, “it does not make any concrete suggestions on how to tackle it” (Niemann and Zum 2018, 15). As its proponents caution, this endeavor “will require political commitment at the highest level, leadership, and a clearer long-term vision than that evident in some current restrictive and inward-looking national responses today” (Türk and Garlick 2016, 678). As such, Bauböck (2018) suggests that the UN is a less favorable context for cooperation than the EU with its unique functional and normative pressures. But, as the 2015 migration crisis revealed, European cooperation also hinges on the willingness of national elites and risks a democratic backlash at the polls, as evidenced by the post-crisis electoral inroads of anti-immigrant parties across the continent, including France and Germany, and most notably Austria and Italy.

Overall, given distinct visions of national selfhood and domestic electoral constraints, liberal democracies remain reluctant to create new pathways for the admission of refugees on a large scale. They prefer, instead, to maintain exclusionary policies rooted in democratic communitarian logic. Gammeltoft-Hansen and Tan (2017) go so far as to argue that the current refugee regime, both in Europe and globally, is based on the “principle of deterrence.” Despite the virtuous universalist rhetoric and ostensible support for the international legal framework, most states “do everything in their power to exclude those [seeking] international protection” (28; see also Hyndman and Mountz 2008). In sharing global responsibilities, their actions are discretionary, and they favor financial assistance to overburdened refugee-hosting countries (Dowd and McAdam 2017).

3 Despite Chancellor Merkel’s celebratory “Wir schaffen das!” [We can do it!] rhetoric, Germany has fulfilled just 30 percent of its quota, due in part to declining public support for the “open-door” refugee policy.
Clearly, liberal universalist ideals do not mesh well with the dominant democratic communitarian paradigm to produce a one-fits-all policy framework.

A partial remedy to this ethical and increasingly practical gridlock has been private, citizen-led initiatives to supplement the work of governments that are reluctant to admit refugees. Such initiatives enable private individuals and community organizations to voluntarily sponsor the admission of UN-recognized refugees by financing their provisional housing and interim living costs. Although not yet well established, these programs are gaining in popularity. On the eve of Europe’s migration crisis, for example, more than 12,000 Icelanders—that is, about 3.5 percent of the population—volunteered to take Syrian refugees into their homes after the government capped the annual quota at fifty (Irish Times 2015). Furthermore, in the aftermath of the EU’s failed relocation scheme, the Irish government actually committed to establishing a community sponsorship program for refugees (Amnesty International 2017), while ad hoc and small-scale initiatives that incorporate aspects of private sponsorship are springing up in Europe and beyond (Fratzke 2017; Kumin 2015). Increasingly, actions undertaken by civil society are complementing those of national governments (Bojovic 2016). Importantly, the private refugee sponsorship model builds public support for refugees, and thus mitigates the risk of an anti-immigrant backlash. Conceptually, the model bridges the liberal-democratic dichotomy. It retains the democratic communitarian outlook on foreigners’ admission, while extending the liberal universalist ideal of individual liberty by enabling individual citizens to exercise their right to host the world’s neediest migrants.

The most telling case is that of Canada—which, as one of the leading refugee-accepting nations, has resettled nearly 290,000 privately sponsored refugees since the late 1970s. Between November 2015 and January 2017, it resettled 40,000 Syrian refugees, 35 percent of whom were admitted based on sponsorship by private citizens and community organizations.4 In the face of the escalating global refugee crisis, the programs proved so popular that the government was forced to temporarily reduce intake of Syrian and Iraqi refugees under a particular type of private sponsorship, due to the backlog of applications (Brach 2016).5 Owing in part to the private sponsorship scheme, in 2016 Canada admitted a record high of 46,700 refugees, without leading to a deterioration in public attitudes toward refugees (Perreaux 2018). The model has been praised by the UNHCR (Senate of Canada 2016), and the Canadian government is set to “export” it globally. At the 2016 UN summit, Prime Minister Justin Trudeau and then-immigration minister John McCallum announced the “Global Refugee Sponsorship Initiative” (GRSI), aimed at providing training for states and community actors interested in adapting Canada’s system for privately sponsored refugees. At the intergovernmental meeting in New York, which was also attended by representatives of private philanthropies, UNHCR chief Filippo Grandi made the following statement:

In the face of record levels of displacement and soaring resettlement needs, UNHCR has been calling for a massive expansion in opportunities for refugees

4 An additional 10 percent were sponsored as a result of blended private-government sponsorship (Government of Canada 2017).
5 For an overview of private refugee sponsorship in Canada, see Hyndman et al. (2017) and CCR (n.d.).
to find protection in third countries. This joint initiative is an excellent way for resettlement States to learn from Canada’s very successful model of private sponsorship. It also provides an avenue for civil society and local communities to actively contribute to refugee protection. (cited in Maniatis and Bond 2018, 9)

Reportedly, several liberal democratic governments worldwide—including Argentina, New Zealand, and the United Kingdom—are eyeing Canada’s “success story” (Shane 2017).6

THE CURIOUS CASE OF JAPAN

The Democratic “Refugee Deficit”

Japan, which is the oldest and most affluent liberal democracy in Asia—and a champion of the global liberal order and “prestigious leader in humanitarian support” (UNHCR 2015b)—upholds its long-standing stringent attitude toward immigration, including refugees.7 Despite signing the 1951 United Nations Convention Relating to the Status of Refugees and its 1976 Protocol Relating to the Status of Refugees in 1981 and 1982, respectively, the country accepts a remarkably low number of world refugees, highlighting the limits of norms-based global solutions to the refugee problem (Flowers 2006; Wolman 2015; cf. Flowers 2009; Soh, Kim, and Yu 2017). As of February 2016, refugees in Japan were reported to number 14,511 (UNHCR 2016a), which constituted only a fraction of Japan’s 2.3 million-strong foreign population at that point. The conventional reasons cited for the low admission levels are the government’s “excessively strict interpretation” of who is a refugee under the international law, and a heavy burden of proof placed on applicants (Tanaka 2018). But, as will be discussed in more detail below, the conceptual reasons for this hardline policy are, not surprisingly, much more complex.

Japan’s annual refugee admission numbers are low, while the rejection rates are high and growing. In 2013 and 2014, for example, Japan accepted only 6 and 11 refugees out of 3,777 and 5,000 applicants, respectively.8 The numbers did not change in 2015, as the global migration crisis unfolded: in that year, Japan had accepted only 27 refugees out of 7,586 applicants. In 2016, despite a 44 percent increase from the previous year—for a record high of 10,901 applications—only 28 were recognized as refugees, which constitutes, as the media were quick to point out, less than a 1 percent approval rate. In 2017, despite another 80 percent increase over the previous year, Japan granted refugee status to a mere 20 applicants (mainly from Egypt, Syria, and Afghanistan)—out of a record high of 19,626 asylum applications—while another 45 (mainly from Syria, Myanmar, 

6Research shows that, overall, economic integration of privately sponsored refugees in Canada is more successful than that of government-assisted refugees (Wilkinson and Gareea 2017).
7Highly skilled migrants are a notable exception to Japan’s restrictive immigration policy (see Oishi 2014).
8The numbers of all asylum seekers admitted annually are actually higher, as Japan also grants special residence permits on humanitarian grounds.
and Iraq) were allowed to stay on humanitarian grounds (Osumi 2018b). The recent steep increase in the number of applications has nothing to do with Syrian asylum seekers: reportedly, only 81 Syrians applied for refugee status in Japan between 2011 and 2017, of whom 70 were accepted either as refugees or on humanitarian grounds (Nikkei Asian Review 2018). In 2017, applicants came to Japan mainly from the Philippines, Vietnam, Sri Lanka, Nepal, Indonesia, Myanmar, Cambodia, India, and Pakistan.

The reasons for the growth in Southeast and South Asian applicants can be traced to the 2010 revision of application procedures. Starting that year, a refugee applicant could obtain a special work permit six months after filing for asylum while awaiting the results.9 Allegedly, this prompted thousands of migrants to apply for refugee status in order to secure a work permit and take advantage of Japan’s labor shortage in low-skilled fields (Japan Times 2017c; Tanaka 2018). This fostered a ninefold increase in asylum applications between 2010 and 2016, mostly by short-term visitors. For example, the number of applications by Indonesian nationals surged from 19 in 2013 to 969 in 2015 and 2,038 in 2017, which is attributed to the relaxation of visa rules for Indonesian tourists in December 2014. In 2017, Filipinos accounted for the largest group of applicants (4,895), followed by Vietnamese (3,116) and Sri Lankans (2,226) (Nikkei Asian Review 2018; Osumi 2018b).10

The number of UN-recognized refugees resettled in Japan is equally tiny. As part of a pilot program, in December 2008 Japan joined the list of countries taking part in UN refugee resettlement efforts, and renewed its commitment in 2012 and again in 2014 (MOFA 2018; Treviranus and Törngren 2015). From the outset, the program targeted refugees from Myanmar who were stranded in refugee camps in Thailand. In 2010, however—the first year of the program—Japan resettled only 27 refugees, followed by 18 in both 2011 and 2013 and none in 2012. In 2014, it resettled 23 refugees. For a nation of 127.3 million, this amounts to 5.5 million per refugee resettled. In terms of per capita resettlement that year, only Mexico ranked lower than Japan—the world’s third-largest economy—which put Japan below countries such as Iceland (79,500 per refugee resettled), Romania (496,841), South Korea (3,461,000), and even Brazil (4,436, 591), let alone countries at the top, such as Australia (3,636), Norway (4,117), and Canada (4,718) (UNHCR 2014). Japan’s record has not changed in the aftermath of the global migration crisis; in 2015, the number fell to 19, which amounts to 6.6 million per refugee resettled (UNHCR 2016b) and places Japan below Albania and Belarus. Although in January 2015 the Japanese Cabinet decided to continue to accept refugees from a third country as part of a regular program, contrary to UNHCR expectations (UNHCR 2008), the pilot program has not developed into a large-scale resettlement scheme. Japan maintains the annual resettlement quota of 30, and at present the program is exclusively intended for individuals from Myanmar who are living temporarily in refugee camps in Malaysia. As of 2017, 152 Myanmarese refugees (39 families) had been resettled in Japan (MOFA 2018).

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9Refugee screening procedures in Japan are lengthy. Reportedly, in 2017, they took an average of ten months for first-time applicants, and almost twenty-four months for those who were rejected and appealed their cases (Tanaka 2018).

10Interestingly, a majority of all applicants have been reported to be males who reach Japan by airplane.
A notable exception to this trend is Japan’s experience with admitting Indochinese refugees in the aftermath of the Vietnam War. Between 1978 and 2005, Japan accepted 11,319 forced migrants from Vietnam, Laos, and Cambodia, from both onshore and offshore applicants. In 1984 alone, it accepted close to 1,000 Indochinese refugees (Akashi 2006). Even so, Japan paled in comparison to other G7 nations, with the exception of Italy. For instance, the United States accepted 811,585 Indochinese refugees between 1975 and 1994; in the same period, Canada accepted 135,548 (Strausz 2012). From today’s perspective, comparable numbers appear unattainable, despite parallels between Japan’s resettlement of Indochinese refugees and its present engagement in Asia in the third-country resettlement program under the auspices of the UN.

Not surprisingly, Japan has regularly come under international and domestic scrutiny for its negligible intake of world refugees. A severe round of criticism came in the wake of Europe’s 2015 migration crisis, which transformed the refugee problem into a global challenge. International organizations and human rights groups lamented Japan’s failure to relieve pressure on countries caught up in what has been widely acknowledged as “the world’s worst refugee crisis since the Second World War” (Mauro 2016). On his visit to Tokyo in November 2015, António Guterres, the then–UN High Commissioner for Refugees, urged the Japanese government “to push its actions [...] and] to increase the number of people resettled in Japan, and especially now to look into the humanitarian admissions of ‘Syrians’” (quoted in Japan Times 2015b). Domestic criticism has also increased. Japanese NGOs, academics, and immigration lawyers have pressed the government to improve the fairness and transparency of the application process and appeal procedures (Economist 2015; Iizuka 2016). In short, Japanese officials have repeatedly been urged to do more to recognize asylum seekers in Japan and resettle refugees stranded elsewhere. Such pressures are likely to resurface in light of the 2017 escalation of what the UNHCR now calls “the world’s fastest growing refugee crisis” involving Rohingyas (UNHCR 2017b; see also Kikuchi 2017c).

Focusing on Japan’s dismal record of refugee acceptance, critics question the ethical basis of its refugee policy. For example, Kanae Doi, Japan’s Director of Human Rights Watch, recently asserted that “while Japan is a strong Asian democracy, it is not showing global ethical leadership on human rights. Japan remains closed to thousands of asylum seekers, including Syrians, while those who do make it to Japan rarely have their refugee status recognized” (quoted in Human Rights Watch 2017, emphasis added; see also Asahi Shimbun 2017a; Yoshida 2017c). In so doing, these critics implicitly endorse the liberal universalist logic of migrant admission. More directly, Human Rights Watch Executive Director Kenneth Roth has denounced the prevalent democratic communitarian notion that has been evoked globally regarding lax immigration policies. In the group’s 2017 World Report, which covers global events from late 2015 through late 2016, Roth argues that “claiming to speak for ‘the people,’ [populists] treat rights as an impediment to their conception of the majority will, a needless obstacle to defending the nation from perceived threats and evils” (Roth 2017, 1).

Japan’s conception of immigration and its corresponding refugee policy stance are indeed grounded in the ostensible rhetoric of the vox populi. All government blueprints for immigration control—from the first, in 1992, to the most recent, in 2015—place a premium on “proactively listening to the voices of the people.” They stress that opening borders to migrants should be preceded by “discussing the desired future
society” and “conducted based on a national consensus” on “the scope of acceptance of foreigners necessary in realizing such a society” (MOJ 2000, 2015). Likewise, Prime Minister Shinzo Abe has asserted that the question of immigration is a matter of Japan’s “future form and the whole nation’s life,” which should be considered in a “national debate” (HOR 2014). Thus, although mindful of international concerns over the country’s refugee policy, Japan’s ruling Liberal Democratic Party (LDP) puts the Japanese demos at the center of things (Flowers 2010). The democratic communitarian outlook is routinely evoked by state officials in public and by policymakers in private (see, for example, Japan Times 2017). To justify their hardline stance on refugee admission, Japanese authorities point to the persistence of public division on the subject and the need to maintain existing practices, in line with the majority’s political will.

Although the Japanese public does not speak with one voice on refugee acceptance, opinion polls have consistently shown overwhelming popular support for the status quo. As reported by Asahi Shimbun (2016), 65 percent of respondents in 1996 supported the existing intake level for refugees, while 22 percent said that Japan should accept more. Little has changed since then: when the survey was repeated in 2015, in the midst of the global migration crisis, 58 percent opposed more active acceptance of refugees, while 24 percent supported it. More recently, in a public poll carried out by Mainichi Shim bun (2017), only 15 percent of respondents favored active acceptance of refugees—in contrast to the 69 percent who supported the government’s cautious approach, despite increasing media coverage of asylum seekers’ imperiled status. Likewise, a recent survey published by Asahi Shimbun Digital (2017) revealed that 49 percent of respondents remained opposed to, while 18 percent supported, accepting refugees.

Government Policy Response

Japanese officials have responded to the most recent wave of international criticism largely by citing the long-standing domestic consensus that Japan should assist refugees abroad but oppose their settlement at home (see Honma 1990). In a familiar move, the government exercised checkbook diplomacy, which critics characterize as an unwillingness to share substantial risks. On his visit to the UN General Assembly in September 2015, Prime Minister Abe defended Japan’s decision to keep its doors closed by stating that “before accepting immigrants or refugees, we need to have more activities by women, elderly people and we must raise our birth rate. There are many things that we should do before accepting immigrants” (quoted in Japan Times 2015a). Instead, he committed Japan to “changing conditions that give rise to refugees” by pledging a humanitarian assistance package of 2.8 billion US dollars between 2016 and 2018 in support of refugees in their host countries and communities (MOFA 2016). This “open wallet, closed door” policy provoked further criticism that Japan was again resorting to “burden-shifting rather than burden-sharing” (Omata 2015; Ostaszewski 2015; see also

11Personal interviews with senior officials of the National Police Agency (NPA), January 23, 2013, Tokyo; senior official of the Ministry of Justice (MOJ), March 8, 2013, Tokyo; official of the Ministry of Foreign Affairs (MOFA), July 22, 2013, Tokyo; MOJ official, April 11, 2017, Tokyo.

12With 173.5 million US dollars committed for 2015, Japan was already the fourth-largest contributor to the UNHCR budget, falling only behind the US, UK, and EU (UNHCR 2015a).
Dean and Nagashima 2007). Nonetheless, the UN’s Grandi praised this aspect of Japan’s role in addressing the “unprecedented” crisis and urged other East Asian states to follow its example.  

Furthermore, Japanese officials asserted that Japan was doing its share in admitting asylum seekers. To justify the country’s low refugee recognition rates, Justice Minister Yoko Kamikawa said that “whether seekers are applicable for refugee [status] is judged based on the international treaty on refugees. Therefore, acceptance of refugees does not increase or decrease based on [our] policy” (quoted in Kikuchi 2017b). She also stated that Japan had no specific plans to expand its intake of refugees. In other words, the Refugee Convention’s imprecise language has enabled Justice Ministry officials to interpret it narrowly, which further underscores the difficulty of applying legal frameworks globally. Even so, the ministry announced plans to decentralize the refugee application process and declared its intention to fast-track rejections amid a surge in questionable requests (Yoshida 2017a). The latter declaration attracted criticism for allegedly playing up the rhetoric of “fake refugees” (Omata 2015; Osaki 2017). However, Japanese experts “largely agree that a vast majority of the recent applicants are migrants trying to take advantage of a loophole in the nation’s convoluted and time-consuming refugee recognition procedures” (Yoshida 2017b; see also Osumi 2018b; Tanaka 2018). Active supporters of refugees and domestic critics of the government policy also recognize the problem posed by fraudulent refugee claims. Consequently, in January 2018, immigration authorities tightened the refugee screening system by no longer issuing temporary work permits for refugee applicants (Japan Times 2018d; Osumi 2018b). At present, only applicants deemed, after preliminary screenings, as highly likely to be recognized as refugees are granted work permits (Tanaka 2018). To summarize, the policy responses cited above follow the dictum that “everything must change so that everything can stay the same.”

However, bowing to various pressures, the Japanese government also introduced new measures aimed at increasing the scope of refugee acceptance. Most notably, it agreed to relocate a limited number of UN-recognized Syrian refugees from Lebanon and Jordan. In May 2016, Prime Minister Abe announced that Japan would accept 150 Syrians as students over a five-year period (up to thirty per year). According to a government official, “the purpose of the program is to develop human resources who will return to their home country to take charge of reconstruction efforts,” although participants would not be required to leave immediately after finishing their studies (quoted in Oda 2017). Students are admitted through a Japan International Cooperation Agency (JICA) program (twenty per year) and the Education Ministry’s Japanese Government (Monbukagakusho) Scholarship program (ten per year). Universities across Japan—eight private and four national—are scheduled to participate in 2018, including Tokyo University.

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13This is because the other countries’ record in the region is far less impressive. In 2015, for example, China’s and South Korea’s donations to the UNHCR were 942,000 and 16 million US dollars, respectively, which ranked them fifty-first and twenty-eighth among UNHCR contributors.


15Subsequently, in February 2018, the MOJ announced that more than 300 foreigners were detained in the first crackdown on asylum applicants working illegally in the Tokyo and Nagoya areas (Osumi 2018a).
of Agriculture, Tokyo University of Foreign Studies, University of the Ryukyus, Ritsumeikan University, Hiroshima University, University of Miyazaki, Soka University, and Kwansei Gakuin University (JICA 2017). Since participants are allowed to bring their immediate families, the program is expected to admit roughly 300 individuals. Reportedly, the announcement of the initiative was strategically planned to coincide with the May 2016 G7 summit that Japan hosted in Shima, Mie Prefecture (Oda 2017). Even so, the scheme has been praised as a step in the right direction.

Private Refugee Sponsorship

Japan has come under severe international criticism for its stalled refugee policies at a time of renewed debate on how to ensure more effective global allocation of refugees between states. Although these (liberal universalist) pressures are likely to continue and intensify with time (Osumi 2018a), the Japanese government is unlikely to significantly increase the intake of UN-recognized refugees via the state-led framework, in line with its entrenched democratic communitarian stance on foreigners’ admission—a position that wins public support. Research results suggest, however, that grassroots efforts offer a way to move beyond the current gridlock. Scholars have long recognized the role of civil society groups that work from below to influence the formulation of refugee policies, standards, and norms and monitor their implementation, including in Asia (Lester 2005; Nah 2016; see also Garkisch, Heidingsfelder, and Beckmann 2017). In Japan, however, private actors have possibly the highest potential to actually resettle refugees through their own means: private refugee sponsorship. This supplementary program enables private individuals and community organizations to sponsor the admission of refugees to the country. With minimal state involvement, willing citizens carry out refugee acceptance in a manner that builds public support and defuses the dangers of provoking a majoritarian backlash. Given Japan’s status as an island nation insulated from major refugee flows, this model is particularly suitable to enhancing the resettlement of UN-recognized refugees stranded in refugee camps across Asia. By implication, the model offers a conceptual compromise between liberal and democratic values. It retains the democratic communitarian outlook on foreigners’ admission, while extending the liberal universalist ideal of individual liberty by enabling individual citizens to exercise their right to host the world’s most vulnerable migrants at their own expense and, in doing so, open Japan’s borders wider.16

Empirical evidence suggests that Japan has all of the attributes necessary to host privately sponsored refugees. First, its private sector is notably philanthropic: in 2016, private donors contributed nearly 30 million US dollars to the UNHCR (UNHCR 2017a). With a conservative estimate of 20,000 US dollars per individual, this privately funded budget alone would allow Japan to host 1,500 refugees each year, which far exceeds the number for any year of the Indochinese refugee resettlement scheme. Moreover, Japan’s civil society is increasingly vibrant and multiply engaged (Kawato, Pekkanen, and Yamamoto 2015). For example, as very suggestive indirect evidence, consider Japan’s overwhelming reliance on private citizens and groups, rather than parole officers, to help

16It can be briefly pointed out that this could offer particular benefits to depopulating and aging rural Japan, which might be most willing to sponsor and host resettled refugees.
convicts reintegrate into society after their release from prison. Probation supervision in Japan involves only around 800 professional probation officers and 50,000 volunteers in whose homes such supervision mainly takes place (Ellis, Lewis, and Sato 2011; Hamai and Ellis 2015). There is also concrete direct evidence in support of a similar trend in the immigration field. In recent years, migrant support groups have emerged as an important voice in the wider national immigration debate (Kremers 2014; Milly 2014; see also Shipper 2006). As Shipper (2012) demonstrates, with approximately 200 local activist organizations, Japan has the largest number of immigrant advocacy NGOs in East Asia; their activism has been increasingly successful in legislative, judicial, and municipal domains. Close to twenty of these groups, including the Japan Lawyers’ Network for Refugees, act specifically for asylum seekers and refugees (Arakaki 2008; S. Yamamoto 2013). More than ever before, they are undertaking greater shared responsibility for refugee protection, and have repeatedly lobbied the government to privatize refugee admission; community groups, churches, and even private individuals across Japan have already begun hosting asylum seekers (Japan Times 2017b; McNeil 2016).

Moreover, a small-scale grassroots initiative geared toward resettlement of Syrian refugees has recently been launched in Japan to underscore the capabilities of its civil society and potential legal pathways. In December 2015, prior to announcement of the government’s program to admit Syrian refugees as students, the Japan Association for Refugees (JAR), Japan’s leading nonprofit refugee organization, launched its own relocation project (JAR 2017a). Supported by private donors, religious groups (e.g., Caritas Japan), and businesses (e.g., Lush Japan), JAR sent a mission to Canada in January 2016 to learn from Toronto’s civil society experience. Afterward, JAR designed a Japanese version of civil society–based refugee admission, and in September 2016 launched a one-year pilot program. As a result, in March 2017 the first group of six Syrian refugees from among 212 applicants in Turkey and Syria were admitted to Japan as students by two educational institutions in the Tokyo metropolitan and Kansai areas. They are exempt from tuition fees, and their travel costs and language training are covered by private donations. Students pay their living and accommodation costs by working part-time jobs (up to twenty-eight hours per week). Upon graduation, they are to be issued working visas. Throughout, JAR and participating schools act as their primary supporters. This experience has inevitably encountered challenges, but has also clarified priorities, including consolidating the civil society network and increasing the number of admissions. For the second round of the program, in October 2017 JAR selected eight Syrian refugees living in Turkey from among 1,091 applicants. Six will be based in Japanese language schools in the Tokyo metropolitan area and Okinawa, and two at International Christian University (ICU) (JAR 2017b). JAR aims to further expand its advocacy efforts for private admission of refugees with the public, media, and policymakers.

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17Personal interview with a senior official of the Forum for Refugees Japan, March 10, 2017, Tokyo.
18Personal communication with a senior JAR official, August 31, 2017.
19ICU and the Japan ICU Foundation launched the Syrian Scholars Initiative, which supports Syrians displaced by the conflict throughout their undergraduate education. The program covers tuition; university fees; housing, living, and travel expenses; and insurance. Designed as an eight-year scheme (2017–25), the initiative will support six students for four years each (JICUF, n.d.).
In the meantime, Japanese authorities have sanctioned another private-sector initiative for refugees that involves a corporate actor. Fast Retailing Co., operator of the popular Uniqlo clothing chain, has worked with the UNHCR since 2006 to provide clothing, financial support, and educational activities for the displaced. In 2011, the two organizations entered into a global partnership aimed at promoting refugee self-reliance through internship programs (Fast Retailing 2017). In November 2015, during then-UNHCR chief Guterres’s visit to Tokyo, Fast Retailing announced its intention to expand the internships to 100 refugees in Japan and abroad. At the time of the announcement, the company employed thirteen refugees in Japan, mainly from Myanmar (Nikkei Asian Review 2015). As the company’s president, Tadashi Yanai, said, “Do we only wait and hope for the government or the United Nations to solve the issue [of refugees]? It’s a challenge that also needs to be addressed by companies and individuals” (cited in Japan Times 2015b). Guterres, in turn, praised this and other “courageous efforts by non-governmental groups based in Japan” to engage with refugees.20 As of December 2017, Uniqlo employed fifty refugees worldwide, thirty-nine of whom were in Japan. Reportedly, the company welcomes recognized refugees and those who have obtained a special residence permit on humanitarian grounds or a work permit while awaiting the results of their applications (Singh 2018). To be sure, this differs from the unmediated private admission channels described above—but this initiative further demonstrates that a broad range of Japan’s private actors are well equipped to undertake complementary efforts in refugee admission assistance.

Nevertheless, a full-fledged introduction of private sponsorship as a supplementary refugee admission policy in Japan is politically challenging. Although at the announcement of the GRSI in September 2016 John McCallum noted that Japan had expressed interest in emulating Canada’s program of private refugee sponsorship (Slater 2016), prospects are not all that bright. Refugee recognition is a domestic matter, and Japan is notably immune to external pressure and a human-rights norm cascade (cf. Soh et al. 2017); this, it has been argued, is because Japan conflates immigration law and refugee law into a single law, and views refugee recognition as synonymous with immigration control instead of a distinct humanitarian category.21 In general, the country’s immigration policymaking is contingent on the prominent role of national bureaucracy (Akashi 2010; Bartram 2000; Hamaguchi 2010; Kalicki, forthcoming; Koike 1996), particularly the MOJ, which is resistant to change. Thus, the MOJ’s “very conservative” Immigration Bureau, which places stronger emphasis on border control than refugee protection, has authority over refugee entry (Akashi 2006; Arakaki 2008; Dean and Nagashima 2007) and

20 Although the direct question of integration and societal incorporation goes beyond the scope of this paper, it is worth noting that Japanese civil society also assists entrepreneurs with a refugee background to overcome barriers to their engagement with the economy. An example is the Entrepreneurship Support Program for Refugee Empowerment (ESPRE), Japan’s first nonprofit organization authorized to microfinance refugees with entrepreneurial ambitions. Launched in 2012 in partnership with JAR and Social Venture Partners Tokyo, ESPRE awards small loans to refugees to start or expand self-sufficient businesses (see ESPRE 2012; Horii 2016; Koizumi 2015).

21 Immigration has for long been framed in Japan as a matter of security (Kalicki, forthcoming; Vogt 2014; R. Yamamoto 2005). Most recently, this discourse surfaced in the context of the slow-boiling conflict on the Korean peninsula and a hypothetical influx of refugees from there in the event of a military confrontation (Asahi Shimbun 2017b; Kikuchi 2017a; Takano 2017).
largely impedes progress on new rules for refugee admission. As noted earlier, the bureau has recently tightened the refugee screening system—and, as alleged by an insider, the MOJ intends to further reform immigration law and the agency’s operation in order to “crack down on fake asylum applications.” This may suggest a tougher stance by administrators in the future.

Even so, Japan’s past record demonstrates that the country may develop a refugee policy that contravenes the prevailing government rhetoric. As outlined above, in a major departure from its familiar pattern—and despite negative public sentiment (Takeda 1998)—Japan made a commitment to resettle large numbers of Indochinese refugees in the late 1970s, predating its entry into the international migration regime. What explains this decision? Scholars point to the key role of foreign pressure, such as “strategic demands” from the US and “requests” from the UNHCR (Akashi 2010; Flowers 2006, 2009; Honma 1990, 2007; Morris-Suzuki 2010). In response, the status of Indochinese refugees in Japan was secured by Cabinet approval. Challenging this conventional wisdom, however, Strausz (2012) argues that international pressure was necessary but not sufficient to convince Japanese authorities to admit Indochinese refugees. He maintains that another critical factor contributed to the success of external pressure: Japanese politicians and bureaucrats agreed to resettle Indochinese refugees because they “came to believe that this would not set a precedent that would radically change Japan” (261).

Thus, although the issue of compliance with the global refugee regime is close to heart of Japan’s state identity and reputation as a member of the international community (Flowers 2006, 2008, 2009), this instance—along with recent futile international efforts to open Japan’s door wider—underscores the centrality of domestic discourse in shaping policy outcomes. Domestic politics, clearly, hold the key to the future of Japan’s refugee policy.

Japan’s political climate under Prime Minister Abe may not be the most conducive to a policy shift, but it offers a small window of opportunity for policy innovation. To begin, consider that, in an unexpected move, Abe has recently pushed for immigration reforms, including more open acceptance of low-skilled foreign workers, who are deemed socially problematic (Japan Times 2018a; see also Japan Times 2018b, 2018c; Murakami 2018). Indeed, private sponsorship ideals have garnered discreet support within bureaucratic networks. For example, the MOFA, which acts as a consultative body for refugee policy and counterweight to the inward-looking MOJ (Flowers 2008), is currently

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22This authority is unchallenged by the judiciary. Appeal procedures are seen as seriously flawed, insofar as the judiciary works in apparent harmony with the executives (Arakaki 2008).

23Personal interview with an MOJ official, April 11, 2017, Tokyo; also, personal communication, August 24, 2017.

24Thus far, due to economic pressures filtered through intragovernmental bargaining, Japan has been reluctantly admitting blue-collar laborers via so-called “side-door” channels (for details, see Kalicki, forthcoming). On the Japanese public’s sensitivity to low-skilled overseas workers, see Green (2017).

25Personal communication with a senior official of the Forum for Refugees Japan, September 26, 2017.
“collecting information on refugee systems in foreign countries.”

Although its Human Rights and Humanitarian Affairs Division denies this, other sources assert that the agency is interested in Canadian practices. The idea may gain further traction with Japanese policymakers, given that the resettlement of refugees through dispersed private means is more likely to foster social inclusion (and economic integration) (Fratzke 2017; Kumin 2015; Wilkinson and Garcea 2017), and hence is unlikely to alter the fabric of Japanese society. This may alleviate the fear of ghettoization of newcomers—which, I am often told in interviews with Japanese policymakers, has guided authorities’ reluctance to open the country’s doors wider to certain categories of in-migrants, including blue-collar laborers and asylum seekers. Finally, the idea has backers among national legislators; private refugee sponsorship enjoys support within the LDP’s ruling coalition’s partner, Komeito, as well as among some independent and opposition parties’ lawmakers. Thus, even though Japan’s political discourse has yet to mature on the question of alternative models of refugee acceptance, the idea is not completely out of bounds. Caution is naturally warranted—but with advocacy geared toward private sponsorship ideals, in light of their appeal to diverse viewpoints across the political spectrum, the issue is likely to eventually claim its place on Japan’s policy agenda.

**CONCLUSION**

Japan’s refugee policy is at a crossroads, but it is these circumstances that can foster a positive change domestically and on a regional scale. Evidence available to date suggests that privately sponsored admission presents a way forward for Japan’s embattled refugee policy. This is not to suggest, however, that this approach waives Japan’s international obligations as part of the global refugee regime. Civil society-centric and state-centric admission channels can go hand in hand and successfully complement each other, as Canada has demonstrated. Likewise, private sponsorship should be seen as working in partnership with Japan’s current dominant approach of making generous monetary contributions to the global refugee cause. In short, the model augments, enhances, and diversifies the capacity of Japan’s refugee regime while mitigating the liberal-democratic paradox of migrant admission.30

Given the importance of regional contexts for refugee protection (Kneebone 2016), I further suggest that with this policy innovation, Japan can provide much-needed leadership for all countries in the region that are parties to the Refugee Convention and, simultaneously, reluctant receivers of refugees (Barbour 2012). With recognition rates almost as low as those of Japan, South Korea is a prime example; it has previously modified its refugee stance in response to competitive pressure from Japan. This happened when

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26 Personal communication with a senior MOJ official, September 29, 2017.
27 Personal communication with a UN official and policy insider, October 7, 2017.
29 Personal communication with a UN official and policy insider, October 7, 2017.
30 In addition, although just speculation, private sponsorship is not unlikely to steer domestic public opinion toward a more favorable position on refugee admission.
Japan introduced the 2008 pilot relocation program, which motivated South Korea to launch its own pilot resettlement scheme in 2015 (Soh et al. 2017). The country’s vibrant civil society played an important role in promoting this policy change (Schattle and McCann 2014). Japan’s expansion of newly sanctioned private refugee sponsorship initiatives, let alone full-fledged adoption of this admission model, could once again encourage Seoul to follow in its footsteps. China is not a liberal democracy, but its refugee resettlement efforts are also not commensurate with its economic might and aspiring role as a responsible global power (Pan 2016); Japan could potentially set an example for China’s future course as well. To be sure, privately sponsored acceptance of refugees is unlikely to solve all problems, but in the face of momentous challenges to international refugee protection, the East Asian region clearly needs a new policy direction—and the private refugee sponsorship model could be one way to find it.

Several important areas of inquiry fall outside the scope of this paper. As Japan’s private initiatives become more anchored over time, future scholarship should first and foremost critically, and potentially comparatively, evaluate policy design and programs’ technical specifications. Further, given this paper’s exclusive focus on refugee admission, scholars should tackle head-on the question of the impact of private sponsorship on refugees’ long-term integration and societal incorporation. Such studies may offer insights for strengthening the weaker aspects of Japan’s policy. Finally, and on a different level, the Japanese case may shed light on the question of whether, or to what extent, succumbing to civil society’s humanitarian advocacy is fueled by the state’s broader agenda for outsourcing refugee management to the private sector, given the context of the growing commercialization of migration in general.

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