

February 24, 2024

Title: Inputs for the Report on Revisiting Migrants' Contributions from a Human Rights-based Approach: A Discussion on Facilitating and Hindering Factors

Dear Mr. Gehad Madi, UN Special Rapporteur on the Human Rights of Migrants,

We, [with Elizabeth](#), are a citizen group supporting the human rights of asylum-seekers and migrants in Japan. In this letter, we would like to discuss the unique humanitarian contributions of Ms. [Obueza Elizabeth Aluoriwo](#), as well as her highly vulnerable legal situation in Japan. Ms. Aluoriwo is an award-winning Nigerian human rights activist and a long-term resident asylum-seeker without being formally recognized as a refugee. She has lived in Japan for 32 years under precarious legal status called "[provisional release](#)," or *Karihomen*. Ms. Aluoriwo originally came from Nigeria in 1991 after escaping the local practice of female genital mutilation (FGM). As a survivor of FGM in Nigeria, and also a survivor of long-term detentions in Japan, she is committed to human rights advocacy, especially attending to the unique needs of precarious migrants and asylum-seekers in Japan.

Although her legitimate refugeehood as a victim of gender-based violence, which is legally recognized under major international treaties that Japan complies with, Ms. Aluoriwo has not been formally accepted as a refugee. Due to her precarious legal status, Ms. Aluoriwo has been constantly exposed to the fear of indefinite detention, and of coercive deportation. We, as being socially committed to refugee women's rights, have formed a voluntary citizens' group which is named after Ms. Aluoriwo. We have been inspired by Ms. Aluoriwo's enormous courage as a human rights activist who is morally committed to humanitarian actions despite her own protracted precarious legal status as a "provisional release" holder. Like many asylum-seekers living under provisional release, Ms. Aluoriwo has experienced multiple forms of discrimination, marginalization, stigmatization, and rightlessness. For example, Ms. Aluoriwo is not able to receive affordable healthcare services despite her chronic health issues. She is not allowed to seek employment nor allowed to travel freely beyond the prefecture without permission from the immigration authorities.

Despite all these legal and socio-economic vulnerabilities, Ms. Aluoriwo's long-standing humanitarian actions have led to wider public recognition, including several human rights awards from Japanese organizations, as well as [an NHK documentary](#) that followed Ms. Aluoriwo's everyday actions. The documentary featured her regular detention visitations, sheltering released refugees, daily support for family members of detained migrants/refugees, and medical translation support for sick and injured migrants/refugees.

We are deeply concerned that the [recent revisions](#) made to the Immigration Control and Refugee Recognition Act in 2023 would tangibly affect the plight of Ms. Aluoriwo, especially because one of the revisions enables the government to deport an asylum-seeker

if one's second refugee application is denied. Ms. Aluoriwo's current situation potentially falls into this criterion of refugee deportation if her second application is denied. Although Ms. Aluoriwo's long-standing humanitarian contributions and her legitimate reason for receiving refugee status, her first refugee application was denied. She is currently applying for refugee status for the second time and has not yet been recognized.

[The refugee recognition rate](#) in Japan is extremely low at [2% \(2023\)](#), which is inconsistent with Japan's ratification of the Refugee Convention. There are far too many cases where people who should be granted refugee status. However, asylum seekers are either held in immigration facilities for months or years while awaiting their results, or they are granted provisional release without formal status. Provisional release means that a person cannot register as a rightful resident in the place where he or she live, and is prohibited from working, and is denied access to health insurance. They are also unable to move to prefectures other than their place of residence without permission from the immigration authorities. [As of 2022, there were 3,391 people](#) under provisional release status who were deprived of basic human rights.

People living under provisional release status face greater socio-economic barriers and exclusion in accessing basic human needs, such as housing, food, child care, and education. Their health precarity is particularly concerning. Migrants and refugees under provisional release status are [not able to access health insurance](#). These individuals bear disproportionate burdens of such health exclusion. They constantly experience expensive medical bills, medical discrimination, and their inability to seek quality health care. We would like to demand urgent health access for migrants and refugees with provisional release status. The systemic health discrimination against migrants and refugees results in serious human costs including unnecessary deaths from curable diseases and suicides.

Ms. Aluworio herself is on provisional release living with greater health concerns. She is suffering from glaucoma and a disability in his left leg. Despite such health issues, she frequently travels to help precarious migrants and refugees in need. She is also a devout Christian and connects with various support groups, visiting detained refugees in immigration facilities, encouraging them, and helping their family members and their children. Ms. Aluworio's humanitarian actions are wide-ranging, including helping with paperwork at government offices, providing everyday supplies, accompanying people to hospitals and law offices, and serving as an interpreter.

As we mentioned earlier, Ms. Aluworio's humanitarian actions, especially her impactful social contributions to migrant and refugee rights justice, have been featured in TV [documentaries](#), newspapers, and magazines. Her media visibility helps the Japanese audience to understand the significance of human rights regardless of nationality. She has received several human rights awards, including the [Human Rights Awards from the Peace Studies Association of Japan](#) in 2021.

In February 2023, we launched a campaign, ["Special residence permit for Elizabeth!"](#) through our website, social media, and on-street demonstrations. Over 38,000 signatures were collected both in Japan and abroad, and the petition was eventually submitted to the

Ministry of Justice and the Immigration Services Agency twice, in April and May. Unfortunately, we have not received any responses from the government since then. Ms. Aluworio appreciates the fact that so many people supported the regularization of her status.

Lastly, we have been proactively engaging with local municipal governments, including Ushiku City (Ibaraki prefecture) where Ms. Aluworio has lived for 25 years and calls it hometown. Ushiku is also a municipality where one of the main long-term immigration detention facilities, East Japan Immigration Center, is located. In November 2023, we collected 1,247 handwritten signatures mainly in Ibaraki Prefecture, including Ushiku City. In December 2023, at the Ushiku City Council meeting, our representative spoke at the council regarding Ms. Aluworio's precarious legal situation. As a result, our request was adopted as a formal agenda by [the Ushiku City Council](#). The council sent the agenda to the Japanese government to formally demand the regularization of Ms. Aluworio's status. The action of the Ushiku City Council was groundbreaking and unprecedented. This was perhaps the first time that a petition regarding the rights of a refugee with provisional release had been adopted by a local municipal council. Unfortunately, once again, we have not seen hope yet. The Japanese government has not responded to our demand.

We will continuously expand our advocacy for refugee and migrant rights, especially demanding the Japanese government to grant Special Permission to Stay for Ms. Aluworio. This is not only about seeking individual justice for Ms. Aluworio, but also about the broader moral questions of social justice and equity. The government must respect humanity and social justice for vulnerable refugees and migrants.

Sincerely,

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