

Handbook for Recognized Refugees, Humanitarian
Status Holders, and Refugee Status Applicants

Refugee Status Determination Procedures in Korea

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The Refugee Act of the Republic of Korea went into effect on July 1, 2013. This Handbook, translated into seven languages, is intended to guide people in need and improve their understanding of Korea's refugee policies and procedures contained in the Refugee Act.

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Refugee Recognition System of Korea

- As of July 1, 2013, the Refugee Act of the Republic of Korea, the first stand-alone law on refugees in the Asia region, went into effect, establishing a process for refugee recognition consistent with the 1951 Convention relating to the Status of Refugees (the Refugee Convention). The introduction of Korea's refugee law helps to establish a more solid foundation for the country's refugee system, and enables greater human rights protection for refugees.
- The term "Refugee" refers to an alien who is unable or unwilling to avail him/herself of the protection of his/her country of nationality owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or who, not having a nationality, is unable or, owing to such fear, unwilling to return to the country of his/her former residence prior to entry into the Republic of Korea.
- The Republic of Korea signed both the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees (the Refugee Protocol) on December 3, 1992, each of which entered into force on March 3, 1993.
Provisions regarding refugees were first established in the Immigration Control Act and its Enforcement Decree on December 10, 1993. Following the enactment of the Refugee Act on February 10, 2012, the Refugee Act subsequently entered into force on July 1, 2013. The Korean.
- The Korean Government established the Refugee Division under the Ministry of Justice on June 12, 2013 to pursue and implement refugee policies consistent with Korea's growing role on the world stage.
- The year 2013 has been especially meaningful for the Republic of Korea, as we have been elected as the Chair nation of the Executive Committee of the High Commissioner's Programme (ExCom), and are therefore shouldering greater responsibility in the arena of global refugee policy.

- In accordance with the Refugee Act of Korea, aliens who fall within the refugee definition will, upon their application, be recognized as refugees after undergoing evaluation by Refugee Status Determination (RSD) officers. Once recognized, the refugees are entitled to treatment specified under the Refugee Act and protection pursuant to the Refugee Convention.
- Moreover, the Refugee Act of Korea guarantees the right to appeal in case of the denial of the application, while allowing applicants to stay in Korea during appeal procedures by providing them with refugee applicant status.
- Under the Refugee Act, aliens can apply for refugee status at ports of entry as well as Immigration Offices, Immigration Branch Offices, and Immigration Detention Centers. Applicants are entitled to receive assistance from an attorney during their RSD procedures, be accompanied by a trusted person in interviews, and receive interpretation service from qualified interpreters.
- Under the law, recognized refugees are entitled to social security and basic living security services, and may receive social integration training to help their integration. Their academic credentials and qualifications earned abroad may also be partially or fully recognized here in Korea. The spouse and minor children of recognized refugees are also entitled to receive permission to enter Korea.
- Humanitarian status holders are now eligible to receive permission to engage in employment activities, while refugee status applicants may receive support such as living expenses, access to residential facilities, medical services and access to primary and secondary education.
- Moreover, the Ministry of Justice has recently established and is operating a refugee support center to provide refugee applicants with better support for their initial settlement and livelihood, as well as to embrace smoother social integration of recognized refugees.

Rights and Treatment of Recognized Refugees



“A person who is recognized as a refugee (hereinafter referred to as a ‘recognized refugee’)” is an alien who is recognized as a refugee pursuant to the Refugee Act.

1. F-2 Resident Visa and Permission for Employment

- As a recognized refugee, you will be given an F-2 Resident visa, which grants stable status of stay in the Republic of Korea. You may also freely work in a place where employment of recognized refugees is not prohibited.

2. Issuance of Refugee Travel Document and Exemptions of Re-Entry Permit

- You may receive a Refugee Travel Document to travel outside Korea. The document enables multiple (or unlimited) entries to Korea without obtaining an additional permit within its validity period.

3. Permission for Family Reunification for the Spouse and Minor Children

- Your spouse and underage children may enter and stay in Korea after obtaining a C-3 Short-term General visa at a Korean diplomatic mission overseas. In accordance with the Principle of Family Unity, your spouse and minor children may be recognized as refugees as well.

4. Guarantee of Social security at the same level as for Korean citizens in accordance with the Frame Work Act on Social Security

5. Allowances pursuant to the National Basic Living Security Act (If, eligible)

- ※ If you do not have a person who has a legal duty to support you, or even if you do have one, he/she does not have the ability to support you or he/she does not provide you with support while you earn less than the guaranteed minimum income, you may apply for financial support for livelihood, residence, medical care, education and others at the community service office of the Eup/Myeon/Dong in the area of your residence.

6. Health Insurance Benefits Pursuant to the National Health Insurance Act

- ※ You can receive health insurance benefits as a district subscriber in Korea. Please find more information at the National Health Insurance Cooperation Website (www.nhis.or.kr).

7. Medical Care Services in accordance with the “Medical Care Service Support Project for Marginalized People Including Migrant Workers”

- If you are not eligible to enjoy the benefits of medical services under the current medical social security systems (e.g. health insurance or medical care allowances), the Ministry of Health and Welfare may provide you with financial support for hospitalization and surgery whenever your circumstance requires such treatments.

8. Elementary and Secondary Education

- If you and/or your children are less than 19 years old, you and/or your children can receive the same level of primary and secondary educations as Korean citizens; Depending on your age, learning ability or educational circumstances, you may be able to receive financial support for admission/tuition fees in accordance with the Elementary and Secondary Education Act.

9. Social Integration Program including Korean language classes

- If you complete the social integration program step by step according to your proficiency in Korean, you may enjoy a few benefits including an interview exemption when acquiring Korean nationality.
 - ※ Please find more information at the Immigration and Social Integration Network website (www.socinet.go.kr), or call the Korea Immigration Integration Program Centers (KIIP Centers).

10. Vocational Training Pursuant to the Act on the Development of Workplace Skills of Workers

- ※ Please find more information at the Human Resources Development Service of Korea website (www.hrdkorea.or.kr).

11. Recognition of Academic Credentials and Qualifications Obtained Abroad

- ※ An official confirmation from the Korean Consulate (or the Consulate General) in your country of nationality, or via Apostille, etc., is required for the recognition of your academic credentials or qualifications acquired abroad.

Rights and Treatment of Humanitarian Status Holders



“A person who is given permission to stay on humanitarian grounds (hereinafter referred to as a ‘humanitarian status holder’)” refers to an alien to whom the category of refugees does not apply but for whom there are reasonable grounds to believe his/her life or personal freedom may be egregiously violated by torture or other inhumane treatment or punishment or other circumstances.

1. Permission to stay in Korea until the circumstances connected to the humanitarian status recognition ceases to exist

※ You will be given a G-1 Miscellaneous visa, and you can apply for the extension of stay for up to 1 year per application.

2. No forcible return to the country of origin or country of habitual residence

3. Permission to Work with a “comprehensive employment activity permit”

- If you wish to work in a non-professional field, you may do so, for the maximum of one year within the authorized period of stay, without an obligation to designate a workplace after obtaining permission for “comprehensive activities beyond your given status”.

※ Required Document: Application (Annex No. 34), passport, Alien Registration Card, No fee.

- You are allowed to work in any place except those listed on Prohibited Places for Employment (Please see the table below). However, if you wish to work in a field which requires professional skills, you are required to meet the conditions specified in the Immigration Control Act.



Prohibited Places for Employment

- ▶ Working in a place where speculative and gambling businesses are conducted as specified in subparagraph 1 of Article 2(1) of the Act on Special Cases concerning Regulation and Punishment of Speculative Acts, etc., and Article 2 of the Enforcement Decree thereof.
- ▶ Working as an employee who entertains guests in a place of business which is considered a singing bar or an entertainment bar under Article 36 of the Food Sanitation Act and subparagraph 8 of Article 21 of the Enforcement Decree thereof.
- ▶ Working in a business which may be prejudicial to good public morals and which falls under the category of the businesses negatively affecting public morals, as prescribed by Article 2 of the Act on the Regulation of Amusement Businesses Affecting Public Morals and Article 2 of the Enforcement Decree thereof.
- ▶ Other activities crossing the boundary of expected conducts of refugee status applicants, or areas where the Minister of Justice deems it necessary to prohibit employment activities of refugee status applicants.

- You may change your workplace freely within the authorized duration of stay. However, if such changes occur, you must report your employment circumstance(s) via online (Hi-Korea website) within 15 days of the date you started work for a particular individual, agency, or organization, or, the date you changed the workplace. (Please fill out and submit the Confirmation on Employment of Humanitarian Status Holder)

4. Access to Assistance Services, including Residence, Medical Care, Education, Fitness, Counseling, and others, provided by a Refugee Support Center

5. Access to Medical Care Services Provided in accordance with the “Medical Care Service Support Project for Marginalized People including Migrant Workers”

- If you are unable to receive medical benefits, such as health insurance, medical aids and others, under the current healthcare system, you may receive the financial support for your medical care expenses for a hospitalization and surgery regardless of the number of support requests you have made in the past.

6. Guarantee of the same treatments as refugee status applicants

- You may enjoy the same level of benefits, such as access to residential facility, medical support and guarantee of education, etc., as the refugee applicants, as prescribed by the Refugee Act.

Rights and Treatment of Refugee Status Applicants



“A person who has applied for refugee status” (hereinafter referred to as a “refugee status applicant”) refers to an alien who has filed a refugee status application and to whom any of the following applies:

- A. The person’s refugee status application is being examined under the refugee status determination procedure;
- B. The person’s refugee status application was rejected or the person’s appeal against the denial of refugee status was dismissed, and the filing period for an appeal, administrative appeal or administrative litigation concerning the decision has not expired; or
- C. The person’s administrative appeal or administrative litigation concerning the denial of refugee status is ongoing.

1

Procedural Rights

1. You have the right to receive the assistance of an attorney
2. You have the right to bring and be seated with a trusted individual during your refugee interview provided that the presence of this person does not interfere with the fairness of the interview.
3. You have the right to request interpretation services from a professional refugee interpreter of the same sex or other qualified individuals.
4. You have the right to confirm your refugee interview record in a language you understand.
5. You have the right to request access to or copy of your refugee record and the relevant materials submitted by you.

※ Fee: 500\per disclosure / 50\per page of copy

2 Treatment during Stay

1. Permission to stay in Korea until the determination procedure for your refugee application is over.

Please refer P.24 for information on permission to stay

- If you submit a written application for refugee status to the immigration office with jurisdiction over your place of stay, you will be allowed to stay in Korea for 6 months on a G-1 visa. Once the extension of stay is granted, you will be allowed to stay in Korea until the Refugee Status Determination (RSD) procedures on your case are completed.

2. Support for living expenses, etc

- If you wish to receive financial aids for your living expenses and others, you need to submit a written Application for Living Expenses, etc., to the head of immigration office or branch office with jurisdiction over your place of stay, or where you filed refugee status application. Once you are found eligible, you will receive the financial support for 6 months from the date you submitted your refugee status application (the payment will start after your application for living expenses support. It will not apply retroactively).

3. Permission to work (Pre-permission required) Please refer p.25

- If the RSD procedures on your case have not been completed even after 6 months of your application, you may work during your authorized stay. To this end, you need to find a workplace first, and then apply for permission for activities beyond your given status. However, when you change your workplace, you need to apply for permission before the change takes place.

4. Residential support

- If eligible, you may be provided with a place to stay within a refugee support center for the maximum period of 6 months.

5. Financial support for a health check-up required for the refugee status application

6. Access to Medical Care Services under the “Medical Care Support Project for Marginalized People including Migrant Workers”

- If you are unable to receive medical benefits, such as health insurance, medical aids and others, under the current healthcare system, you may receive the financial support for your medical care expenses for a hospitalization and surgery regardless of the number of support requests you have made in the past.

7. Elementary and secondary education

- If you and/or your children are less than 19 years old, you and/or your children can receive the same level of primary and secondary educations as Korean citizens.

Guidelines for Living Expenses Support for Refugee Status Applicants

01

What is 'Living Expenses Support' program?

It is a monthly financial support program provided by the Korean Government (the Ministry of Justice) for certain period of time to support the living expenses of the refugee status applicants who are in the process of the refugee status determination.

02

Who can apply?

Refugee status applicants can apply for living expenses support.

03

When to apply?

Refugee status applicants can apply for living expenses supports within 6 months from the application submission date for recognition of refugee status.



- 1) After 6 months from the application submission date for recognition of refugee status, the application for living expenses support will not be accepted.
- 2) Living expenses is paid only for 6 months from the application submission date for refugee recognition. Therefore, it is advised that refugee status applicants, if they can, apply for living expenses support when they apply for refugee recognition.

04

Where to apply?

Please submit following documents at Immigration Office or Immigration Branch office in Korea

※ Residents of Immigration Reception Center (referred to as "Center" hereinafter) can submit the documents to the Center.

1. Completed Application for Living Expenses and Other Assistance form
2. Confirmation Page
3. Passport or Alien Registration Card (Receipt of Refugee Status Application for applicants with no passport or registration card)
4. A copy of bank account book under the applicant's name issued in Korea (If a minor, a copy of bank account book of a legal representative)

※ If an applicant has any dependent or disease, the applicant may be asked to file related documents to prove it.



05

How much will be paid?

The amount of living expenses support will depend on ① whether the applicants are residents or non-residents of the Center. It will be ② paid for 6 months from the application submission date for recognition of refugee status, not from the application submission date for living expenses support.

As of 2014, per person

Non-resident of the Center	Resident of the Center
KRW 382,200	KRW 267,540

※ Applicants for family refugees can apply for living expenses of each individual, but the paid amount may be different.

06

How will it be paid?

The persons who will receive living expenses support will be selected every month among applicants, and monthly living expenses will be paid through bank transfer to the submitted bank account.

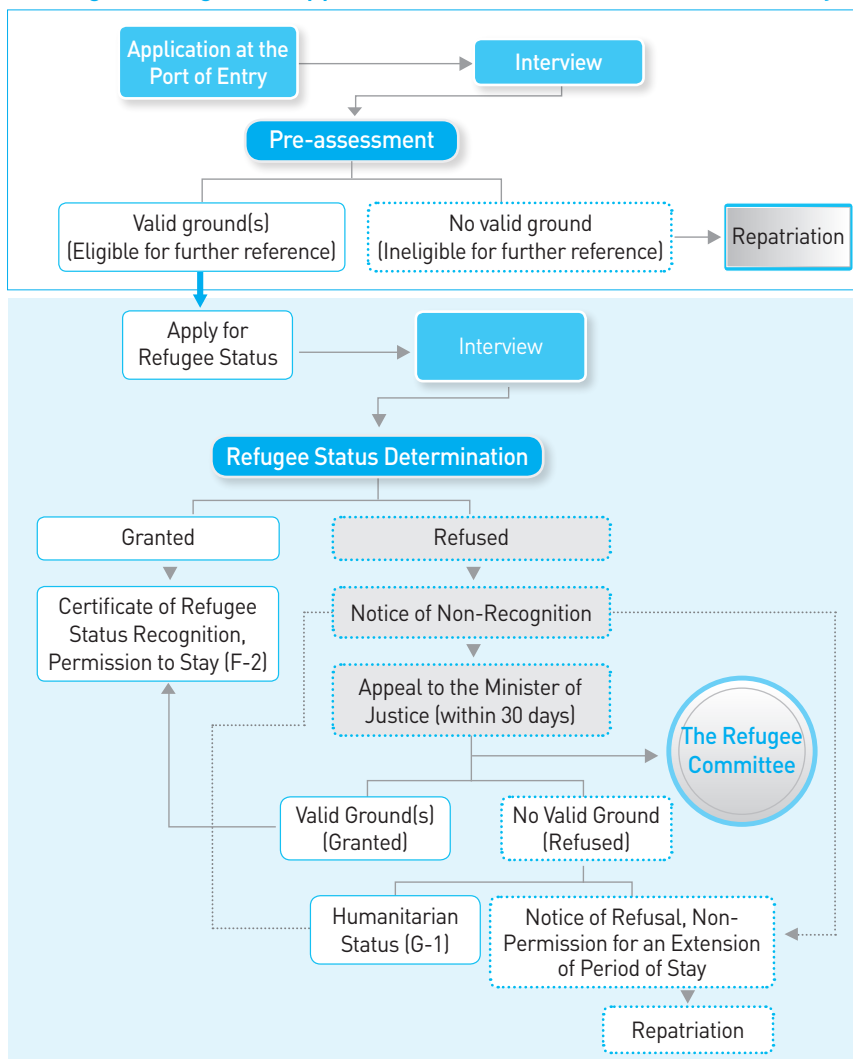
※ The list of selected applicants for living expenses support will be posted on 'Information – Useful Information' section of KIS website (<http://immigration.go.kr>). Selected applicants will also receive text messages on their mobile phone.



Refugee Status Determination Procedures

1 Applying for Refugee Status at Ports of Entry

〈Refugee Recognition Application and Procedures at a Port of Entry〉



(1) Who can apply?

- An alien arriving at a border port-of-entry (airport, or sea), who wishes to enter or land in the territory of the ROK.

(2) When to apply?

- You can submit a written Application for Refugee Status Recognition during the entry inspection.

(3) Where to apply?

- You need to submit your application to the immigration office or branch office with jurisdiction over the port of entry.

(4) Determination on referral

- An individual who applied for refugee status at the port of entry must go through the pre-screening assessment. The assessment will determine whether or not your application should be referred to the refugee status determination procedure.
- The Chief of an immigration office or a branch office (hereinafter referred to as the “Office Chief” or the “Branch Chief”) at the port of entry will decide whether to refer your application to RSD procedures within 7 days.
- The Office Chief or Branch Chief may not refer a refugee status applicant to refugee recognition review procedures, if a person falls under any of the following subparagraphs:



Grounds for Non-referral

- ▶ When there are substantial grounds to regard the person as a danger to the safety and public order of the Republic of Korea;
- ▶ When the person's identity cannot be verified due to such person's refusal to comply with inquiries concerning personal profiles, etc.;
- ▶ When the person attempts to obtain refugee status by knowingly concealing facts including, but not limited to, by submitting a false document. However, this shall not apply if the person voluntarily reports such facts without delay;
- ▶ When the person came from a safe country of origin or a safe third country, in which little possibility of persecution exists;
- ▶ When the person, whose refugee application has been denied or whose refugee status has been terminated, reapplies for such status without a material change of the circumstances;
- ▶ When there are substantial grounds to regard any of the subparagraphs of Article 19 of the Act as applying to the applicant; or
- ▶ When the person's basis for applying for refugee status is found to be clearly groundless, including, but not limited to, when the application was made solely for economic reasons.

(5) Procedures after referral

- When your application is referred to the RSD procedures, a Receipt of Refugee Application will be issued. Once the referral is granted, you will be given a status as a refugee applicant.
- The Office Chief, etc., will conduct the entry inspection and provide you with a permit of entry if deemed eligible for referral. The officer may provide the entry permit which authorizes 90 days of stay, on conditions which include your appearance for RSD procedures, etc.
- Once you enter Korea, you are required to complete an Alien Registration at the immigration office with jurisdiction over your place of residence within 90 days of entry.

- The Refugee Status Determination (RSD) procedures will be conducted by RSD officers at the immigration office with jurisdiction over your place of stay.

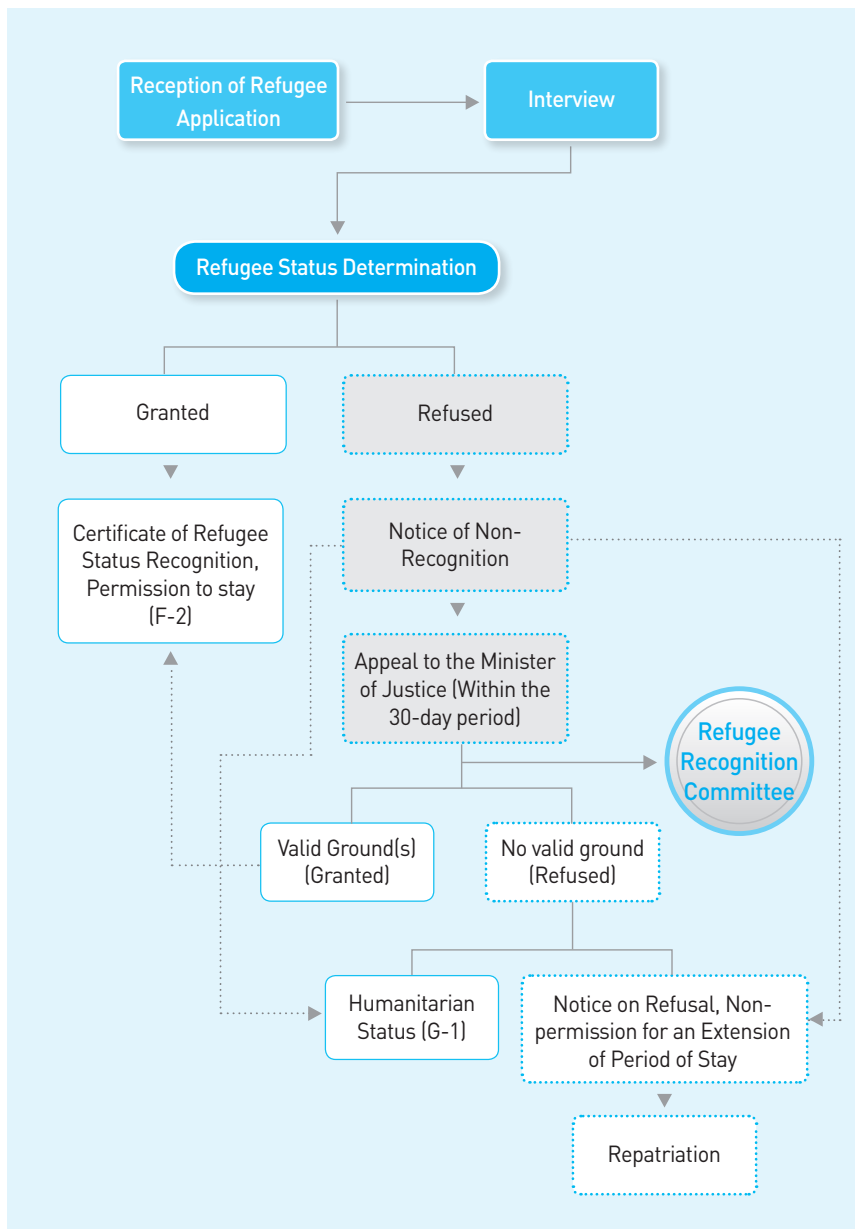
Please refer p.23 for locations of immigration offices

For Recognized Refugees, Humanitarian Status Holders, and Refugee Status Applicants



2 Applying for Refugee Status during Stay in Korea

〈Application for Refugee Status and Asylum Procedures〉



(1) Who can apply?

- An alien staying in the Republic of Korea (ROK).

(2) When to apply?

- You must apply for refugee status while you are staying in Korea.

(3) Where to apply?

- You can apply at an immigration office, immigration branch office or an immigration detention center in Korea.

[Go to p.36 for more details on immigration offices in Korea](#)

- The Office Chief or other immigration officer, who receives your refugee status application, will issue an application receipt.

(4) How to apply?

- If you wish to apply for refugee status, you need to submit a written Application for Refugee Status Recognition to the immigration office or the branch office with jurisdiction over your place of stay.
- If you are a minor under the Civil Act of the ROK, or you are unable to submit the application yourself due to sickness or other unavoidable circumstances, your parent, spouse, child, relative, or lawyer may apply for refugee status on your behalf.

(5) What to prepare?

Required documents

If you wish to apply for refugee status, you need to submit all the following documents:

- An Application for Refugee Status Recognition;
 - ※ If you cannot fill out your application form due to illiteracy or disabilities, the immigration officer, who receives your application, may help you fill out the form. Both you and the official must sign or name and seal on the document.
 - ※ The Application for Refugee Status Recognition form is available at receptions of immigration offices and at the Hi-Korea website (Click “Forme” at the upper right corner of the screen).

- One copy of supplementary document proving that you are a refugee (including your written statement);
- Your identification photo (must satisfy the conditions below).



Identification Photo Format, etc

- ▶ Must be in color.
- ▶ 3.5cm wide×4.5 cm high and sized so the height of the head measures between 2.5cm and 3.5cm from the bottom of the chin to the top of the head.
- ▶ Taken in front of a plain white or off-white background.
- ▶ Taken within last 6 months from the application date.
- ▶ Taken in full-face view directly facing the camera.
- ▶ No accessories that cover parts of the face including sunglasses or a hat/cap
However, people with disability (i.e. blind persons) are permitted to wear such accessories for medical purposes.

• One Copy of Your Health Examination Report

- ※ You must submit a health examination report which includes the test results of tuberculosis, syphilis, and Acquired Immune Deficiency Syndrome(AIDS). The Minister of Justice may provide support for the relevant medical cost.

Required documents

- A registered foreigner: Passport and the Alien Registration Card. If any of them is not available, a written statement explaining the reason for unavailability.
- A person of conditional admission or of temporary refugee landing: respective permission documents.

(6) Note : Submission of translated documents

- If the documents (including your statement) are written in a language other than Korean or English, you need to enclose the translated version of the documents to the original texts.

- Refugee Status Determination (RSD) Procedures are conducted based on the materials submitted by the person who filed for the refugee status application. Therefore, you need to prove your refugee claims via supplementary evidence and/or statements.
- During RSD procedures, RSD officers will interview you and conduct factual investigations based on your claim. The decision will be made within 6 months of the date the application was received.
- However, the procedures may be extended for up to additional 6 months due to unavoidable circumstances.
 - ※ Currently, the Minister of Justice operates 8 main immigration offices where RSD officers are dispatched, in order to perform interviews and factual investigations on refugee claims received at jurisdictional immigration offices and branch offices.

Main Immigration Offices	Immigration Offices and Branch Offices
Incheon Airport	Incheon Airport
Seoul	Seoul, Southern Seoul, Incheon, Suwon, Yangju, Gimpo, Daejeon, Chuncheon, Cheongju (Branch Office) Sejong-no, Ansan, Pyeongtak, Osan, Seosan, Cheonan, Goyang, Donghae, Sokcho, Goseong
Busan	Busan, Daegu, Gimhae, Ulsan, Changwon (Branch Office) Gamcheon, Gumi, Pohang, Tongyeong, Sacheon, Geoje
Gwang-Ju	Gwangju, Jeonju (Branch Office) Mokpo, Gunsan
Jeju	Jeju
Hwaseong Immigration Detention Center	Hwaseong Immigration Detention Center
Cheongju Immigration Detention Center	Cheongju Immigration Detention Center
Yeosu	Yeosu (Branch Office) Gwangyang

(1) Grant of status of stay, a change of status

- You may receive a G-1 Miscellaneous visa or, change your status to G-1 at the immigration office, or branch office with jurisdiction over your place of residence.
- ※ Required Documents: A written application (Annex No. 34), the receipt of refugee status application, an identification photograph, passport (if your passport is not available, a written statement explaining the reasons for unavailability is required), proof of place of residence, fee.

(2) Extension of stay

- You may apply for the extension of stay at the Immigration office or branch office with jurisdiction over your place of residence (the authorized duration of stay may be extended for up to 6 months per application), if:
 - ▶ Your RSD procedure has not been completed within the permitted period of stay;
 - ▶ Your visa expires during the preparation period for appeal, or before you receive the decision on your appeal.
 - ▶ Your visa expires during the preparation period for an administrative appeal or before the completion of the administration appeal.

※ Required documents: Application form (Annex No.34), Alien Registration Card, Proof of place of residence. No fee.

(3) Report of the change of place of stay

- If a refugee applicant, who is a registered alien and legally staying in Korea on the G-1 visa, changes the place of stay, he/she needs to submit a “Move-In Report” to the head of the city, region or district (Si, Gun, Gu) or to the immigration office or branch office within 14 days of the date he/she changed the place.

(1) Who can apply?

- If a refugee status applicant falls under the category below, he/she may work in the ROK as he/she wishes. To this end, the person shall find a workplace first within the permitted period of stay and then apply for permission for activities beyond his/her given status at the immigration office or branch office with jurisdiction over his/her place of stay (for up to maximum 6 months).

- ▶ 6 months have passed since the person applied for refugee status application; or
- ▶ The Office Chief, etc., deems it necessary for the applicant to work to support his/her dependant family members who do not have abilities to work due to disabilities, or other reasons.

(2) Required documents

- A written application (Annex. No. 34), passport, alien registration card, written employment contract, a copy of business license, no fee.

(3) Matters regarding permission

- When you obtained permission for activities beyond the given status of stay, the immigration officer will provide you with a permission stamp (contains permitted activity and duration) on your passport. If necessary, you may receive permission in writing.

(4) Permitted areas of employment

- You may work in areas for unskilled workers where your employment activity is not prohibited. However, if you wish to work in an area which requires professional skills, you must meet the criteria regulated by the Immigration Control Act and its regulations, and obtain permission for activities beyond your given status of stay.
- When your workplace is changed, you must re-obtain permission to activities beyond your given status of stay prior to the start the work.



Prohibited Places for Employment

- ▶ Working in a place where speculative and gambling businesses are conducted as specified in subparagraph 1 of Article 2(1) of the Act on Special Cases concerning Regulation and Punishment of Speculative Acts, etc., and Article 2 of the Enforcement Decree thereof.
- ▶ Working as an employee who entertains guests in a place of business which is considered a singing bar or entertainment bar under Article 36 of the Food Sanitation Act and subparagraph 8 of Article 21 of the Enforcement Decree thereof.
- ▶ Working in a business which may be prejudicial to good public morals and which falls under the category of the businesses negatively affecting public morals, as prescribed by Article 2 of the Act on the Regulation of Amusement Businesses Affecting Public Morals and Article 2 of the Enforcement Decree thereof.
- ▶ Other activities crossing the boundary of expected conducts of refugee status applicants, or Freas where the Minister of Justice deems it necessary to prohibit employment activities of refugee status applicants.

(5) Punishments for those who violated the conditions for permission of employment

- If you who obtained permission to stay as a refugee status applicant are exposed while working illegally within the permitted period of stay, punishments/penalties may be imposed as stated in the following.
 - First count : permission to stay after an exempted notification disposition(submit 'Certificate of Legal Compliance')
 - Second count : permission to stay after a notification disposition
 - Third count : criminal charge

(1) Voluntary withdrawal of refugee status application

- If an applicant wishes to withdraw his/her refugee application due to any of the following reasons below, the person needs to submit a written Request for Withdrawal of Refugee Status Application to an immigration office, a branch office or a detention center in Korea:

- ▶ The person voluntarily determines that he/she is no longer in need of refugee recognition anymore due to change of circumstance in the country of origin, including the cause of persecution has been resolved;
- ▶ The person voluntarily gives up his/her refugee recognition application and decides to return to his/her country due to unavoidable circumstances including illness of family, etc.;
- ▶ The person wishes to withdraw the refugee status application, as he/she has changed his/her status to another, such as an F-6 A Spouse of a Korean National, etc.; or
- ▶ The person has other changes in circumstances other than those listed above, which renders the person impossible to stay in Korea.

(2) Termination of RSD procedures

- RSD procedures may be terminated if:

- ▶ The person fails to respond to requests to appear for interviews, etc., for 3 or more consecutive times;
- ▶ The person's whereabouts are unknown (including the time when "a service by public notification" is unanswered);
- ▶ The authorized duration of stay expires after the refugee status applicant departed;
- ▶ The person acquires a Korean nationality; or
- ▶ It deems necessary due to a compelling reason, including the death of the person, etc.

7

Issuance of the Certificate of Recognized Refugees

- Once recognized as a refugee, you will receive a Certificate of Refugee Status Application from an immigration office which granted your status.
 - ※ Other immigration offices or branch offices can also issue the certificate.
- Please show this certificate if requested to prove your refugee status when you receive treatments and rights as a refugee.

8

Permission to Stay for Recognized Refugees

- Once recognized as a refugee, you need to change your visa to a F-2 Resident or acquire a status of stay from the immigration office with jurisdiction over your place of stay.
 - ※ Required Documents: Certificate of Refugee Status Recognition, a written Application (Annex No.34), and an identification photo, passport (if not available, statement explaining the reasons), proof of residence, fee.
 - ※ The issuance of Alien Registration Card may take 2-3 weeks depending on the circumstance of the immigration office.
- You may stay in Korea for an extended period of time until the circumstance related to your refugee status ceases to exist (Application for the Extension of Stay is required).

9

Issuance of the Notice on Non-Recognition of Refugee

- If your application for refugee status is denied, you will receive a Notice on Non-Recognition of Refugee Status from the immigration office where the decision was made.
 - ※ Other immigration offices or branch offices can also issue the notification.
- If your application for refugee status is denied, you may file an appeal within 30 days of the date you received a “Notice on Non-Recognition of Refugee Status”.
 - ※ Other immigration offices or branch offices will also accept your application.

Go to p.31 for more details regarding the appeal

10

Limitation on Refugee Recognition

- An application for refugee status can be denied, if:
 - ▶ The applicant is currently receiving protection or aids from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (UNHCR);
 - ▶ The applicant has committed a crime against peace, a war crime or a crime against humanity, as defined in international conventions or generally recognized international rules;
 - ▶ The applicant has committed a serious non-political crime outside the Republic of Korea prior to his/her admission into the Republic of Korea; or
 - ▶ The applicant has been guilty of acts contrary to the purposes and principles of the United Nations.

11

Cancellation and Withdrawal of Refugee Status Recognition

(1) Cancellation of Refugee Status Recognition

- The Minister of Justice may cancel or withdraw the decision to recognize refugee status if the person became a recognized refugees.
 - ▶ by submitting false documents;
 - ▶ by making false statements; or
 - ▶ by concealing facts.

(2) Withdrawal of Refugee Status Recognition

- The Minister of Justice may withdraw the decision to recognize refugee status, if the person:

- ▶ has voluntarily re-availed him/herself of the protection of the country of his/her nationality;
- ▶ having lost his/her nationality, has voluntarily re-acquired it;
- ▶ has acquired a new nationality, and enjoys the protection of the country of his/her new nationality;
- ▶ has voluntarily re-established him/herself in the country which he/she left or outside which he/she remained owing to fear of persecution;
- ▶ because the circumstances connected to his/her recognition as a refugee have ceased to exist, can no longer continue to refuse to avail him/herself of the protection of the country of his/her nationality; or
- ▶ has no nationality and, because the circumstances in connection to his/her recognition as a refugee have ceased to exist, he/she is able to return to the country of his/her former habitual residence.

(3) After cancellation or withdrawal of refugee status recognition

- When the Minister of Justice cancels the decision to recognize refugee status, a Notice on the Cancellation/Withdrawal of Refugee Status Recognition will be issued to the recognized refugee or his/her representative, and the Certificate of Refugee Status Recognition will be recollected by government.
- A person who receives a Notice on the Cancellation/Withdrawal of Refugee Status Recognition may file an appeal against the decision within 30 days of the date he/she received such notification (Please refer to p26 for more details regarding appeals). [Please refer to p.31 for more details regarding appeals](#)

Appeal

1 Appeals Process

(1) Who can apply?

- A person to whom any of the followings applies may file an appeal to the Minister of Justice.

- ▶ The alien who received a Notice on Non-Recognition of Refugee Status; or
- ▶ The alien who received a Notice on the Cancellation, Withdrawal of Refugee Status Recognition

(2) When to apply?

- You may file an appeal to the Minister of Justice within 30 days of the date you received a Notice on Non-Recognition of Refugee Status or, a Notice on the Cancellation/Withdrawal of Refugee Status Recognition from the Office Chief, Branch Chief or Chief of Immigration Detention Centers (hereinafter Center Chief).

(3) Where to apply?

- You can file an appeal to the immigration office or branch office with jurisdiction over your place of stay.
 - ※ Other immigration offices or branch offices will also accept your application.
- An appeal filed by your representative will also be accepted.

(4) Required documents

- A written Application for Appeal (attached by materials explaining the grounds for appeal).

2

Review by the Refugee Committee

- The Refugee Committee established under the Ministry of Justice is in charge of appeal reviews.
- The Refugee Committee will consist of lawyers, college/university professors, and experts who have expertise and experiences regarding refugee work.

3

Decision by the Minister of Justice

- The Minister of Justice will, upon examining and deciding whether to recognize the applicant of an appeal as refugee, notify the decision to the Office Chief, Branch Chief or Center Chief with jurisdiction over the place of stay of the applicant.

(1) Issuance of the Certificate of Refugee Status Recognition and Permission to Stay

- If the applicant's appeal is found to have merit, the jurisdictional immigration office, branch office, Immigration Detention center will issue a "Certificate of Refugee Status Recognition" to you.
- If the person, who received the notice of recognition of refugee status, submits the certificate of refugee recognition, a written application (Annex No. 34), and one copy of identification photo, passport, and fee to the head of the immigration office with jurisdiction over his/her place of stay, he/she will be given an alien Registrar card which allows him/her to stay in Korea for up to 3 years on an F-2 visa.
 - ※ The issuance of Alien Registration Card may take 2-3 weeks depending on the circumstance of the immigration office.
- If deemed necessary, a recognized refugee may stay in Korea for an extended duration, upon request, until the circumstance in connection to his/her status ceases to exist.

(2) Issuance of Disapproval Notice on an Appeal

- When the Minister of Justice finds that an appeal has no merit, a “Disapproval Notice on an Appeal” will be issued to the applicant by an immigration office, branch office, or immigration detention center.
- A person whose appeal is dismissed, may lodge an administrative litigation within 90 days of the date he/she is notified with the decision, or within a year of the date the dismissal was executed. During the litigation period, he/she may, as a refugee status applicant, apply for the extension of stay to the immigration office or branch office with jurisdiction.

Refugee Travel Document

1 Who can apply?

- If an alien who is a recognized refugee wishes to travel abroad, the refugee him/herself may apply for an issuance of a refugee travel document to an immigration office, or a branch office with jurisdiction over his/her place of stay.
- However, if the person who files for the travel document is a minor under the Civil Act or cannot file him/herself due to illness, etc., his/her parent, spouse, children or relatives may apply for the document on behalf of him/her.

2 Required Documents

(1) Documents

- Application for the Issuance of a Refugee Travel Document.
 - ※ The Application form is available at the reception counter of an Immigration offices and at the Hi-Korea website (Click “Form” at the upper right corner of the webpage)
- An identification photo.



Identification Photo Format, etc

- ▶ Must be in color.
- ▶ 3.5cm wide×4.5 cm high and sized so the height of the head measures between 2.5cm and 3.5cm from the bottom of the chin to the top of the head.
- ▶ Taken in front of a plain white or off-white background.
- ▶ Taken within last 6 months from the application date.
- ▶ Taken in full-face view directly facing the camera.
- ▶ No accessories that cover parts of the face including sunglasses or a hat/cap
However, people with disability (i.e. blind persons) are permitted to wear such accessories for medical purposes.

- Fee: 10,000 Won (in Revenue Stamp).

(2) Required documents

- Certificate of Refugee Status Recognition or Alien Registration Card.

3 Valid Period /Reissuance of Refugee Travel Document

- The validity of a refugee travel certificate is two years, and it may be extended up to a maximum of 1 year. However, as the document is now issued in the electronic passport format, the extension of validity is currently not available (Relevant laws are under revision to extend the period to 3years).
- The number of entry is irrelevant within the validity period. Therefore, you are not required to obtain re-entry permission until the validity date expires.
- The Minister of Justice may, if it deemed particularly necessary, limit the validity period of re-entry from 3 months to less than 1 year; as a result, if your date of re-entry is designated, you must enter the ROK before the designated re-entry date regardless of the remaining validity period of your travel documents.
- If a recognized refugee cannot enter Korea within the expiration date of refugee travel document due to a compelling reason including illness, etc., he/she may extend the valid period of document for up to 6 months. You need to submit the following documents to the head of a Korean diplomatic mission abroad.
 - ※ Required Documents: application for an extension of valid period of refugee travel document, a statement explaining the reasons.
- If your refugee travel document is lost or damaged, you may submit the following documents, within 14 days of the date of occurrence, to the head of a jurisdictional immigration office, branch office or Korean diplomatic mission abroad for re-issuance: the identification photo, a written application for re-issuance of Refugee Travel Document, and a written statement explaining a reason for re-issuance.

Immigration Offices, Immigration Branch Offices, Immigration Detention Center in Korea

Name of the Office	Address	Contact No.
Incheon Airport Immigration Office	272, Gonghang-ro, Jung-gu, Incheon	032-740-7015-7,9
Seoul Immigration Office	151, Mokdong-ro, Yangcheon-gu, Seoul	02-2650-6212
	4th F 401, 93, Mokdongnam-ro, Yangcheon-gu, Seoul	02-2650-6399
Busan Immigration Office	20 Chungjang-daero, Jung-gu, Busan	051-461-3091-5
Incheon Immigration Office	393 Seohae-daero, Jung-gu, Incheon	032-890-6300
Suwon Immigration Office	39 Bandal-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do	031-695-3800
Southern Seoul Immigration Office	151 Mokdongdong-ro, Yangcheon-gu, Seoul	02-2650-4631
Gimhae Immigration Office	108, Gonghangjinip-ro, Gangseo-gu, Busan	051-979-1300
Jeju Immigration Office	277, Imhangro, Jeju-si, Jeju-do	064-723-3494
Daegu Immigration Office	71, Dongchon-ro, Dong-gu, Daegu	053-980-3505
Daejeon Immigration Office	7, Mokjung-ro, 26 beon-gil, Jung-gu, Daejeon, Korea	042-220-2001
Yeosu Immigration Office	265, Museon-ro, Yeosu-si, Jeollanam-do	061-689-5518
Yangju Immigration Office	23, Pyonghwa-ro, 1475 beon-gil, Yangju-si, Gyeonggi-do	031-828-9303
Ulsan Immigration Office	2nd F, Samho Building, 86, Dotjil-ro, Nam-gu, Ulsan	052-279-8000
Gimpo Immigration Office	38, Haneul-gil, Gangseo-gu, Seoul, Korea	02-2664-6202
Gwangju Immigration Office	22, Sangmu-daero 911 beon-gill, Gwangju	062-605-5207
Changwon Immigration Office	30, Je2 budu-ro, Masanhappo-gu, Changwon-si, Gyeongsangnam-do	055-981-6000
Jeonju Immigration Office	857, Dongbu-daero, Deokjin-gu, Jeonju-si, Jeollabuk-do	063-245-6164
Chuncheon Immigration Office	12 Saam-gil, Dongnae-myon, Chuncheon-si, Gangwon-do	033-244-7351
Cheongju Immigration Office	52, Biha-ro, 12 beon-gil, Heungdeok-gu, Cheongju-si, Chungcheongbuk-do	043-230-9000
Incheon Airport Immigration Office Seoul Station Branch Office	2nd basement level, Seoul Station, 405, Hangang-daero, Yongsan-gu, Seoul	02-362-8432
Incheon Airport Immigration Office	53, Assem-gil, Gannam-gu, Seoul	02-551-6923
Seoul Immigration Office Sejong Branch Office	2,3F Seoul Global Center, 38 Jong-ro, Jongno-gu, Seoul	02-731-1799
Busan Immigration Office Gamcheon Branch Office	11th F, Hoegwandong, 25 Wonyang-ro, Seo-gu, Busan	051-254-3917

Name of the Office	Address	Contact No.
Incheon Immigration Office Ansan Branch Office	96, Gwangdeok 4-ro, Danwon-gu, Ansan-si, Gyeonggi-do	031-364-3700
Suwon Immigration Office Pyeongtaek Branch Office	86, Pyeongtaekhangman-gil, Poseung-eup, Pyeongtaek-si, Gyeonggi-do	031-683-6937
Suwon Immigration Office Osan Branch Office	5, San Sinjang-dong, Pyeongtaek-si, Gyeonggi-do. (within K-55 area)	031-666-2677
Daegu Immigration Office Gumi Branch Office	2nd, and 3rd F of Gumi Business Support Center, 3570-27, Gumi-daero-Gumi-si, Gyeongsangbuk-do	054-459-3505
Daegu Immigration Office Pohang Branch Office	135,Woochangdong-Ro,Buk-gu, Pohang,Gyeongsangnam-do	054-247-5363
Dajeon Immigration Office Seosan Branch Office	6th F, Seorim building, 28, Eumnae 3-ro, Seosan-si, Chungcheongnam-do	041-681-6181
Daejeon Immigration Office Cheonan Branch Office	403 Chungnam Northern CCI, 215, Gwanjang-ro, Sebuk-gu, Cheonan-si, Chungcheongnam-do	041-621-1347
Yeosu Immigration Office Gwangyang Branch Office	23, Jungdong 2-gil, Gwangyang-si, Jeollanam-do	061-792-1139
Yangju Immigration Office Goyang Branch Office	16, Hwajung-ro, 104 beon-gil, Deogyang-gu, Goyang-si, Gyeonggi-do	031-960-9310
Gwangju Immigration Office Mokpo Branch Office	26, Baengnyeong-daero, 412 beon-gil, Mokposi, Jeollanam-do	061-282-7294
Changwon Immigration Office Tongyeong Branch Office	5, Nammang-gil, Tongyeong-si, Gyeongsangnam-do	055-645-3494
Changwon Immigration Office Sacheon Branch Office	450, Samcheonpodaeguo-ro, Sacheon-si, Gyeongsangnam-do	055-835-4088
Changwon Immigration Office Geoje Branch Office	24, Yeonsa 1-gil, Yeoncho-myeon, Goeje-si, Gyeongsangnam-do	055-681-2433
Jeonju Immigration Office Gunsan Branch Office	254, Hamang-ro, Gunsan-Si, Jeollabuk-do.	063-445-3874
Chuncheon Immigration Office Donghae Branch Office	225, Haean-ro, Donghae-si, Gangwon-do	033-535-5721
Chuncheon Immigration Office Sokcho Branch Office	Sokcho Port Support Center, 26, Dongmyonghang-ro, Gangwon-do	033-636-8613
Chuncheon Immigration Office Goseong Branch Office	9097, Donghae-daero, Hyeonnae-myeon, Goseong-gun, Gangwon-do	033-680-5100
Hwaseong Immigration Detention Center	Hwaseong-ro, Mado-myeon, Hwaseong-si, Gyeonggi-do	031-8055-7000
Chengju Immigration Detention Center	49, Cheongnam-ro, 1887 beon-gil, Heungdeok-gu, Cheongju-si, Chungcheongbuk-do,	043-290-7512
Immigration Reception Center	123, Yeongjonghaeanbuk-ro 1204 beon-gil, Jung-gu, Incheon	032-745-3330

UNHCR Korea

1. UNHCR (United Nations High Commissioner for Refugees)
 2. UNHCR Korea is an international, non-political and humanitarian organization of the United Nations. It was established in 1950 by the UN assembly and has been operating since January, 1951.
 3. The role of UNHCR is to provide international protection and find a solution for refugees.
 4. the UNHCR is providing information on asylum seeking procedures, rights and situation of refugees in the ROK via direct counseling, call, or email to refugees, humanitarian status holders, refugee status applicants.
- Counseling telephone : 02-773-7003
 - Counseling hours : Mondays, Tuesdays, Thursdays, and Fridays, 9:30am to 12:30pm
 - Counseling e-mail : info@unhcr.or.kr
 - Address : Gumsegi building, 7th F, Euljiro 1-ga, Jung-gu, Seoul, Korea.
(Postal code)100-842
 - Website : <http://www.unhcr.or.kr/> <http://www.unhcr.org>

Refugee Support Organization

Refugee pNan(pNan)

pNan provides accommodations, counseling, and legal support for refugees.

- ▶ Contact No : 02-871-5381
- ▶ FAX No. : 0505-447-4646
- ▶ E-mail : pnan@pnan.org
- ▶ Website : www.pnan.org
- ▶ Address : Raemian-sang-ga-3rd F, 456, Sangdo-dong, Dongjak-gu, Seoul, South Korea, (Postal Code)156-320

NANCEN

NANCEN provides accommodations and human rights protection for refugees.

- ▶ Contact No. : 02-712-0620
- ▶ Fax No. : 0505-503-0620
- ▶ E-mail: refucenter@gmail.com
- ▶ Website: www.nancen.org
- ▶ Address : 30-24 Garibong-dong, Guro-gu, Seoul, South Korea, (Postal Code)152-800

Refugee Act/ Enforcement Decree and Enforcement Rule of the Refugee Act



The Refugee Act

Chapter 1. General Provisions

Article 1 (Purpose)

This Act is intended to stipulate matters on the status and treatment of refugees pursuant to the 1951 Convention relating to the Status of Refugees (hereinafter referred to as "the Refugee Convention") and the 1967 Protocol relating to the Status of Refugees (hereinafter referred to as "the Refugee Protocol").

Article 2 (Definitions) Definitions of the terms in this Act are as follows:

1. A "refugee" refers to an alien who is unable or unwilling to avail him/herself of the protection of his/her country of nationality owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion; or who, not having a nationality, is unable or, owing to such fear, unwilling to return to the country of his/her former residence (hereinafter referred to as "the country of habitual residence") prior to entry into the Republic of Korea.
2. "A person who is recognized as a refugee" (hereinafter referred to as a "recognized refugee") refers to an alien who is recognized as a refugee in accordance with this Act.
3. "A person who is given permission to stay on humanitarian grounds" (hereinafter referred to as a "humanitarian status holder") refers to an alien to whom subparagraph 1 does not apply but for whom there are reasonable grounds to believe that his/her life or personal freedom may be egregiously violated by torture or other inhumane treatment or punishment or other circumstances, and who is given permission to stay by the Minister of Justice in accordance with the Presidential Decree.
4. "A person who has applied for refugee status" (hereinafter referred to as a "refugee status applicant") refers to an alien who has filed a refugee status application and to whom any of the following subparagraphs applies:
 - (a) The person's refugee status application

is being examined under the refugee status determination procedure;

(b) The person's refugee status application was rejected or the person's appeal against the denial of refugee status was dismissed, and the filing period for an appeal, administrative appeal or administrative litigation concerning the decision has not expired; or

(c) The person's administrative appeal or administrative litigation concerning the denial of refugee status is ongoing.

5. A "refugee seeking resettlement" refers to an alien who is a refugee outside the territory of the Republic of Korea and who wishes to resettle in the Republic of Korea.

6. An "alien" refers to a person who is not a national of the Republic of Korea.

Article 3 (Prohibition of Refoulement)

Recognized refugees, humanitarian status holders and refugee status applicants shall not, in accordance with Article 33 of the Refugee Convention and Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, be forcibly returned against their will.

Article 4 (Application of Other Laws)

For matters concerning the status and treatment of recognized refugees, humanitarian status holders and refugee status applicants not stipulated under this Act, the Immigration Control Act shall apply.

Chapter 2. Refugee Status Application and Determination

Article 5 (Refugee Status Application)

(1) An alien in the territory of the Republic of Korea who wishes to attain refugee status may apply for refugee status to the Minister of Justice. To this end the alien shall submit an Application for Recognition of Refugee

Status to the Chief of an Immigration Office (hereinafter referred to as an "Office Chief"), Head of an Immigration Branch Office (hereinafter referred to as a "Branch Chief") or Chief of an Immigration Processing Center (hereinafter referred to as a "Center Chief").

(2) When applying pursuant to paragraph 1, the applicant shall provide the documents listed in each subparagraph below:

1. Passport or Alien Registration Card or, if neither is available, a statement explaining the reasons; and

2. Supplementary materials, including any documents for reference in the determination of refugee status, if available.

(3) The refugee status application shall be submitted in writing. If an applicant cannot fill out the application form due to reasons such as illiteracy or disability, the official who receives the application shall fill out the form on behalf of the applicant and either sign or put his/her name and seal, along with the applicant's signature or name and seal.

(4) An immigration officer shall provide active support and aid to an alien who requests information on refugee status applications or expresses the intent to apply for refugee status.

(5) The Minister of Justice shall issue a receipt to a refugee status applicant immediately after his/her application is received.

(6) A refugee status applicant may stay in the Republic of Korea until the determination of his/her refugee status becomes final (and, if an administrative appeal or litigation concerning the denial of his/her refugee status is ongoing, until the proceeding concludes).

(7) Specific methods and procedures for refugee status applications, other than those specified in paragraphs 1 to 6, shall be determined by the Ordinance of the Minister of Justice.

Article 6 (Applications at Ports of Entry)

(1) An alien who wishes to apply for refugee status at the time of immigration inspection shall submit a written Application for Recognition of Refugee Status to the respective Office Chief or Branch Chief with jurisdiction over the port of entry in

accordance with the Immigration Control Act.

(2) The Office Chief or the Branch Chief may require a person who submitted an Application for Recognition of Refugee Status at the port of entry in accordance with paragraph 1 to stay at a designated location within the port of entry for a period not exceeding seven days.

(3) The Minister of Justice shall decide within seven days of the submission of a refugee status application whether to refer the application to the refugee status determination procedure, but if the Minister of Justice fails to decide within this period, the applicant's entry into the country shall be permitted.

(4) A refugee status applicant at the port of entry shall be provided with basic food, accommodation and clothing during the time period specified under paragraph 2, in accordance with the Presidential Decree.

(5) Details necessary for refugee status determination procedures at the port of entry other than those specified by paragraphs 1 to 4 shall be regulated by the Presidential Decree.

Article 7 (Notice of Relevant Information on Refugee Status Applications)

(1) The Office Chief, Branch Chief and Center Chief (hereinafter referred to as an "Office Chief, etc.") shall place documents necessary for refugee status applications at the Immigration Office (hereinafter referred to as "the Office"), Immigration Branch Office (hereinafter referred to as, "the Branch Office"), Immigration Processing Center (hereinafter referred to as "the Center") or port of entry within their jurisdiction and provide public notice (including notice by electronic means, such as an online notice) of information regarding the application procedure pursuant to this Act, and the rights of refugee status applicants and other relevant information.

(2) Details of the placement of the documents and provision of notice pursuant to paragraph 1 shall be regulated by the Ordinance of the Minister of Justice.

Article 8 (Refugee Status Determination)

(1) The Office Chief, etc., who receives an application pursuant to Article 5 shall

interview the refugee status applicant without delay, investigate the facts and report the results to the Minister of Justice in an attachment to the refugee status application.

(2) The interview(s) shall, upon the request of a refugee status applicant, be conducted by official(s) of the same gender as the applicant.

(3) The Office Chief, etc., may, if deemed necessary, record or videotape the interview process. In the case of a refugee status applicant requesting that the interview be recorded or videotaped, such request shall not be refused.

(4) The Minister of Justice shall keep on staff at the Office, Branch or Center a refugee status determination officer(s) (hereinafter referred to as an "RSD Officer") responsible for interviews and factual investigations. Matters concerning the qualifications and work performance of RSD Officers shall be determined by the Presidential Decree.

(5) The Minister of Justice may omit part of the determination procedure provided in paragraph 1 for a refugee status applicant to whom any of the following applies:

1. If the refugee status applicant concealed facts in the application through means that include, but are not limited to, the submission of false documents or false statements;
2. The refugee status applicant re-applied for refugee status without a material change in circumstances after a previous application was denied or previous refugee status recognition was cancelled pursuant to Article 22; or
3. If the refugee status applicant is an alien who has stayed in the Republic of Korea for one year or longer and who applied for refugee status when the expiration of the permitted period stay was imminent, or is an alien subject to forcible removal who applied for refugee status for the purpose of delaying the enforcement of the removal order.

(6) A refugee status applicant shall faithfully participate in the refugee status review procedure. The Minister of Justice may terminate the procedure if an applicant fails to appear three or more consecutive times despite requests for appearance for interviews or other procedures.

Article 9 (Collection of Evidence Favorable to Refugee Status Applicants)

The Minister of Justice shall actively collect evidence favorable to a refugee status applicant and shall utilize such evidence in the review process.

Article 10 (Factual Investigation)

(1) If necessary to determine or, pursuant to Article 22, cancel or withdraw refugee status, the Minister of Justice may require Refugee Officers from the Ministry of Justice or RSD Officers from the Offices, Branches and Centers to perform factual investigations.

(2) If necessary for the investigation pursuant to paragraph 1, the applicant and other relevant persons may be requested to appear, answer questions or submit materials including, but not limited to, relevant documents.

(3) When Refugee Officers or RSD Officers complete the factual investigation pursuant to paragraph 1 in relation to the recognition, cancellation or withdrawal of refugee status, the head of the division in charge of refugees within the Ministry of Justice or the Office Chief, etc., shall report the outcome to the Minister of Justice without delay.

Article 11 (Cooperation by Relevant Administrative Organizations)

(1) The Minister of Justice may request, if necessary for the determination of refugee status, cooperation from the head of relevant administrative agencies and local municipalities (hereinafter referred to as "heads of relevant agencies") or other related organizations on such matters including, but not limited to, the submission of information or factual investigation.

(2) Heads of relevant agencies or related organizations whose cooperation is requested pursuant to paragraph 1 may not decline the request without just cause.

Article 12 (Right to Assistance of an Attorney)

A refugee status applicant has the right to receive the assistance of an attorney.

Article 13 (Presence of a Trusted Individual)

An RSD Officer, if requested by a refugee status applicant, may permit the presence of

a trusted individual, to the extent that such presence does not interfere with the fairness of the interview.

Article 14 (Interpretation)

When a refugee status applicant cannot sufficiently express him/herself in Korean, the Minister of Justice shall provide an interpreter, who meets the qualifications determined by the Presidential Decree, to interpret during the course of interviews.

Article 15 (Confirmation of Refugee Interview Report)

If a refugee status applicant fails to understand the written record of the interview, RSD Officers shall allow him/her to confirm the interview record in a language the applicant understands by providing a translation or an interpretation after the completion of the interviews..

Article 16 (Right to Access and Copy Relevant Materials)

(1) A refugee status applicant may request access to or a copy of his/her refugee interview record or relevant materials submitted by him/her.

(2) Immigrant officers shall, upon receiving a request from a refugee status applicant for access to and a copy of relevant documents pursuant to paragraph 1, respond to such request without delay. However, this right may be limited if there is clear cause to believe that access to and/or copying of the materials would materially hinder the fairness of the review procedure.

(3) Specific means and procedures for the access to and/or copying of the materials pursuant to paragraph 1 shall be determined by the Presidential Decree.

Article 17 (Prohibition of Disclosure of Personal Information)

(1) No one shall release nor disclose to any other person the address, name, age, occupation, appearance or any other identifying information or any photograph of any refugee status applicant or trusted individual present in an interview pursuant to Article 13. However, this shall not apply if an applicant or trusted individual consents to

such disclosure.

(2) No one shall disclose personal information or any photograph of any refugee status applicant or others in paragraph 1 through publication, broadcast or information communication networks without the consent of the individual, including, the applicant.

(3) No information on any refugee status application shall be provided to the applicant's country of origin.

Article 18 (Recognition of Refugee Status)

(1) The Minister of Justice shall, upon determining that a refugee status application has merit, make a decision to recognize the applicant as a refugee and issue a Certificate of Refugee Status Recognition to the applicant.

(2) If the Minister of Justice decides that the applicant is not a refugee, he/she shall issue to the applicant a "Notice of Non-Recognition of Refugee Status", which states the reasons for denial and informs the applicant that he/she may appeal within thirty days.

(3) A denial notice pursuant to paragraph 2 shall state the reasons for the decision (including decisions concerning the applicant's factual and legal claims), the time limit and means of appeal.

(4) Determination of refugee status pursuant to paragraph 1 or 2 shall be made no later than six months after the date on which the application was received. Should there be unavoidable circumstances, however, this period may be extended by up to six months.

(5) When the period of determination is extended pursuant to the proviso in paragraph 4, the applicant shall be notified at least seven days before the initial period expires.

(6) The Certificate of Refugee Status Recognition under paragraph 1 and the Notice of Non-Recognition of Refugee Status under paragraph 2 shall be issued in person to the applicant or the applicant's representative via the Office Chief, etc., or others, or delivered in accordance with Article 14 of the Administrative Procedures Act.

Article 19 (Limitations on Recognition of Refugee Status)

Notwithstanding Article 18(1), the Minister of Justice may decide not to recognize an applicant as a refugee, even when the refugee status applicant qualifies for refugee status, if there is substantial grounds to believe any of the following applies to the applicant:

1. If the applicant is at present receiving protection or assistance from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees (hereinafter referred to as the "UNHCR"). The foregoing does not apply if such protection or assistance has ceased for any reason without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations;
2. If the applicant has committed a crime against peace, a war crime or a crime against humanity, as defined in international conventions or generally recognized international rules;
3. If the applicant has committed a serious non-political crime outside the Republic of Korea prior to his/her admission into the Republic of Korea; or
4. If the applicant has been found guilty of acts contrary to the purposes and principles of the United Nations.

Article 20 (Detention for Identity Verification)

(1) Immigration officers may, for the purpose of verifying a refugee status applicant's identity, detain the applicant with an Order of Detention issued according to Article 51 of the Immigration Control Act by the Office Chief, etc., if it is evident that the applicant deliberately destroyed his/her passport or other means of identification or used false identification for the purpose of concealing his/her identity and receiving refugee recognition.

(2) Any person who is detained pursuant to paragraph 1 shall be immediately released when his/her identity is verified or if his/her identity is not verified within ten days. However, if the verification of identity is delayed due to unavoidable circumstances, the Office Chief, etc., may extend the detention by up to ten days.

Article 21 (Appeal Application)

(1) A person whose refugee status application is denied as provided by Article 18(2) or Article 19, or whose refugee status is cancelled or withdrawn pursuant to Article 22, may appeal to the Minister of Justice within thirty days of the date on which the decision was received. To appeal, the person shall submit to the Office Chief, etc. a written appeal with attached documents explaining the reasons for the appeal.

(2) If an appeal is filed in accordance with paragraph 1, an administrative appeal pursuant to the Administrative Appeals Act may not be lodged.

(3) When a written Application for Appeal is received pursuant to paragraph 1, the Minister of Justice shall refer the case to the Refugee Committee, established under Article 25, without delay.

(4) The Refugee Committee, established under Article 25, may perform factual investigations directly or via refugee research officers pursuant to Article 27.

(5) Other matters regarding the determination procedure of the Refugee Committee shall be determined by the Presidential Decree.

(6) After the review of the Refugee Committee, the Minister of Justice shall decide in accordance with Article 18 whether to grant refugee status.

(7) The Minister of Justice shall make a decision concerning the appeal within six months from the day the written Application for Appeal is received. However, if the decision concerning the appeal fails to be issued during this period due to unavoidable circumstances, the period may be extended by a designated period not exceeding six months.

(8) When the review period of an appeal is extended pursuant to paragraph 7, the applicant shall be notified at least seven days before the initial period expires.

Article 22 (Cancellation of Decision to Recognize Refugee Status, etc.)

(1) The Minister of Justice may cancel recognition of refugee status if the recognition of refugee status is found to be based on the submission of false documents, false statements or concealed facts.

(2) The Minister of Justice may withdraw the decision to recognize refugee status if a person falls under any of the following subparagraphs:

1. The person has voluntarily re-availed him/herself of the protection of the country of his/her nationality;
2. The person, having lost his/her nationality, has voluntarily re-acquired it;
3. The person has acquired a new nationality, and enjoys the protection of the country of his/her new nationality;
4. The person has voluntarily re-established him/herself in the country which he/she left or outside which he/she remained owing to fear of persecution;
5. The person can no longer continue to refuse to avail him/herself of the protection of the country of his/her nationality, as the circumstances connected to his/her recognition as a refugee have ceased to exist; or
6. If the person, lacking nationality, is able to return to his/her former habitual residence, as the circumstances in connection to such person's recognition as a refugee have ceased to exist.

(3) When canceling or withdrawing refugee status pursuant to paragraphs 1 or 2, the Minister of Justice shall notify the person with a written Notice of Cancellation or Withdrawal of Refugee Status Recognition, which states the grounds for the decision and informs the person that he/she may appeal within 30 days. Article 18(6) applies mutatis mutandis to the notification procedure.

Article 23 (Closed Hearings)

The Refugee Committee or a court may, at the request of the refugee status applicant or at its discretion, make the decision to close review or hearing sessions to the public if it deemed necessary for the safety of the refugee status applicant, his/her family, or others.

Article 24 (Acceptance of Refugees Seeking Resettlement)

(1) The Minister of Justice may permit resettlement in the Republic of Korea of refugees seeking resettlement, after the

Foreigners Policy Committee reviews the size of the group seeking resettlement, their region(s) of origin, and whether they can be accepted in accordance with Article 8 of the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea. Permission for resettlement shall be deemed recognition of refugee status pursuant to Article 18(1).

(2) Details including requirements and procedures for resettlement permission in the country in accordance with paragraph 1 shall be stipulated by the Presidential Decree.

Chapter 3. The Refugee Committee, etc.

Article 25 (Establishment and Organization of the Refugee Committee)

(1) A Refugee Committee (hereinafter referred to as "the Committee") shall be established within the Ministry of Justice to review appeals pursuant to Article 21.

(2) The Committee shall consist of at most 15 members, including 1 chairperson.

(3) The Committee may have one or more subcommittees

Article 26 (Nomination of Committee Members)

(1) The Minister of Justice shall appoint or name members of the Committee among persons to whom one of the following applies:

1. A person who is licensed to practice law;
2. A person who holds or used to hold a position equivalent to or higher than associate professor teaching law at a school as defined in Article 2 subparagraph 1 or Article 2 subparagraph 3 of the Higher Education Act;
3. A person who holds or used to hold a position of Grade 4 or higher as a government officer in charge of refugee matters;
4. A person who otherwise has professional expertise and experience in refugee matters.

(2) The Chairperson is nominated from among the Committee members by the Minister of Justice.

(3) The term of office for members is three years. Members may serve consecutive terms.

Article 27 (Refugee Research Officer)

- (1) Refugee research officer(s) shall serve with the Committee.
- (2) A refugee research officer, by order of the Chairperson, shall investigate appeals and undertake other work of the Committee.

Article 28 (Operation of the Refugee Committee)

Matters necessary to the operation of the Committee other than those specified in Articles 25 to 27 shall be regulated by the Ordinance of the Minister of Justice.

Article 29 (Exchange and Cooperation with UNHCR)

The Minister of Justice shall cooperate when UNHCR makes requests for statistics and other information on the matters in the following subparagraphs:

1. The current situation of recognized refugees and refugee status applicants;
 2. Compliance with and implementation of the Refugee Convention and the Refugee Protocol;
 3. Acts and regulations on refugee affairs (including those in the pre-legislative announcement stage).
- (2) At the request of UNHCR or a refugee status applicant, the Minister of Justice shall cooperate with UNHCR so that UNHCR may carry out the work stated in the following subparagraphs:
1. Interview a refugee status applicant;
 2. Participate in interviews with a refugee status applicant; or
 3. Submit opinions on determinations of refugee status applications or appeals.
- (3) The Minister of Justice and the Refugee Committee shall accommodate UNCHR so that UNHCR may smoothly carry out its mandate of supervising the implementation of and compliance with the Refugee Convention and the Refugee Protocol.

Chapter 4. Treatment of Recognized Refugees and Others

Section 1 Treatment of Recognized Refugees

Article 30 (Treatment of Recognized Refugees)

- (1) A recognized refugee who stays in the Republic of Korea shall be treated in accordance with the Refugee Convention notwithstanding other laws and regulations.
- (2) The central and local governments shall establish and implement policies, prepare and amend relevant Acts and regulations, support relevant Ministries and take other necessary measures concerning the treatment of refugees.

Article 31 (Social Security)

Notwithstanding Article 8 of the Framework Act on Social Security and other provisions, an alien who is recognized as a refugee and stays in the country shall be provided social security at the same level as that of Korean nationals.

Article 32 (Basic Livelihood Security)

Notwithstanding Article 5-2 of the National Basic Living Security Act, an alien who is recognized as a refugee and stays in the country shall, upon such person's request, have rights under Articles 7 to 15 of the same Act.

Article 33 (Guarantee of Education)

- (1) If a recognized refugee or his/her child is a minor as defined by the Civil Act, such persons shall receive primary and secondary education identical to that provided to Korean nationals.
- (2) The Minister of Justice may provide support to a recognized refugee to receive the required education, in consideration of factors including, but not limited to age, academic capability and educational environment as regulated by the Presidential Decree.

Article 34 (Social Integration Program, etc.)

- (1) The Minister of Justice may provide a recognized refugee with social integration programs, including, but not limited to, Korean language education, as determined by

the Presidential Decree.

(2) The Minister of Justice may provide support for vocational training to a recognized refugee wishing to do receive such training, as regulated by the Presidential Decree.

Article 35 (Recognition of Academic Credentials)

A recognized refugee's academic credentials may be recognized up to the level such person acquired abroad as determined by the Presidential Decree,

Article 36 (Recognition of Qualifications)

A recognized refugee's qualifications may be partially or fully accepted up to the level acquired abroad as determined by relevant Acts and regulations

Article 37 (Permission for Entry of Spouse, etc.)

(1) The Minister of Justice shall, upon request, permit the entry into the country of the spouse and minor children of a recognized refugee, provided that Article 11 of the Immigration Control Act does not apply to such persons.

(2) The definition of spouse and minor children in paragraph 1 shall follow the definition contained in the Civil Act.

Article 38 (Recognized Refugees Excluded from the Application of the Principle of Reciprocity)

Notwithstanding other laws, the principle of reciprocity shall not apply to recognized refugees.

Section 2 Treatment of Humanitarian Status Holders

Article 39 (Treatment of Humanitarian Status Holders)

The Minister of Justice may provide a humanitarian status holder with employment activity permission.

Section 3 Treatment of Refugee Status Applicants

Article 40 (Support for Living Expenses, etc.)

(1) The Minister of Justice may provide living expenses, etc., to refugee status applicants as regulated by the Presidential Decree.

(2) As determined by the Presidential Decree, the Minister of Justice may permit a refugee status applicant to engage in wage-earning

employment six months after the date on which the refugee application was received.

Article 41 (Provision of Residential Facilities)

(1) The Minister of Justice may establish and operate residential facilities for refugee status applicants, as determined by the Presidential Decree.

(2) Matters necessary to the operation of residential facilities pursuant to paragraph 1 shall be regulated by the Presidential Decree.

Article 42 (Medical Services Support)

The Minister of Justice may provide a refugee status applicant with medical services support as determined by the Presidential Decree.

Article 43 (Guarantee of Education)

A refugee status applicant and such person's family members who are minor aliens may receive primary and secondary education at the same level as that of Korean nationals.

Article 44 (Limitations on Benefits for Certain Refugee Status Applicants)

For a refugee status applicant to whom subparagraph 4(c) of Article 2, subparagraph 2 of Article 8(2), or subparagraph 3 thereof applies, the benefits available under Article 40(1) and Articles 41 to 43 may be partly limited in accordance with the Presidential Decree.

Chapter 5. Supplementary Provisions

Article 45 (Operation of Refugee Support Center, etc.)

(1) The Minister of Justice may establish and operate Refugee Support Centers to facilitate the work specified in Article 34, Article 41 and Article 42.

(2) The Minister of Justice may, if deemed necessary, delegate part of the work under paragraph 1 to private organizations.

(3) Matters regarding eligibility to use a Refugee Support Centers, their operation and management, work delegated to private organizations and other matters regarding such facilities shall be determined by the Presidential Decree.

Article 46 (Delegation of Authority)

The Minister of Justice may delegate part

of the authority under this Act to the Office Chief, etc., as determined by the Presidential Decree.

Chapter 6. Penal Provisions

Article 47 (Punishments)

A person to whom any of the following applies shall be subject to imprisonment not exceeding one year or fines not exceeding 10 million Korean Won:

1. A person who has violated Article 17; or
2. A person who was recognized as a refugee or permitted to stay on humanitarian grounds by means of submitting false documents, giving false statements or withholding facts.

Addenda

Article 1 (Date of Entry into Force)

This Act shall enter into force on 1 July 2013.

Article 2 (Applicability)

This Act applies to refugee status applications submitted on or after the entry into force of the Act.

Article 3 (Revision of Other Acts)

(1) Part of the Road Traffic Act is revised as follows:

Subparagraph 3(c) of Article 84 (1) shall be amended as below:

C. A recognized refugee under the Refugee Act.

(2) Part of the Medical Care Assistance Act is revised as follows:

In Article 3-2, "a person who is recognized as a refugee pursuant to the provision of Article 76-2 of the Immigration Control Act" shall be altered to "a recognized refugee under the Refugee Act".

(3) Part of the Framework Act on the Treatment of Foreigners residing in the Republic of Korea is revised as follows:

In Article 14(1) "a person who is recognized as a refugee pursuant to Article 76-2 of the Immigration Control Act" shall change to "a recognized refugee under the Refugee Act".

(4) Parts of the Immigration Control Act are revised as follows:

Subparagraph 3 of Article 2 shall be as below:
3. "Refugee" refers to a refugee under Article 2(1) of the Refugee Act.

In paragraph (1) of Article 16-2, "reasons prescribed in Article 1 A(2) of the Refugee Convention" shall be changed to "reasons prescribed in Article 2 subparagraph 1 of the Refugee Act".

In Article 62(4), "a person who has applied for recognition as a refugee" shall change to "refugee status applicant pursuant to the Refugee Act" and paragraph (4)1 shall change as below, and in paragraph (4)2, "Article 76-4" shall be changed to "Article 21 of the Refugee Act".

1. If the decision on refugee status determination has not been made after the application for refugee status pursuant to the Refugee Act.

Article 64(3), Article 76-2 to Article 76-4, Article 76-8 to 76-10, subparagraph 2 of Article 78(1), subparagraph 3 of Article 80(2) and subparagraph 10 of Article 95 shall be deleted.

The title of Chapter 8-2 "Recognition, Etc. of Refugees" shall change to "Issuance of Refugee Travel Documents, etc".

In paragraph (1) of Article 76-5, "a person recognized as a refugee under paragraph (1) of Article 76-2" shall change to "a recognized refugee pursuant to the Refugee Act".

In each subparagraph of paragraph (1) of Article 76-6, "a person recognized as a refugee under paragraph (1) of Article 76-2" shall change to "a recognized refugee pursuant to the Refugee Act", and subparagraph 3 of aforementioned paragraph shall change as below:

3. If a person receives a notice of refugee status cancellation or withdrawal pursuant to the Refugee Act.

In Article 76-7, "a person who is recognized as a refugee" shall change to "a recognized refugee under the Refugee Act".

In Article 99-2, "reasons as prescribed in Article 1 A(2) of the Refugee Convention" shall change to "reasons as prescribed in subparagraph 1 of Article 2 of the Refugee Act".

Enforcement Decree of the Refugee Act

Article 1 (Purpose)

The purpose of this Decree is to stipulate the matters delegated from the Refugee Act and matters required for the enforcement of the aforementioned Act.

Article 2 (Humanitarian Permission to Stay)

(1) The Minister of Justice may grant humanitarian status to a person who has applied for refugee status recognition (hereinafter referred to as the "refugee status applicant"), under subparagraph 3 of Article 2 of the Refugee Act (hereinafter referred to as "the Act"), if such person falls under any of the following subparagraphs:

1. When a person who is found not to be qualified for refugee status under Article 18(2) of the Act;

2. When the appeals application of a person under Article 21(1) of the Act is determined to be dismissed under Article 11(1) of this Decree.

(2) When the Minister of Justice permits a humanitarian stay under subparagraph 3 of Article 2 of the Act and paragraph 1 of this Article, such decision shall be notified to the applicant in writing. In this case, the Minister of Justice may notify the decision via the Notice on Non-Recognition of Refugee Status under Article 18(2) of the Act, or in the Disapproval Notice on Appeal under Article 11(1) of this Decree.

(3) A person who is given permission to stay on humanitarian grounds (hereinafter referred to as a "humanitarian status holder") shall obtain a status of stay, a permission to change the status of stay, or a permission to extend the period of stay under Articles 23 through 25 of the Immigration Control Act.

Article 3 (Refugee Application at Ports of Entry)

(1) A person who wishes to apply for refugee status recognition at the time of immigration inspection in accordance with Article 6(1) of the Act (hereinafter referred to as a "refugee status applicant at a port of entry") shall submit an Application for

Recognition of Refugee Status as prescribed by the Ordinance of the Minister of Justice, attaching the required documents listed in each subparagraph of Article 5(2) of the Act, to the respective Chief of Immigration Office (hereinafter referred to as the "Office Chief") or Chief of Immigration Branch Office (hereinafter referred to as the "Branch Chief") with jurisdiction over the port of entry in accordance with the Immigration Control Act.

(2) The Office Chief or Branch Chief who receives an application pursuant to paragraph 1 shall investigate the facts via interview, etc., and report the results to the Minister of Justice in an attachment to the refugee status application.

(3) An Office Chief or a Branch Chief, during investigation in accordance with paragraph 2, may question a refugee status applicant regarding matters necessary for the determination of the referral of the application, including, but not limited to, the names of the vessels or airplanes the applicant boarded, personal data, entry details, and the grounds for such application, and may request the submission of relevant materials.

(4) Paragraph 3 and 4 of Article 5 of the Act shall apply mutatis mutandis to the submission of the Refugee Status Application of a refugee status applicant at a port of entry, etc.

Article 4 (Establishment of Waiting Rooms at Ports of Entry, etc.)

(1) The Office Chief or Branch Chief who has jurisdiction over a port of entry under the Immigration Control Act may establish a waiting room for refugee status applicants at the port of entry to stay in for a period specified in Article 6(2) of the Act.

(2) The refugee status applicant's personal safety and hygiene, as well as the customs and culture of the person's country of nationality shall be taken into account when providing food, accommodations and clothing to such person pursuant to Article 6(4) of the Act.

Article 5 (Referral of Refugee Status Recognition Review for Refugee Status Applicants at Ports of Entry)

(1) The Minister may not refer a refugee status applicant to refugee recognition review procedures, if a person falls under any of the following subparagraphs:

1. When there are substantial grounds to regard the person as a danger to the safety and public order of the Republic of Korea;
2. When the person's identity cannot be verified due to such person's refusal to comply with inquiries concerning personal profiles, etc.;
3. When the person attempts to obtain refugee status by knowingly concealing facts including, but not limited to, by submitting a false document. However, this shall not apply if the person voluntarily reports such facts without delay;
4. When the person came from a safe country of origin or a safe third country, in which little possibility of persecution exists;
5. When the person, whose refugee application has been denied or whose refugee status has been terminated, reapplies for such status without a material change of the circumstances;
6. When there are substantial grounds to regard any of the subparagraphs of Article 19 of the Act as applying to the applicant; or
7. When the person's basis for applying for refugee status is found to be clearly groundless, including, but not limited to, when the application was made solely for economic reasons.

(2) The Minister of Justice shall, upon deciding whether to refer an application or not, notify the decision to the refugee status applicant at the port of entry without delay as provided in Article 6(3) of the Act.

(3) The Office Chief or Branch Chief shall allow a person, who receives the result of an application referral in accordance with paragraph 2, to undergo entry inspection as described in the Immigration Control Act without delay.

(4) A person whose refugee application is accepted for referral shall receive entry

permission under Article 12 of the Immigration Control Act or conditional entry permission under Article 13 thereunder. In case of conditional permission, notwithstanding paragraph 1 of Article 16 of the Enforcement Decree of the Immigration Control Act, the Office Chief or Branch Chief may designate the permitted period of a conditional entry for a period not exceeding 90 days.

(5) The Office Chief or Branch Chief may extend the permitted period of conditional entry, if a person who is recognized such permission in accordance with paragraph 4, fails, or is expected to fail, to meet required conditions within the permitted period due to compelling reasons.

(6) The Minister of Justice shall assume that the date of the referral determination of a refugee application is the filing date, and issue a receipt of Refugee Status Recognition Application and commence the refugee recognition review procedures thereafter.

Article 6 (Qualifications of RSD Officers)

A Refugee Status Determination Officer (hereinafter referred to as an "RSD Officer") as prescribed by Article 8(4) of the Act, shall be a person who works for the Immigration Service and holds a government officer position of Grade 5 or above, falling under one of the following subparagraphs:

1. The person shall have at least two years of experience related to refugee work; or
2. The person shall have completed the RSD officer training course as regulated by the Minister of Justice.

Article 7 (Work of RSD Officer, etc.)

(1) When an RSD Officer and a public official in charge of refugee cases under the Ministry of Justice (hereinafter referred to as the "RSD Officer, etc."), requests the appearance of a refugee status applicant or other relevant person(s) under Article 10(2), the officer shall issue a summons stating the purpose, date, and location, etc., and keep a record thereof in a summons register as prescribed by the Ordinance of the Minister of Justice. However, in an urgent case, such summons may be issued via an oral request.

(2) An RSD Officer shall, upon conducting an interview with a refugee status applicant, record the details thereof in a refugee interview report regulated by the Ordinance of the Minister of Justice.

(3) An RSD Officer shall read out or disclose the contents of the refugee interview report recorded in accordance with paragraph 2 to the applicant prior to inquiring whether any error exists therein. In this case, the applicant's request for any addition, deletion or change of the contents shall be noted in the report in addition to the original record.

(4) An RSD Officer shall require a person falling under the following subparagraphs to sign, or to put his/her name and seal in the refugee interview report recorded as described in Paragraph 2. However, if such person is incapable of, or refuses to comply therewith, the fact shall be recorded therein:

1. Refugee status applicant;
2. A person who interprets or translates during or after a refugee interview, if such person provides such service pursuant to Articles 14 and 15 of the Act.

Article 8 (Interpretation)

(1) In accordance with Article 14 of the Act, the Minister of Justice shall provide a person as an interpreter who, having a high level of proficiency in a foreign language, is deemed eligible for refugee interview interpretation service, and has completed the training course regulated by the Minister of Justice (hereinafter referred to as a "professional refugee interpreter").

(2) The Minister of Justice shall provide a refugee status applicant, upon request, a professional refugee interpreter who is of the same gender as the applicant.

(3) Notwithstanding paragraphs 1 and 2, if an interpreter with a high level of proficiency in a certain language is not available or the situation is urgent, the processes in the following subparagraphs may be employed to provide the service:

1. Initially interpret the language a refugee status applicant uses into another foreign language and then have a professional refugee

interpreter interpret the latter to Korean;

2. Provide interpretation training to a person who has a high level of proficiency in a language the refugee status applicant uses prior to conducting such service.

(4) The Minister of Justice may pay allowances to a person who conducts interpretation services for a refugee status applicant as regulated by the Minister of Justice.

Article 9 (Application and Procedure for Disclosing and Copying Documents)

(1) If a refugee status applicant wishes to request access to, or a copy of, his/her refugee interview report (hereinafter referred to as the "interview report, etc."), or materials submitted by the applicant as prescribed by Article 16(1), such person shall designate the parts of the material needed to be disclosed or copied and submit an Application for Perusal and/or Copying or an Application for Copy Issuance to an immigration officer.

(2) An immigration officer who receives an Application for Perusal and/or Copying in accordance with Paragraph 1 shall determine the date of availability and location of the materials and inform such facts to the refugee status applicant who filed such request.

(3) An immigration officer who receives an Application for Copy Issuance in accordance with Paragraph 1 shall copy a designated interview report, etc., and shall provide the copy to the applicant who filed such request.

(4) An immigration officer shall take necessary measures such as attending the access procedures, etc., to prevent the material from suffering any damages, etc., during the process.

(5) A refugee status applicant who wishes to request access to, or a copy of, such applicant's interview report, etc., shall pay fees as prescribed by Ordinance of the Ministry of Justice.

Article 10 (Review of Appeals by the Refugee Committee)

(1) The decisions on appeals of a meeting of the Refugee Committee as prescribed by Article 25 of the Act (hereinafter referred to as "the Committee") shall require the attendance

of a majority of all the incumbent members and the consent of a majority of those present.

(2) The Committee may, if deemed necessary, require the presentation of a refugee status applicant or other relevant individuals in a meeting for statements, or may seek opinions from a person with sufficient experiences and knowledge in matters concerning the case presented.

Article 11 (Determination of Appeals, etc.)

(1) When the Minister of Justice finds that an appeal of a refugee status applicant has a legitimate ground for recognition, the applicant shall be recognized refugee status and be issued with a Certificate of Refugee Status Recognition; if the Minister finds that a case is groundless, the appeal shall be dismissed and a Notice on Non-Recognition of Refugee Status shall be issued to the applicant.

(2) Upon delivering a decision on an appeal pursuant to Paragraph 1, the Minister of Justice shall respect the result of the review by the Committee of the case to the extent that such result is not deemed threatening to national security, maintenance of order, of public welfare.

(3) A Certificate of Refugee Status Recognition or a Notice on Non-Recognition of Refugee Status under Paragraph 1 shall be issued to the applicant who filed the appeal or to the applicant's substitute via the Office Chief, etc., or shall be delivered to such persons pursuant to Article 14 of the Administrative Procedures Act.

Article 12 (Permission for Refugee Resettlement)

(1) The conditions to grant resettlement for a refugee who wishes to resettle in the Republic of Korea under Article 24(2) of the Act are as follows:

1. The person shall not fall under the grounds for non-granting of refugee recognition described in Article 19 of the Act;
2. The person shall not be deemed threatening to the safety, social order or public health of the Republic of Korea.

(2) The Minister of Justice may, if deemed

necessary, receive a recommendation from the United Nations High Commissioner of Refugees to permit resettlement for a refugee who wishes to resettle in the Republic of Korea.

(3) The Minister of Justice may dispatch RSD officers, etc., to a designated location in order to conduct research concerning whether a resettlement refugee meets the conditions required for resettlement in Korea under Paragraph 1.

(4) If the Minister of Justice intends to permit resettlement for a refugee wishing to do so, the Minister may arrange health examinations and basic adaptation training for such person prior to granting resettlement permission.

(5) The Minister of Justice shall permit the settlement of resettlement seeking refugees in Korea via procedures for entry permission under the Immigration Control Act.

(6) In addition to the matters described in Paragraph 1 through Paragraph 5, other necessary matters concerning settlement permission for resettlement seeking refugees shall be regulated by the Minister of Justice.

Article 13 (Support for Education)

(1) A recognized refugee and/or such person's child may enter or transfer to a school under Article 2 of the Elementary and Secondary Education Act in accordance with criteria and procedures regulated by laws and regulations concerning education.

(2) The Minister of Justice may recommend a recognized refugee and/or such person's child to the Minister of Education in accordance with the Ordinance of the Minister of Justice, if such person, whose need for educational expenses support is recognized under Article 33(2) of the Refugee Act, meets the criteria described in Article 60-4 of the Elementary and Secondary Education Act.

Article 14 (Social Integration Education)

In accordance with Article 34(1) of the Act, the Minister of Justice may implement a Social Integration Program as prescribed by Article 39 of the Immigration Control Act to provide social adaption training for recognized refugees.

Article 15 (Vocation Training)

The Minister of Justice may recommend a recognized refugee to the Minister of Employment and Labor in accordance with the Ordinance of the Minister of Justice, if the person, whose need for vocational skill training is recognized as prescribed by Article 12 of the Act on the Development of Workplace and Skills, wishes to undergo vocational training.

Article 16 (Criteria for Recognizing Academic Credentials, etc.)

The academic credentials of a recognized refugee shall be recognized in accordance with the criteria regulated by laws and regulations regarding education.

Article 17 (Support for Living Expenses, etc.)

(1) In accordance with Article 40(1) of the Act, the Minister of Justice may provide living expenses etc., to a refugee status applicant for a period not exceeding 6 months from the submission date of such person's Application for Refugee Status Recognition. However, if an applicant's situation requires support for a further period of time due to exceptional circumstances, including, but not limited to, a serious illness or a physical disability, such support may be extended for a period not exceeding 6 months.

(2) The permit to provide living expenses, or the amount of financial support, etc., thereof, under Paragraph 1 shall be regulated by the Ministry of Justice, taking account of factors including, but not limited to, the applicant's period of stay in Korea, employment activity, use of a refugee support center, dependent family, and living conditions, etc.

(3) Necessary matters regarding the application of support for living expenses, etc., as prescribed by Paragraph 1 shall be regulated by the Ordinance of the Minister of Justice.

Article 18 (Employment Permission)

Article 20 of the Immigration Control Act regarding a permit for activities beyond the given status of stay shall apply to the provision of permission for employment under Article 40(2) of the Act.

Article 19 (Establishment and Operation of Residential facilities)

(1) In accordance with Article 41(1) of the Act, the Minister of Justice may establish and operate residential facilities to provide refugee status applicants a residence inside a refugee support center, etc., under Article 45(1) of the Act (hereinafter referred to as a "refugee support center").

(2) The Minister of Justice may provide refugee status applicants at a port of entry and resettlement seeking refugees with priority use of accommodation, as described in Article 41(2) of the Act.

(3) The Minister of Justice may designate the allowed duration for a user to reside in such accommodation as a period not exceeding 6 months. The period may be extended, provided that it is deemed necessary for such person to stay in the facility for a further period of time, due to compelling reasons including, but not limited to, the health condition of the person or dependent family, etc.

(4) The Minister of Justice may restrict a person who is, or who is deemed to be, harmful to the safety and order of residential facilities from using such facility.

Article 20 (Medical Service Support)

(1) The Minister of Justice may, if deemed necessary to protect the health of a refugee status applicant, require such person to receive medical examinations as prescribed in Article 42 of the Act, or provide support for medical examination expenses the applicant received within the budget allotted.

(2) The Minister of Justice shall endeavor to provide refugee status applicants with information on emergency medical services as prescribed by the Emergency Medical Services Act, and on other medical services which can be utilized by such applicants.

(3) The head of relevant governmental ministries or other organizations, who intends to provide medical services for a refugee status applicant, may request a confirmation regarding such person from an Office Chief or Branch Chief. In this case, the Office Chief or Branch Chief shall identify whether the person falls under the category of refugee

status applicants, and inform the fact to such ministries or organizations without delay.

Article 21 (Limitation on Treatment of Certain Refugee Status Applicants)

In accordance with Article 44 of the Act, the Minister of Justice shall not provide the support stated in the following subparagraphs for a refugee status applicant who falls under item (c) of subparagraph 4 of Article 2 of the Act, or subparagraph 2 or 3 of paragraph 5 of Article 8 thereof. However, this shall not apply if the provision of such support is deemed necessary on the ground of urgency or on humanitarian grounds :

1. Support for living expenses, etc., under Article 40(1) of the Act;
2. Support for residential facilities under Article 41 of the Act;
3. Support for medical services under Article 20(1) of the Decree.

Article 22 (Operation of Consultative Committee regarding Treatment of Recognized Refugees, etc.)

The Minister of Justice, if deemed necessary for the treatment of recognized refugees, etc., may organize and operate a consultative committee consisting of public officials of other ministries and experts.

Article 23 (Refugee Support Facilities)

(1) The Minister of Justice may establish spaces for residence, dining, education, medical services, exercise, and counseling within refugee support facilities in order to effectively perform support work for recognized refugees or refugee status applicants.

(2) The Ministry of Justice may allow a person falling under any of the following subparagraphs to use a refugee support center. However, upon considering the types and capacities of such facility, the Minister of Justice may limit the category of persons allowed, or designate a person with priority to use such facility:

1. A recognized refugee;
2. A refugee status applicant;
3. A humanitarian status holder;
4. A spouse or underage children of a person

falling under subparagraphs 1 to 3.

(3) The Minister of Justice may exclude, or limit the use by, a person who is, or who is deemed to be, harmful to the safety and order of a refugee support center.

(4) The Minister of Justice may entrust part(s) of the services, including the provision of meals, education and medical services, etc., offered in a refugee support center, to a corporation or an organization specializing in such service as prescribed by Article 45(2) of the Act.

Article 24 (Delegation of Authority)

The Minister of Justice delegates the authority stated in the following subparagraphs to the Office Chief, etc., with jurisdiction (however, authority in item 3, 8 and 9 shall not be delegated to a chief of an immigration detention center) pursuant to Article 46 of the Act:

1. Humanitarian permission to stay under subparagraph 3 of Article 2 of the Act;
2. Issuance of a receipt in accordance with Article 5(5) of the Act and Article 5(6) of this Decree;
3. Determination of a referral regarding refugee recognition reviews and entry permission under Article 6(3) of the Act;
4. Refugee recognition reviews under Article 8 of the Act;
5. A cooperation request as specified under Article 11(1) of the Act (a cooperation request related to an application for appeal in accordance with Article 21 of the Act);
6. Matters regarding refugee recognition determinations under Article 18 of the Act;
7. Matters regarding the cancellation and withdrawal of refugee recognition determinations under Article 22 of the Act;
8. An entry permission for the spouse of a recognized refugee under Article 37 of the Act;
9. An employment activity permit under Article 39 of the Act and an employment permit as described in Article 40(2) thereunder;
10. Medical services support under Article 42 of the Act.

Article 25 (Process of Sensitive Information and Unique Identifier Information)

The Minister of Justice, an Office Chief, or an RSD officer, etc., may process data regarding information about the ideology, faith, or health of a person under Article 23 of the Private Information Protection Act, or genetic information or information of criminal history under subparagraphs 1 or 2 of Article 18 of the Enforcement Decree of the aforementioned Act, or information containing passport numbers or alien registration numbers under subparagraphs 2 or 4 of Article 19 of the aforementioned Enforcement Decree, if deemed necessary to use such information to conduct tasks stated in the following subparagraphs:

1. Tasks regarding refugee recognition determinations under Article 8 of the Act;
2. Tasks regarding factual investigations under Article 10 of the Act;
3. Tasks regarding cooperation under Article 11 of the Act;
4. Tasks regarding disclosure and copying of materials, etc., under Article 16 of the Act;
5. Tasks regarding the recognition of a refugee, etc., under Article 18 of the Act;
6. Tasks regarding the detention of a refugee status applicant for identification verification purposes under Article 20 of the Act;
7. Tasks regarding an application for appeal under Article 21 of the Act;
8. Tasks regarding the cancellation of a refugee recognition determination under Article 22 of the Act;
9. Tasks regarding the accommodation of resettlement seeking refugees under Article 24 of the Act;
10. Tasks regarding the guarantee of education under Article 33 of the Act;
11. Tasks regarding the social integration program under Article 34 of the Act;
12. Tasks regarding entry permission for a spouse, etc., under Article 37 of the Act;
13. Tasks regarding permission for employment activities under Article 39 of the Act;
14. Tasks regarding the provision of support for living expenses, etc., under Article 40 of the Act;
15. Tasks regarding the provision of support for residential facilities under Article 41 of the Act;
16. Tasks regarding the provision of support for

medical services under Article 42 of the Act;
17. Tasks regarding the operation of refugee support facilities under Article 45 of the Act.

Supplementary Provision

Article 1 (Date of Effect)

This Enforcement Decree shall take effect July 1, 2013.

Article 2 (Other Amendments)

(1) Provisions of the Enforcement Decree of the Act on the Development of Workplace Skills of Workers shall be amended as follows. Subparagraph 12 of Paragraph 2 of Article 6 shall be newly added as follows:

“12. A recognized refugee under subparagraph 2 of Article 2 of the Refugee Act, whom the Minister of Justice considers in need of vocational training, and recommends to the Minister of Employment and Labor.”

(2) Provisions of the Enforcement Decree of the Immigration Control Act shall be amended as follows:

The title of Chapter 7-2, “Recognition of Refugee, etc.” shall be amended to “Issuance of Refugee Travel Certificate, etc.”.

Article 88-2 through Article 88-4 shall be deleted from the aforementioned Enforcement Decree.

Article 88-9 shall be amended as follows:

“Article 88-9 (Treatment of Refugee, etc.)

(1) The Minister of Justice shall, upon adjudicating to grant humanitarian permission to stay for a person as prescribed by subparagraph 3 of Article 2 of the Refugee Act, determine necessary matters including, but not limited to, the status of stay and the period of stay, etc., and shall notify such matters to the Office Chief or Branch Chief.

(2) The Chief or Branch Chief, upon receiving the notification as provided in paragraph 1, shall stamp a seal of approval on the status of stay, on the change of status of stay, or on the extension of period of stay, and shall record such approvals or affix a sticker representing such approvals in the passport of the alien

whose stay is granted in accordance with subparagraph 3 of Article 2 of the Refugee Act. However, for a person whose alien registration has been completed, this shall be substituted by recording such facts on the Alien Registration Card.”

Within Article 96(1) the previously stated, “Article 76-2, 76-3, Paragraph 2,3 of Article 76-8, and Article 89” shall be amended to “Article 89”.

Enforcement Rule of the Refugee Act

Article 1 (Purpose)

The purpose of this Enforcement Rule is to stipulate the matters delegated from the Refugee Act and the Enforcement Decree of the aforementioned Act, and matters necessary for the implementation thereof.

Article 2 (Method and Procedure for Refugee Status Recognition Applications, etc.)

In accordance with Article 5(1) of the Refugee Act (hereinafter referred to as "the Act") or Article 6(1) thereof, a person who wishes to apply for refugee status recognition shall submit an Application for Recognition of Refugee Status following the form in Annex No.1 or Annex No.2 to the respective Chief of Immigration Office (hereinafter referred to as the "Office Chief"), Chief of Immigration Branch Office (hereinafter referred to as the "Branch Chief"), or to the Chief of Immigration Detention Center (this shall not apply to a person who applies for Refugee Status as provided in Article 6(1) of the Act; hereinafter the same shall apply), in an attachment with the documents stated in the following subparagraphs:

- 1.The person's passport or Alien Registration Card. If neither is available, a statement explaining the reasons thereof;
- 2.Materials, if any, including, but not limited to, the documents which can be referred to during the refugee recognition review, etc.; and
- 3.A copy of an identification photo (3.5 cm x 4.5 cm) taken within 6 months of the date of application submission.

Article 3 (Receipt of Refugee Recognition Applications)

The Receipt of Refugee Status Application issued by an Office Chief, a Branch Chief or a Chief of Alien Detention Center (hereinafter referred to as an "Office Chief, etc.") pursuant to Article 5(5) of the Act and Article 5(6) of the Enforcement Decree thereof (hereinafter referred to as "the Decree") shall follow the form of Annex No. 3.

Article 4 (Notice of Matters Necessary for Refugee Status Applications, etc.)

(1) An Office Chief, etc., shall place the necessary documents for a refugee recognition application in at least two languages including, but not limited to, Korean and English in

places within the Immigration Offices, Immigration Branch Offices, and Immigration Detention Centers (hereinafter referred to as an "Immigration Offices, etc."), where people can easily view such information.

(2) In accordance with Article 7(1) of the Act, an Office Chief, etc., shall display the following subparagraphs within the Immigration Offices, etc., and on the website of the respective offices in at least two languages including, but not limited to, Korean and English:

- 1.The procedure for filling in and submitting the Refugee Status Application;
- 2.The information that an applicant's application review may be terminated, if the applicant fails to appear for interviews for 3 or more consecutive requests despite the summon requests under Article 8(6);
- 3.The matters regarding treatment of a person who applied for refugee status recognition in accordance with Articles 40 to 43 of the Act (hereinafter referred to as a "refugee status applicant")
- 4.The matters regarding the partial limitation of treatment of refugee status applicants in accordance with Article 44;
- 5.Other matters regulated by the Minister of Justice concerning the application for refugee status recognition, and the method thereof.

Article 5 (Summons and Summons Register)

(1) Public officials in charge of refugee work and RSD officers in Immigration Offices, etc., shall, upon requesting a refugee or other relevant persons to appear for an interview, send a summons following the form in Annex No. 4 and record such fact on the Summons Register in Annex. No. 5.

(2) The Summon Register as prescribed by Paragraph 1 shall be written and managed in electronic form unless there is a compelling reason that renders it impossible to do so.

Article 6 (Refugee Interview Report)

The Refugee Interview Report as provided in Article 7(2) of the Decree shall follow the form in Annex No. 6.

Article 7 (Application for a Disclosure or a Copy)

(1) A person who wishes to request a disclosure or a copy of materials that he/she submitted or his/her refugee interview report (hereinafter referred to as an "interview

report, etc.”) in accordance with Article 9(1) shall submit an Application for Perusal and/or Copying following the form in Annex No.7 to an immigration officer.

(2) A refugee status applicant who wishes to request a disclosure or a copy of the interview report, etc., as provided in Article 9(5) shall pay the required fee designated as follows:

1.For a disclosure: 500 won per disclosure;

2.For a copy: 500 won per page.

(3) Notwithstanding paragraph 2, an Office Chief, etc., may, if deemed necessary for humanitarian reasons, etc., not charge the fee to such applicant.

(4) The fee specified in paragraph 2 shall be paid via revenue stamps.

Article 8 (Certificate of Refugee Status Recognition, etc.)

(1) In accordance with Article 18 (1) of the Act, an Office Chief, etc., shall issue a Certificate of Refugee Status Recognition following the form in Annex No.8 to a person who is recognized as a refugee (hereinafter referred to as a “recognized refugee”), and record such fact in a Register of Refugee Status Recognition Certificate Issuance following the form in Annex No.9.

(2) An Office Chief, etc., shall issue a Notice on Non-Recognition of Refugee Status following the form in Annex No. 10 to a refugee status applicant who is found to be ineligible for refugee recognition as provided in Article 18(2) of the Act.

(3) If a recognized refugee who received the Certificate of Refugee Status Recognition under paragraph 1 has lost or damaged such certificate, such person shall apply for a reissue by submitting an Application for Reissuance of Certificate of Refugee Status Recognition in an attachment with the documents listed in the following subparagraphs:

1.Materials explaining reasons for application for reissuance;

2.The Certificate of Refugee Status Recognition (in damaged cases only);

3.A copy of an identification photo (3.5 cm x 4.5 cm) taken within 6 months of the date of application submission.

(4) The Office Chief, etc., shall, upon receiving the Application for Reissuance of Certificate of Refugee, issue such certificate and record such fact in a Register of Refugee Certificate

Reissuance following the form in Annex No. 12.

(5) The Register of Refugee Status Recognition Certificate Issuance as prescribed by paragraph 1 and the Register of Refugee Certificate Reissuance under paragraph 3 shall be written and managed in electronic form, unless there is a compelling reason that renders it impossible to do so.

Article 9 (Notice of Extension of Review Period of Refugee Status Recognition)

An Office Chief, etc., shall, upon extending the review period of refugee status recognition pursuant to Article 18(4) of the Act, send a Notice of Extension of Review Period of Refugee Status Recognition following the form in Annex No.13 under paragraph 5 of the aforementioned Article.

Article 10 (Procedure of Application for Appeal)

(1) A person who wishes to file an appeal against a decision of non-recognition of refugee status, or, against a cancellation or withdrawal of refugee status recognition, shall submit an Application for Appeal following the form in Annex No. 14 (hereinafter referred to as an “Appeal Application”) attached by materials explaining the grounds for appeal application to the Office Chief, etc.

(2) The Office Chief shall, upon receiving an appeal application as described in paragraph 1, send the application to the Minister of Justice without delay.

(3) A written notice of the dismissal of an appeal as prescribed by Article 11(1) of the Decree shall be issued following the form in Annex No. 15.

(4) The Minister of Justice shall, upon extending the review period of refugee status recognition pursuant to provisions in Article 21(7), send a Notice of Extension of Review Period of Appeal following the form in Annex No.16 to the person who filed the appeal pursuant to paragraph 8 of the aforementioned Article.

Article 11 (Notice on Cancellation/Withdrawal of Refugee Status Recognition)

The Notice on Cancellation/Withdrawal under Article 22(3) of the Act shall follow the form of Annex No. 17.

Article 12 (Organization and Operation of the Refugee Committee, etc.)

(1) The Chairperson of the Refugee Committee

(hereinafter referred to as “the Chairperson”) as provided by Article 25 of the Act (hereinafter referred to as “the Committee”) shall represent the committee and exercise overall control of its affairs.

(2) If the Chairperson is unable to perform his/her duties due to exceptional circumstances, a committee member designated by the Minister of Justice shall act on behalf of the Chairperson.

(3) The Minister may dismiss or cancel the appointment of a member of the Committee from his/her position, if such person falls under any of the following subparagraphs:

1. When the person is deemed to be in an impossible situation or has serious difficulties performing his/her duties due to mental/physical disability;

2. When the person is deemed ineligible to perform his/her duties due to reasons including, but not limited to, delinquency of duties, injury to dignity, etc.;

3. When the person violates the particulars of prohibitions as specified in Article 17 of the Act.

(4) The term of office of a person who is newly appointed as a member of the Committee, due to the dismissal or cancellation of an appointment as described in Paragraph 3, shall be the remainder of his/her predecessor's term of office.

(5) In case a subcommittee is established pursuant to Article 25(3) of the Act, the chairperson of the subcommittee shall be appointed by the Minister of Justice and paragraph 1 of this Article shall apply *mutatis mutandis* as regard to such chairperson's duties.

(6) In addition to the matters regulated by Paragraph 1 to 5, matters necessary to the operation of the Committee and the organization and operation of a subcommittee thereof shall be regulated by the Minister of Justice.

Article 13 (Recommendation Procedure for Education Expenses)

(1) A granted refugee or such person's child who wishes to receive a recommendation of support for educational expenses as provided in Article 13(2) shall submit an Application for Recommendation of Educational Expense Support following the form in Annex No. 18 to

the respective Office Chief or Branch Chief, attaching the documents listed in the following subparagraphs:

1. A Copy of the Certificate of Admission / Registration;

2. A copy of documents which can prove family relationships (only when the applicant is a child of a granted refugee).

(2) The Office Chief or Branch Chief shall, upon receiving the written application in accordance with paragraph 1, send such application together with his/her opinion on whether such support is necessary, to the Minister of Justice without delay.

(3) The Minister of Justice shall, after receiving an Application for Recommendation of Educational Expense Support as provided in paragraph 2, if it deems necessary, issue a Recommendation Letter for Support of Educational Expenses following the form in Annex No.19 to the applicant, and notify the result to the Minister of Education.

Article 14 (Recommendation Procedure for Vocational Training)

(1) A granted refugee who wishes to receive a recommendation for vocational training as provided in Article 15 of the Decree shall submit an Application for Recommendation of Vocational Training following the form in Annex No.20 to the Office Chief or Branch Chief.

(2) The Office Chief or Branch Chief shall, upon receiving the written application as provided in Paragraph 1, send such application, attaching his/her opinions on whether such support is necessary, to the Minister of Justice without delay.

(3) The Minister of Justice shall, after receiving an Application of Recommendation for Vocational Training, if such applicant is deemed to be in need of vocational ability training under Article 12 of the Act on the Development of Workplace Skills of Workers, issue a Recommendation Letter for Vocational Training following the form in Annex No.21 to the applicant, and shall notify the result to the Minister of Employment and Labor.

Article 15 (Procedure for Living Expenses Support, etc.)

(1) A refugee applicant who wishes to receive support for living expenses, etc., as provided in Article 40(1) of the Act, shall submit an Application for Living Expenses and Other

Assistance following the form in Annex No. 22 to the respective Office Chief or Branch Chief.

(2) The Office Chief or Branch Chief shall, upon receiving the written application as provided in paragraph 1, send the application, together with his/her opinions on whether the support is needed, to the Minister of Justice without delay.

(3) The Minister of Justice shall, upon receiving the application for Living expenses, etc., as provided in Paragraph 2, examine whether to provide such support or not, and notify the result to the applicant.

Article 16 (Procedure for Using Residential Facilities)

(1) A person who wishes to use a residential facility in accordance with Article 19 of the Decree shall submit an Application for Living Facility following the form in Annex No. 23, together with documents proving the family relationship (this shall apply only when the spouse or underage child of the applicant included in the application), to the respective Office Chief, Branch Chief, or the head of the residential facility. However, if such person wishes to use the residential facility within a refugee support center, the procedure shall follow Article 17 of this Enforcement Rule.

(2) The Office Chief, Branch Chief, or the head of a residential facility who receives such written application as prescribed by paragraph 1, shall send the documents, together with his/her opinion on whether such support is necessary, to the Minister of Justice.

(3) The Minister of Justice shall, upon receiving the application for the use of a residential facility pursuant to paragraph 2, decide whether to permit such use or not, and if deciding to permit such use, shall designate the permitted period, and notify the result to the applicant.

Article 17 (Procedure for Using Refugee Support Facilities)

(1) A person who wishes to use a refugee support center as provided in Article 23 of the Decree shall submit an Application for Refugee Assistance Facility following the form in Annex No. 24, together with documents proving the family relationship (only when the spouse or underage child of the applicant included), to the respective Office Chief, Branch Chief, or to

the head of the immigration support facility.

(2) The Office Chief, Branch Chief, or the head of a refugee support center who receives such written application as prescribed by paragraph 1, shall send the documents, together with his/her opinion on whether such support is necessary, to the Minister of Justice.

(3) The Minister of Justice shall, upon receiving the application for use of the refugee support center pursuant to paragraph 2, make a decision whether to permit such use or not, and if deciding to permit such use, the Minister of Justice shall designate the permitted period, and notify the result to the applicant.

Supplementary Provision

Article 1 (Date of Entry into Force)

This Enforcement Rule shall take enter into force July.1, 2013.

Article 2 (Other Amendments)

Provisions of the Immigration Control Act shall be amended as follows:

The title of Chapter 6-2 "Recognition of Refugee, etc." shall be amended to "Issuance of Refugee Travel Certificate, etc.";

Section 1 of Chapter 6-2 (From Article 67-2 through 67-6) shall be deleted;

"Section 2 Issuance of the Certificate of Refugee Status Recognition" stated before Article 67-9 shall be deleted;

Article 67-13 shall be deleted;

Within Article 78(3), the previously stated, "the authority under Article 30(1), Article 76-8(3) and Article 89 of the Act" shall be amended to "the authority under Article 30(1) and Article 89 of the Act"; paragraph 4 of Article 78 shall be deleted; and within paragraph 5 of the aforementioned Article "when intending to provide permission, etc., in accordance with Article 23 through 25, Article 30, Article 76-2, Article 76-3 and paragraphs 2 and 3 of Article 76-8, notwithstanding as regulated in paragraph 1 through 4" shall be amended to "when intending to provide permission in accordance with Article 23 through 25 and Article 30, notwithstanding as regulated in paragraphs 1 through 3".

Handbook for Recognized Refugees, Humanitarian
Status Holders, and Refugee Status Applicants

Refugee Status Determination Procedures in Korea

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