

Punished Twice at the Border

Japan's Treatment of Hongkongers Prosecuted for Political Reasons, and a Proposal for a G7 Political-Prosecution Verification Mechanism



Full policy brief (English · 日本語 · 繁體中文): <https://acrhk.org/?p=460>

The problem

Since 2024, ACRHK has recorded at least five cases in which Hongkongers prosecuted or imprisoned in connection with Hong Kong's democracy movements since 2014 or the National Security Law (NSL) met serious obstacles at Japan's border:

- **Haneda, June 2026:** Mr Jimmy Sham (岑子杰), released after serving his “Hong Kong 47” sentence, was examined for about 20 hours.
- **Narita, 2025 and 2026:** two people released after serving NSL sentences were held for under one hour and for more than ten hours.
- **Kansai, 2024:** a person with a 2019 “rioting” case was advised to withdraw the landing application, did so and returned to Hong Kong, having earlier been admitted at another Japanese airport.
- **2024, visa application:** a person imprisoned for a pre-2019 case was made to apply and pay for a visa and given three weeks, where ordinary Hongkongers receive 90 days visa-free at no charge.

The outcome depends on the airport and the officer. No officer at Haneda, Narita or Kansai has a procedure for recognising a political prosecution as such, so a sentence for peaceful political activity is treated as an ordinary criminal record. The result is a second, de facto punishment.

Japanese law already draws the line

Article 5(1)(iv) of the Immigration Control and Refugee Recognition Act bars entry to persons sentenced to one year or more, but adds: 「ただし、政治犯罪により刑に処せられた者は、この限りでない。」 (persons sentenced for a political offence are excepted). The Act of Extradition (Art. 2) and the Immigration Control Act's information-sharing rule (Art. 61-8(3)(i)) draw the same distinction. What is missing is a procedure that applies it before the traveller reaches the counter. According to The Collective, an officer told Mr Sham the policy was not to admit anyone who had served more than a year. That suggests the exception was not considered at the counter.

Japan has also condemned these prosecutions. In the G7 Foreign Ministers' statement of December 2025, Japan joined in calling on the Hong Kong authorities to “end such prosecutions”.

The United Kingdom: an ad-hoc fix, not a system

Wu Chi-wai (胡志偉), former legislator, former Democratic Party chair and a “Hong Kong 47” defendant, was held at Heathrow for about ten hours in July 2026 and initially told he would be removed. According to former legislator Lee Wing-tat, the British Consulate-General in Hong Kong had been notified in advance. Even so, on Mr Lee's account, it took about seven days, and an intervention through Lord Alton in the House of Lords, before a Home Office minister confirmed that Mr Wu would not be removed. A remedy that depends on parliamentary intervention in each case cannot serve the many political prisoners due for release through 2026–27.

The proposal: a Political-Prosecution Verification Mechanism (PPVM)

1. **One-time verification.** Applicants submit court documents to any embassy, consulate or online portal of a participating state. The state's own authorities decide whether the case falls within the political-offence exception.
2. **Certification recorded at the border.** A certificate is valid for a fixed period (for example, five years) or until a new conviction, whichever comes first. Certified persons enter on the same terms as anyone with the same passport: no visa, no fee, no passport retention, no shortened stay.
3. **Carried into electronic travel authorisation.** Certification must transfer automatically into Japan's JESTA (from FY2028) and equivalent systems, so that boarding is never refused on a certified conviction alone.
4. **Protection of applicants.** No records may be demanded from Hong Kong authorities, and no data shared with them. Applications must be possible from outside Hong Kong.
5. **Limits.** Convictions for violence against persons stay under ordinary examination. The population is finite: official Hong Kong and PRC figures indicate a scale of about 2,800 people convicted or bound over, a figure that overstates those affected.
6. **G7 mutual recognition.** A determination by one G7 member should be accepted by the others.

Requests

- **Japan:** establish the PPVM; end visa requirements, fees, passport retention and shortened stays for certified persons; publish how JESTA will treat them before it begins.
- **United Kingdom:** make advance notification by a mission a formal step with legal effect, including under the UK ETA.
- **G7:** agree a common indicative list and mutual recognition, as follow-through on the December 2025 call to "end such prosecutions".

This proposal does not ask any state to give up control of its borders. It asks states to apply, through a clear procedure, a distinction their own laws already make.

Assembly of Citizens' Representatives, Hong Kong (香港公民代表會議), Asia-Pacific Affairs Committee |
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