The Social Security System for Non-Japanese Women

When considering the problems of the social security system that non-Japanese women are facing, an important factor is whether or not she has an official visa. In order to identify the problems, I would like to explore the process of achieving an independent life for those non-Japanese women who were domestic violence (DV) survivors.

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Problems non-Japanese women are facing
1. No official visa

First of all, the victims of domestic violence who are non-Japanese women without an official visa, are not eligible for public assistance, national health insurance, etc. Therefore, even if one was suffering from severe physical violence, it would be very difficult for her to obtain basic medical treatment if she has no health insurance. Also, in the case that she could, at least, be sheltered temporarily, it would still be difficult to restart her independent life afterwards because she would be denied access to public assistance.

The situation is different if she is raising a child whose father is a Japanese national. If she has a child with a Japanese man and if she is taking care of her child even after she left the abusive partner, she is able to apply for special permission for residence. She can obtain a status of “long term residence” as an official visa. If her application for “long term residence” is approved, she can be eligible for social security such as public assistance.

However, it usually takes from one to three years after she applies for the visa until she receives it. During this application period, she would be treated as a resident without an official visa. So it would be very difficult for her to sustain her life economically as well as recover from physical and psychological wounds.

2. With an official visa

If one has an official visa, she then has access to the social security in the same way as all Japanese nationals do. However, in the case of the victims of domestic violence, the abusive husbands mentally control them. They tell those women, “nobody cares about gaijin (an derogatory term for foreigner),” “if you divorce me, you would not be able to stay in Japan and deported,” etc. on a daily basis. As a result, it keeps victimized women under the control of violence, even though they have a right to leave the abusers and have access to the social support system for an independent life.

Also, the social system itself is not functioning well enough. This is because local governments have not been able to provide enough support and systems for those who do not understand the Japanese language well. So,
the information about available services has not been disseminated to women who need it. In addition, the paper work at the service counter of the local government is too complicated for victims to use. Consequently, it prevents the victimized women from using the social security system.

Public assistance is supposed to be provided by the local government where she registered her residency. However, usually the victims of domestic violence have escaped from their abusers. As the result, many of them have left the place in which they are registered. In this case, it takes a long time to arrange the details about which local government (where she was registered or where she was sheltered) will provide the public assistance. That means, even if the victim were eligible for the public assistance, there would be lots of obstacles for her to access the social welfare system in Japan.

Regarding the National Health Insurance, foreigners without an official visa are not eligible because they are not considered as “a person who live in any city, town or village or special district in Japan.” According to a recent judicial precedent, in order to define who owns a domicile, we should consider not only the visa status, but also the length of time that one has stayed in Japan, the possibility that one might be approved for a special permission of residence in future, the reason why one entered Japan, and information about one’s family such as the nationality of the spouse or child. If you find that “the one will have sustainable life in this city, town or village and there is probability that the one will continue this life,” the judicial precedent states that this person should be regarded as a person who owns a domicile in Japan. However, there is no guarantee that this precedence will apply to all of the cases in Japan.

**The Official Position of the Japanese Government**

The Japanese government has been taking a unfavorable opinion about the social welfare eligibility of non-Japanese women without an official visa.

First of all, regarding the providing of public assistance, according to the amendment of “Immigration-Control and Refugee-Recognition Act” of 1990, the Ministry of Health and Welfare issued guidelines saying that they would not provide any public assistance nor emergency medical aid for permanent residents or fixed-domicile residents, if they are overstaying in Japan. As a result, the medical aid for overstaying foreigners is currently provided either by the local government’s financial budget, or by donations collected by volunteer support groups. Thus, the current situation varies in each community.

**Recommendations**

For the problems regarding the social security system in Japan that non-Japanese women are facing, the advocacy groups have lobbied the related ministries for the revision of “Law for the Prevention of Spousal Violence and the Protection of Victims.” Despite persistent lobbying, the government has maintained the same official position and has not decided to revise this law.

It is true that it is difficult to allow any foreigner regardless of their visa status to access public assistance and medical aid. However, it is necessary to make the flexible implementation of the social security system in order to support victimized women of domestic violence to achieve an independent life if those women are waiting for the special permission of stay or they are most likely to obtain the special permission in future. In
many cases, those women lost their visa due to the abusive husbands’ neglect. In addition, it is also crucial to make the application procedure easier for public assistance so that victimized women with an official visa can apply. For instance, the local government can create a better support system that considers language barriers, such as by budgeting for the hiring of interpreters.

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Notes
1. One feature of domestic violence against non-Japanese women is threatening regarding to their visa. In order to obtain the official spousal visa or to renew it, it requires agreement and cooperation from their partners. However, in an abusive relationship, it is difficult to get support from her partner and non-Japanese women often end up losing her visa.
2. The Child Welfare Law, Law for the Welfare of Physically Disabled Persons, and Maternal and Child Health Law do not require a condition of nationality. Therefore, the hospitalization assistance policy system, child rearing medical care (for premature babies), nourishment medical practice, and medical rehabilitation service can be used regardless of the presence of neither official visa nor health insurance.
3. A child of a Japanese national means that, regardless of whether the child born under wedlock or not, at the time of birth, either the father or the mother of the child has to have Japanese nationality. In the case of a child, who was born out of wedlock and does not acquire Japanese nationality, it requires the recognition by the Japanese father. “Management of non-Japanese parents who raise Japanese children (the Ministry notice)”(the Ministry of Justice No.256 July 30th, 1996)  
4. This was verbally announced by the director of the Planning and Legal Department, Bureau of Society at the national conference hosted by the Ministry of Health in October 1990
5. Interpretation by the government for “one who has an address” in article 5 of “National Health Insurance Law” is the one with the alien registration in Japan who has a period of the stay with more than one year (which was decided upon one’s entry to Japan), or the one who is most likely to stay in Japan more than one year. (Issued on March 21, 1992 by National Health Insurance Department in Bureau of Welfare Insurance)
6. The Judgment of Tokyo District Court, July 16, 1998 (pp 108, Hanrei Times No. 1003), Akira Takahashi, pp 70, Houkoku Seminar No. 593 “The Supreme Court, a half step advance for social security right of foreigners”