

Guidelines for Residence Status Management of Refugee Applicants

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IV Residence Status Management and Screening for Violation of Immigration Law

1. General principles for residence status management and screening for violation of Immigration Law

A. Illegal stay days are calculated from the day application for residence status is filed.

* When refugee application is filed or refugee recognition decision is made or humanitarian status is granted, residence status change is required in accordance with the change in the relevant residence status.

B. (As for procedural fees) Fees should be paid the same as other general foreigners applying for residence status unless there are humanitarian grounds for exemption of fees.

○ Residence status assignment

- Exemption of procedural fees: applicant's children born in Korea.

- Required document: Birth certificate that proves birth in Korea

○ Residence status extension and work permit

- Exemption of procedural fees

- ▶ Beneficiary of basic income subsidy from the government
- ▶ Those who have an illness or disability that hinders employment and their spouses
- ▶ Pregnant women, those who have children under 9 years old and their spouses
- ▶ Those under 18 or over 65 years old
- ▶ Those who receive subsidy in accordance with Refugee Act Article 40
- ▶ Residents of shelters supported by the Immigration Office and foreigner support centers

- Required documents: Documents that can prove qualifications for fee exemption such as medical certificate

○ Besides cases mentioned above, those considered to be exempted from paying fees will be reported to the Ministry of Justice where exemption will be approved.

C. (As for passport forgery and illegal entry) In case of a forged or falsified passport, illegal entry or absence of passport, reasons for such illegal activities should be written in detail (reasons statement) and submitted.

* Once the reasons statement is submitted during the refugee application or the first application for residence status, it is no longer required during the further updating procedure of residence status.

D. When residence status is granted for those barred from entering the country

1) (Refugee applicant) When residence status is granted, changed or extended for the first time, Ministry of Justice (Refugee Policy Department) will approve residence status. After that further residence status will be decided by the head of the local Immigration Office.

* When barred from entering the country due to criminal charges, every residence status update should be approved by Refugee Policy Dept. of Ministry of Justice.

2) (Those with humanitarian status, recognized refugees and their families) According to special lifting of entry restriction in 'Guidelines for Entry Restriction,' request approval from Ministry of Justice and then lift restriction and grant residence status.

E. Documentation on refugees with uncertain identity (relevant document: Immigration Information Dept. – 3013, '17.7.14)

1) When there is an official document:

a) Applies to refugee applicants, those with humanitarian status, and recognized refugees

b) Procedure

Officer in charge of residence status management

① Receive application for information change in alien registration and maintain it.

-> Maintain change in alien registration based on official certificate (such as passport or travel certificate)

-> When birth date or gender is changed, alien registration number is reassigned. When only name is changed, existing number is kept.

* When reassigning the number, changed information should be maintained in 'note' section.

-> Notify those who have refugee recognition certificate and travel certificate with old information of the need to have their certificates reissued.

② Reissue alien registration card.

③ Send a request for correction of refugee application and refugee recognition document to the Immigration Office (officer in charge of refugee affairs).

Officer in charge of refugee affairs

① According to the information correction request from the residence status management dept., update the information in refugee application and refugee recognition document.

- ② Reissue certificates including refugee recognition certificate based on the changed information.

* In case of travel certificate, update it when requested.

2) When there is a non-official certificate that is verifiable such as birth certificate and graduation certificate

* If a birth certificate is issued by a government agency, follow '1) When there is an official certificate.'

a) Applies to recognized refugees

b) Procedure

○ Officer in charge of refugee affairs

- ① Receive application for information change in refugee recognition certificate.
- ② Confirm information through documents submitted, testimony and circumstance investigation.
- ③ Correct information in refugee application and refugee recognition document.
- ④ Reissue certificates including refugee recognition certificate based on the changed information.

*Notify those who requested change of the need to report to the local Immigration Office about information change in alien registration within 14 days.

○ Officer in charge of residence status management

- ① Receive application for information change in alien registration and maintain it.
-> Correct information based on the updated refugee recognition certificate.
- ② Reissue alien registration card.

3) When there is no document but verbal testimony to confirm change in information

a) Applies to recognized refugees

b) Procedure

○ Officer in charge of refugee affairs

- ① Receive application for information change in refugee recognition certificate.
- ② Decide after interview and fact-finding investigation whether the information change is needed.

③ Once information change is decided, update refugee application and refugee recognition document.

④ Reissue refugee recognition certificate with changed information.

*Notify those who requested change of the need to report to the local Immigration Office about information change in alien registration within 14 days.

* When information change is not to be allowed, explain to those who requested change about reasons and terminate the case.

○ Officer in charge of residence status management

① Receive application for information change in alien registration and maintain it.

-> Update information in alien registration based on the changed refugee recognition certificate.

② Reissue alien registration card.

F. Application of other laws

○ For guidelines not specified in this guideline in regard to Immigration Office screening, residence status management and screening for violation of Immigration Law, follow the related guidelines in Immigration Law.

○ When authority is with the head of local Immigration Office, pay attention not to miss out on the humanitarian reasons in decision-making process.

* ex) Humanitarian reasons such as illness, child support or country regime change, etc.

2. Refugee applicant's residence status management and screening for violation of Immigration Law

A. Residence status assignment, extension and change

1) Residence status assignment (-> visa type G-1-5)

a) Applies to:

○ Applicants born in Korea, those who entered the country illegally and those specified in Immigration Law Article 23

b) Measures to be taken:

○ G-1-5 visas are assigned (up to 1 year)

- Same period is assigned for the family unless there are special reasons to be considered.

○ Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)
- Passport, a color photo (3.5cmx4.5cm)
- Receipt of refugee application (Refugee Act 시행규칙 addendum form no.3)
- Document that can prove family relation (can be replaced by the family document submitted during refugee application)
 - * Only for applicants requesting family unification
- Documents that can prove residence:
 - * Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.
- Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries)
 - * 1. Nepal 2. East Timor 3. Russia 4. Malaysia 5. Mongol 6. Burma 7. Bangladesh 8. Vietnam 9. Sri Lanka 10. Uzbekistan 11. India 12. Indonesia 13. China 14. Cambodia 15. Kyrgyzstan 16. Thailand 17. Pakistan 18. The Philippines 19. Laos
 - * TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients> is required; when a medical report (TB exam included) was submitted during refugee application, a copy of it is required.
 - * If medical report was not submitted during refugee application, it can be submitted when application for status change is filed.

c) Special cases for residence status permission and screening for violation of Immigration Law

○ When a minor child of an applicant (who requested family unification) applies for residence status

① Minors born in Korea (within 90 days from birth)

- (Main applicant: legally registered alien) residence status (G-1-5, up to a year)
 - * Residence period is assigned in reference to residence period of the main applicant
- (Main applicant: legal period overdue or illegal alien) residence status (G1-5, up to 6 months)
 - * Residence period is assigned in reference to residence period of the main applicant

② Minors born in Korea (Over 91 days from birth)

- (Under age 17 and main applicant is a legally registered alien) After those responsible for applying for residence status of the minor (Immigration Law Article 79) are fined, residence status (G-1-5, up to 1 year) is assigned in reference to residence period of the main applicant.

- (Over 17 and under 19 of age) Follow what is specified in 'Illegal aliens during refugee application' of this guideline. (However, with regard to detention, follow related guidelines of Immigration Law.)

* Residence period is assigned in reference to residence period of the main applicant.

③ Minors not born in Korea: Follow general residence status management guidelines.

○ When refugee applicant's minor child born in Korea applies for residence status without applying for refugee recognition

① (Under 17 and main applicant is a legally registered alien) residence status is granted until the main applicant's residence period (G-1-99 can be assigned)

*If more than 90 days have passed from child's birth, it will be considered an illegal stay and according to Immigration Law Article 79, residence status will be granted after those responsible for applying for residence status of a child are penalized.

In case above criteria are not applicable, follow related guidelines of Immigration law.

② (Over 17 and under 19 of age) Follow general residence status management guidelines.

○ Special cases for a specific language during designated period of time

- Applies to: Those who, during the period of 01/09/2015 – 30/06/2018, had an interview in Arabic and then filed application again which is still pending or those who have not filed application yet again after the interview during the same period

▶ Basic date to be considered for special cases is refugee interview date (not refugee recognition decision date). In case more than 2 interviews were conducted, if any one of multiple interviews is within the designated period of time, it is eligible.

▶ Those who are waiting for screening after reapplication or in the process of appeal or litigation.

- Those who have their reapplication reviewed and decided, or have not made an appeal or filed a lawsuit within due period are not eligible.

- Measure to be taken: whatever the current residence status, residence status is granted.

* Refer to '10/04/2020 Refugee Policy Dept. Guidelines.'

2) Permission of residence status change (visa type G-1-5)

A) Applies to:

○ Refugee applicants specified by Immigration Law Article 24

B) Measures to be taken:

○ Change to G-1-5 (6 months – 1 year)

○ Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport or alien registration card

- A color photo (3.5cm x 4.5cm)

- Receipt of refugee application (Refugee Act 시행규칙 addendum form no.3)

- Document that can prove family relation.

* This applies only to those who applied for family unification and can be replaced by the family document submitted during refugee application.

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

- Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients> is required; when a medical report (TB exam included) was submitted during refugee application, a copy of it is required.

* If medical report was not submitted during refugee application, it can be submitted when application for status change is filed.

C) Special cases for residence status permission

○ Those who want to start refugee application process without changing the existing status.

- It is possible to keep existing status (D-2, D-8, etc.) if the applicant meets necessary conditions during refugee application process.

* However, those with A type visa who are not eligible for refugee application can change their status to G-1-5.

○ Special cases for a specific language during designated period of time

- Applies to: Those who, during the period of 01/09/2015 – 30/06/2018, had an interview in Arabic and then filed application again which is still pending or those who have not filed application yet again after the interview during the same period

- ▶ Basic date to be considered for special cases is refugee interview date (not refugee recognition decision date). In case more than 2 interviews were conducted, if any one of multiple interviews is within the designated period of time, it is eligible.
- ▶ Those who are waiting for screening after reapplication or in the process of appeal or litigation.
 - Those who have their reapplication reviewed and decided, or have not made an appeal or filed a lawsuit within due period are not eligible.

- Measure to be taken: whatever the current residence status, residence status change is permitted.

*Refer to '10/04/2020 Refugee Policy Dept. Guidelines'.

3) Permission of residence status extension (visa type G-1-5)

A) Applies to:

- Refugee applicants (G-1-5) in the process of refugee application (including litigation)

- In case screening for refugee application is under way.

- In case application date for appeal or administrative litigation is not exceeded.

- * Appeal should be made within 30 days after receiving the result of first refugee application.

- ** Administrative litigation should be filed within 90 days after being informed of rejection from Immigration Office.

- When appeal for rejection of refugee application or administrative litigation is under way.

B) Measures to be taken:

- In principle 6 months – 1 year is allowed.

- * Taking into account the expected litigation period and other humanitarian reasons, head of the Immigration Office can flexibly adjust time granted within the period of 1 year.

- Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport or alien registration card

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

- Document that can prove the process of litigation if litigation is under way.

* When the status is extended for the first time after litigation started, 'Certificate of application for litigation' or 'Certificate of pending litigation' should be submitted. As for extensions afterwards 'Certificate for pending litigation' should be submitted to get permission for extension.

- TB certificate (those from 10 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* Issuing institutions are the same as in case of refugee applicant (G1) status change.

C) Special cases for residence status extension

○ Special cases for a specific language during designated period of time

- Applies to: Those who, during the period of 01/09/2015 – 30/06/2018, had an interview in Arabic and then filed application again which is still pending or those who have not filed application yet again after the interview during the same period

- ▶ Basic date to be considered for special cases is refugee interview date (not refugee recognition decision date). In case more than 2 interviews were conducted, if any one of multiple interviews is within the designated period of time, it is eligible.
- ▶ Those who are waiting for screening after reapplication or in the process of appeal or litigation.
 - Those who have their reapplication reviewed and decided, or have not made an appeal or filed a lawsuit within due period are not eligible.

- Measure to be taken: whatever the current residence status, residence status change is permitted.

*Refer to '10/04/2020 Refugee Policy Dept. Guidelines'.

B. Work permit

1) Applies to:

○ Refugee applicants who filed refugee application, which has passed 6 months

* When evidence documents are delayed, or applicant's whereabouts is unknown, or applicant is detained, those periods will not be counted to be included in 6 months.

- However, even if 6 months has not passed since refugee application, head of the Immigration Office can exceptionally grant work permit to those with family members who need support (such as pregnant woman, physically handicapped) based on humanitarian grounds.

2) Permission criteria

- (Jobs allowed for work permit) Simple labor work except for "Jobs restricted from employment" below.

【Jobs restricted from employment】

- ▶ Construction
- ▶ Lottery
- ▶ Drinking bar
- ▶ Jobs that can offend public morals (ex: video game, karaoke, motel, public bath, and dance institute)
- ▶ Tutoring
- ▶ Other jobs Justice Minister considers necessary to restrict from employment

- (Permission procedure) Follow 'work permit for activities not covered by existing residence status' procedure in Immigration Law Article 20.
 - While refugee applicant's status is maintained, work permit for activities not covered by existing residence status will be allowed during the legal residence period.
- (Caution) Permission from Immigration Office is prerequisite for work permit
 - If a refugee applicant is to work as a foreign language instructor (E-2), follow the regular procedure for ordinary foreigners.
 - When an employer is changed, a new work permit is required.
 - No employment through brokers is allowed. Employer should be the one who both hires and pays.
- Required documents:
 - Application (Immigration Law 시행규칙 addendum form no. 34)
 - Passport or alien registration card
 - Employment contract, business registration certificate

* If a refugee applicant is to work as a foreign language instructor (E-2), follow the regular procedure for ordinary foreigners.

C. Criteria for residence status management for Immigration Law violators

1) Criteria for residence status assignment, change and extension for violators

A) Basic principle

- Head of the Immigration Office is to review and decide based on refugee applicant's residence status, record of law violation, reasons for such violation (if any), and humanitarian reasons.

- 난민신청 시 체류기간 만료일이 임박하여 체류허가 등 신청 시 기간 초과될 우려가 있는 경우 기관 사정에 따라 체류허가 신청 If residence status is soon to expire when filing an application for refugee recognition so the legal residence period is likely to be exceeded, application for residence status is flexibly managed by Immigration Office.

* In case residence status has expired due to unavoidable reasons (accidents, diseases, etc.) when application for residence status is filed, evaluate the period starting from the date refugee application is made.

B) Legal resident at the time of refugee application

- Applies to:

- Those who stayed in Korea over a year and whose residence status is near extinction (within 4 months), those who reapply for refugee recognition, those who are allowed status extension for departure, those who are not allowed status extension, and those who received departure recommendation or departure order.

- Measures to be taken for individual cases:

- ① Those whose departure is delayed after receiving a notice informing of not allowing status extension.

- Those who stayed in Korea over a year and whose residence status is near extinction (within 4 months), those who reapply for refugee recognition, and those who make refugee application after being allowed status extension for departure.

*Two measures are to be implemented simultaneously to reduce the number of visits to the Immigration Office: one is Immigration Law Article 33 (notification of not allowing status extension, ordering departure within 14 days) and the other 시행규칙 Article 33 (delaying departure within 3 months)

- ② Those whose departure is delayed

- Those who are not allowed status extension or those who received recommendation for departure or departure order

The Immigration Office authorized to issue delay of departure: once change of residence is confirmed, the Immigration Office that has jurisdiction over that residence will delay departure.
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C) Illegal resident at the time of refugee application

- Those to be deported after being exempted from penalty

- Those who voluntarily came to the Office and filed refugee application during illegal stay and whose illegal stay period is within 30 days from the date of application for residence status.

* Same guideline above will be applied to those who voluntarily came to the Office and filed refugee application during legal stay and whose illegal stay period is within 30 days from the date of application for residence status.

Those to be deported after being charged penalty

- Those who voluntarily came to the Office and filed refugee application and whose illegal stay period is over 31 days from the date of application for residence status.

* Same guideline above will be applied to those who voluntarily came to the Office and filed refugee application during legal stay and whose illegal stay period is over 31 days from the date of application for residence status.

Those to be detained

- Those who file refugee application after having been caught during illegal stay

- Those who file refugee application after having received departure order during illegal stay

- Those who voluntarily came to the Office during illegal stay and reapply for refugee recognition

- Those who satisfy conditions for detention according to Immigration Law Article 51

- (Special case) Head of the Immigration Office is to review and decide based on refugee applicant's residence status, record of law violation, reasons for such violation (if any), and humanitarian reasons.

2) Criteria for managing those whose legal residence period is exceeded during refugee application screening

Basic principle

- Those, who are staying with G-1-5 visa after filing refugee application, which is pending, and whose legal stay period is exceeded, are subject to the following:

Those who are granted residence status after being charged penalty

- Permitted to stay after being charged penalty commensurate with the length of illegal stay

* Extend residence status depending on the expected litigation time and other screening process.

Those to be deported after being charged penalty

- Those who are rejected residence status extension and then whose departure is delayed, but whose departure deadline is exceeded within 30 days

* Departure can be delayed within 3 months until refugee application procedure is completed.

Those to be detained:

- Those who are issued notice for appearance at the Immigration Office and voluntarily come to the Immigration Office after over a year-long illegal stay
 - Those who are caught after G-1-5 residence period is exceeded
 - Those whose departure is delayed and whose departure date is exceeded over 31 days. (However, those who are caught during crackdown will be detained regardless of the number of days exceeded.)
 - Those who receive departure order and voluntarily come to the Immigration Office during illegal stay or who are caught during crackdown
 - Those who satisfy conditions for detention prescribed by Immigration Law Article 51
- * But deportation order will be put on hold until refugee application screening is completed.

3) Measures to be taken for those with forged passport (including falsified visa and seal) and those who entered the country illegally

4) Residence status permission and screening for violation of Immigration Law for those who entered the country illegally

5) Management of refugee applicants who are illegally employed (when illegally employed in legally permitted areas)

A) In case employed (and caught) within 6 months from the date refugee application is filed

- Charge penalty for violation of Immigration Law Article 18-1 (limitations on alien employment)
- When penalty is not paid, refer them to the Prosecutor's Office for investigation.

B) In case employed (and caught) after 6 months from the date refugee application is filed

- Charge penalty for violation of Immigration Law Article 20 (work permit)
- When penalty is not paid, refer them to the Prosecutor's Office for investigation.

C) In case caught while employed after receiving departure delay or departure order

- Charge penalty for violation of Immigration Law Article 18-1 (limitations on alien employment)
- When penalty is not paid, refer them to the Prosecutor's Office for investigation.

D) In case caught while employed after residence period or delayed departure date is exceeded (during illegal stay)

- In principle, they will be sent to detention center according to Immigration Law Article 51 and then refugee screening will begin.

E) Exemption of penalty

- Decide whether they will be exempted from penalty based on their reasons for refugee application, ability to pay penalty, motive of illegal employment and its result.

* However, in case a refugee applicant is illegally employed in areas restricted by law, guidelines for ordinary foreigners will be followed.

6) Management of those who are fined (by criminal law)

A) Basic principle

- As for a refugee applicant ordered to pay fines, follow 「Guidelines for charging fines for foreigners」
- However, eviction order will be put on hold for those to be deported until refugee application process is completed.

B) Execution of eviction order before refugee application process is completed

- Eviction order will be implemented when there is likely harm and danger to nation's safety and security after considering age, nature of crime, its motive and result, extent of damage, criminal record and likelihood of recurrence of crime, etc.
- Legal grounds: Immigration Law Article 62-4 (execution of eviction order)

7) Management of those who committed serious non-political crime before entry

* Related document: refugee affairs directive by Refugee Dept.-13572

A) Applies to:

- Refugee applicants who committed a serious non-political crime (murder, rape, armed robbery, drug trafficking, drug abuse, etc.) before entering Korea (including those who stated about their crime during interview)

B) Measure to be taken:

- Eviction order (detention) and its execution

* (Applicable laws) Immigration Law Article 11-1-3 & 4, Article 46-1-3, Article 62-4

- When the refugee applicant files a lawsuit against eviction order and the suspension of execution of eviction order is accepted, withhold execution of eviction until lawsuit is completed.

C) Procedure

- Measures to be taken by officers in charge of residence status management, violation of Immigration Law and detention

- (Residence status management officer) Refer those to be evicted (who are restricted or excluded from refugee recognition) to officer in charge of violation of Immigration Law.
- (Officer in charge of violation of Immigration Law and detention) When or before eviction order (detention) is executed for those to be evicted (who are restricted or excluded from refugee recognition), immediately inform Ministry of Justice of their personal information.

Measures to be taken at the port of entry and departure:

- Bar entry of those who are restricted or excluded from refugee recognition from reentering the country after departure
- When those who are restricted or excluded from refugee recognition voluntarily leave the country, execute deportation order before leaving.
- * When entry is barred or deportation order is executed at the port of entry and departure, immediately inform Ministry of Justice of their personal information.

Others

- If some applicants are found to be evicted (restricted or excluded from refugee recognition) even if their information is not maintained in the system, immediately inform Ministry of Justice and follow its decision.

8) Procedure for detention and release of a refugee applicant for identification

A) Detention for identification

Applies to:

- When an applicant intentionally hides his identity with a forged passport or purposefully destroys his/her passport in order to get recognized as a refugee
- According to Refugee Act identification is required for refugee applicants. Therefore, those who are under review for whether they are eligible for refugee application at the port of entry and departure are not to be detained for identification.
- * However, if those, who were considered eligible for refugee application and allowed conditional entry, are found to have their identity checked, detention can be enforced.

Detention for identification

- Issue detention order in accordance with Immigration Law Article 15

Extension of detention for identification

- When identity confirmation is delayed for inevitable reasons, acquire permission for extension of detention within 10-day period from head of the Immigration Office and extend detention.

Release from detention for identification

- When identity is confirmed or identity is unable to be confirmed within 10 days, immediately lift detention.

○ Laws to be followed regarding detention

- In regard to detention for identification, what is not prescribed by Refugee Act, Refugee Act 시행령, Refugee Act 시행규칙, and this guideline will follow Immigration Law.

○ Administrative measure

- When decision is made to detain a refugee applicant for identification, immediately report to Justice Minister.

B) Temporary release from detention

○ Applies to:

- An applicant in detention who wins litigation for rejection of refugee recognition (1st or 2nd)

* Exclude those who have been sentenced to imprisonment without labor and those suspected of doing harm to nation's safety, public order and public good.

- When temporary release is inevitable according to 「Guidelines for Temporary Release from Detention」.

○ Procedure

- If an applicant is unable to pay security deposit money for temporary release, allow temporary release by reducing the amount or securing assurance from a guarantor.

- In regard to temporary release, follow related guidelines of Immigration Law.

9) Measures to be taken for those who start litigation

A) Those who start litigation for rejection of refugee recognition

○ Extend residence status until litigation is completed.

○ However, if an applicant filing a lawsuit belongs to the group 'reapplicant with no change in circumstances,' follow 'Measures to be taken for those who abuse litigation' below.

B) Those who lost lawsuit

○ Reject extension of residence status and designate the date of departure within 14 days of issuing the rejection notice.

C) Measures to be taken for those who abuse litigation

○ (Example of abuse) Those who make an appeal repeatedly even if previous litigation was complete with some part of applicant's faults such as failing to pay litigation fee, not appearing in court, etc.

* When lawsuit is filed repeatedly for the same result. (When lawsuits are continuously filed for the same rejection of refugee recognition.

- After extension of residence status is rejected, delay departure date until litigation process is completed within the period of 30 days.

- While departure is being delayed, delay departure date until litigation process is completed within the period of 30 days.

- When departure order is already issued with completion of litigation, delay departure date until litigation process is completed within the period of 30 days.

10) Special cases for granting residence status and management of Immigration Law violation

A) When there are personal circumstances to be taken into account based on humanitarian grounds

○ When there are reasons to be considered for violation of law such as illegal stay and illegal employment, report to Ministry of Justice for approval.

* Follow Immigration Law for what is not specified in this guideline.

B) Special cases for a specific language during designated period of time

○ Applies to: Those who, during the period of 01/09/2015 – 30/06/2018, had an interview in Arabic and then filed application again which is still pending or those who have not filed application yet again after the interview during the same period

- ▶ Basic date to be considered for special cases is refugee interview date (not refugee recognition decision date). In case more than 2 interviews were conducted, if any one of multiple interviews is within the designated period of time, it is eligible.
- ▶ Those who are waiting for screening after reapplication or in the process of appeal or litigation.
 - Those who have their reapplication reviewed and decided, or have not made an appeal or filed a lawsuit within due period are not eligible.

○ Measures to be taken: Regardless of the period of law violation such as illegal stay or illegal employment, exempt them of penalty and grant residence status.

- Exemption of penalty will be in effect only one time. Further violations will not be covered as special cases.

- Not applied to those caught during crackdown.

- Not applied to violators of criminal law and other laws and applicants in detention.

3. Residence status management for humanitarian sojourners

A. Residence status assignment, extension and change

1) Residence status assignment (visa type G-1-6)

A) Applies to:

Those who are rejected refugee recognition but are eligible for humanitarian status prescribed by Refugee Act Article 2-3

- Those prescribed by Immigration Law Article 23 such as those whose departure is delayed, those who are in detention and who entered the country illegally

B) Measures to be taken:

Assign humanitarian sojourner status (G-1-6, within 1 year)

- Assign the same period of stay to family unless there are exceptional circumstances to be considered.

Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport, a color photo (3.5cm x 4.5cm)

- Notice of refugee non-recognition (Refugee Act 시행규칙 addendum form no. 10)

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

- Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients>

Hand out a leaflet about permitted employment for humanitarian sojourners.

- This step can be skipped if the leaflet was provided when humanitarian status was granted.

2) Residence status change (visa type G-1-6)

A) Applies to:

Those who were rejected refugee recognition but are eligible for humanitarian status prescribed by Refugee Act Article 2-3

- Those who need status correction or change according to Immigration Law Article 24

B) Measures to be taken:

○ Refugee applicant (G-1-5 holder): correct residence status (visa type correction G-1-6 and extend status up to a year

- When only visa type code of an applicant with G-1 is changed to humanitarian status (G-1-6) without status change, "status change" should be maintained in the system. (When status is extended after correction, extension fee is charged.)

- Assign the same period of stay to family unless there are exceptional circumstances to be considered.

○ As for those with status other than G-1-5 (refugee applicant), change status according to Immigration Law Article 24.

- If those with other status want to keep that status, it is not necessary to change status.

○ Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport and alien registration card

- A color photo (3.5cm x 4.5cm) (when alien registration card is reissued)

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

- Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients>

○ Hand out a leaflet about permitted employment for humanitarian sojourners.

- This step can be skipped if the leaflet was provided when humanitarian status was granted.

3) Residence status extension (visa type G-1-6)

A) Applies to:

○ Humanitarian sojourners with G-1-6 whose grounds for being granted humanitarian status are still valid.

B) Measures to be taken:

Extended up to a year

- Assign the same period of stay to family unless there are exceptional circumstances to be considered.

Hand out a leaflet about permitted employment for humanitarian sojourners.

- As for those who were granted humanitarian status before revision of this guideline and did not receive the revised form of the leaflet for permitted employment for humanitarian sojourners, provide it during residence status extension.

Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport and alien registration card

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

4) Report of residence status change and permission of reentry

Follow 'residence status change and permission of reentry for refugee applicants'.

B. Work permit

1) Basic principle

Generally limited to simple labor work. Professional jobs can be allowed when conditions prescribed by relevant laws are met.

* As for jobs requiring certain criteria in accordance with local law, those criteria should be met.

2) Permission criteria

(Permission period) Up to 1 year within the period of legal residence period (continuous extension possible)

(Jobs allowed for work permit) Simple labor work except for "Jobs restricted from employment" below.

【Jobs restricted from employment】

▶ Construction

▶ Lottery

- ▶ Drinking bar
- ▶ Jobs that can offend public morals (ex: video game, karaoke, motel, public bath, and dance institute)
- ▶ Tutoring
- ▶ Other jobs Justice Minister considers necessary to restrict from employment.

○ (Measures to be taken) Follow 'work permit for activities not covered by existing residence status' procedure in Immigration Law Article 20.

- Describe permitted activities and permitted period.

- When employed in construction, in the note section add "humanitarian sojourner" and provide work permit for activities not covered by existing residence status.

* This permit is required when applying for "basic safety instruction for foreign workers in construction industry," a mandatory course for employment in construction.

- This work permit is issued for other occasions when considered necessary.

○ (Caution) Permission from Immigration Office is prerequisite for work permit

- If a refugee applicant is to work as a foreign language instructor (E-2), follow the regular procedure for ordinary foreigners.

- When an employer is changed, a new work permit is required.

- No employment through brokers is allowed. Employer should be the one who both hires and pays.

○ Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport or alien registration card

- Employment contract, business registration certificate

C. Family unification (visa type G-1-12)

1) Basic principle

○ When a spouse or a minor child of a humanitarian sojourner applies for residence status in order to stay in Korea with the humanitarian sojourner, accept the application and assign G-1-12 (family unification for humanitarian sojourner).

* When a spouse or a minor child of a humanitarian sojourner applies for refugee recognition only to be united with their family without any particular reasons to claim refugee recognition, skip the refugee application process and let them directly apply for residence status.

Allow family unification for family members of a humanitarian sojourner staying in Korea but not the members residing overseas.

When a family member of a humanitarian sojourner has reasons to be restricted from refugee recognition, do not allow unification.

2) (Spouse) If a humanitarian sojourner gets married while staying in Korea, consider the circumstances under which the marriage is formed and its motif before deciding to allow unification.

* If a humanitarian sojourner left his/her spouse back in his/her country of origin and remarries in Korea, the new spouse will be excluded from unification in accordance with Korean civil law.

(Children) Only minor children (including those born in Korea) will be allowed for unification. If minor children are married, they will be excluded.

(Parents, siblings) They will be excluded in principle, but as for parents, if they come to Korea with a humanitarian sojourner and made refugee application together with inevitable reasons such as disease treatment or child rearing, they will be accepted for unification. (However, their separate entry will not allow unification.)

3) Residence status assignment and change

A. When a document proving family relation (spouse, child) cannot be submitted, conduct investigation to verify the relation before granting residence status.

B. Required documents:

Application (Immigration Law 시행규칙 addendum form no. 34)

Passport

A color photo (3.5cm x 4.5cm)

Document that can prove family relation

* (Spouse) Family relation certificate, marriage certificate, etc.

* (Minor children) Birth certificate or other documents that can verify parent-child relation

Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients>

4) Residence status extension

Period allowed for extension

- Extension is allowed within 1-year period each time.
- Extension is possible while a humanitarian sojourner stays in Korea.

5) Work permit

Follow work permit procedure and guideline for humanitarian sojourners.

6) Family unification application from a family member of a humanitarian sojourner during illegal stay

Calculate the period of illegal stay.

- Calculate from the date of application for residence status.

Exemption from penalty

- Those who voluntarily come to the Office; they need to have stayed in Korea less than a year and their illegal stay period should be less than 30 days.

Charging penalty

- Except for the exemption case described above, the rest will be charged penalty first and then granted residence status.

What is not prescribed in this guideline will follow related laws and guidelines.

D. Management of law violators

1) In general:

Those who violate residence status assignment or change guidelines will be dealt with in accordance with related guidelines of Immigration Law.

2) Illegally employed humanitarian sojourner

A) General principle

When a humanitarian sojourner works in areas restricted from employment, follow related guidelines of Immigration Law. (When caught working in construction industry, charge penalty before granting residence status.) As for those working in areas not restricted from employment, refer to the following.

B) When a humanitarian sojourner is employed (and caught) without a work permit.

- Charge penalty for violating Immigration Law Article 20 (work permit) before granting residence status.
- When penalty is not paid, refer them to the Prosecutor's Office for investigation.

E. Cancellation of residence status and rejection of status extension

1) Reasons for evoking residence status and not permitting extension of humanitarian status

- When humanitarian status was granted based on falsified documents
- When humanitarian status was granted based on false testimony or intentional concealment of facts.
- When sojourner can go back to home country as situation in the home country has changed
- When reasons for preventing, revoking or withdrawing refugee recognition have been found or occur, or any violation of law that can incur such preventing, revoking or withdrawing is committed after humanitarian status was granted
- When Justice Minister judges that humanitarian status no longer needs to be granted with change in circumstances

2) Procedure

A) Those whose humanitarian status is revoked: follow Immigration Law Article 89.

- Order deportation in accordance with Immigration Law Article 68 (departure to be made within 30 days from issuing the order.)
- B) Those who are refused extension: follow Immigration Law Article 33 and relevant guidelines.
- Rejection notice (ex. for extension): departure to be made less than 14 days from the date of issuing the notice.

4. Residence status management for recognized refugees

A. Residence status assignment, extension and change

1) Residence status assignment (visa type F-2-4)

- A) Applies to: recognized refugees prescribed by Refugee Act Article 2-2
- Those whose departure is delayed or who are in detention or who entered the country illegally prescribed by Immigration Law Article 23

* When those with temporary refugee entry permit are recognized as refugees, have them hand in the permit as they are allowed to enter the country.

B) Measures to be taken:

Assign recognized refugee status (F-2-4, 3 years)

- Assign the same period for their family as long as there are no particular reasons not to do so.

* When those in detention are recognized as refugees, immediately lift detention and grant residence status. → When releasing those who received deportation order and are in detention, first revoke deportation order and lift detention in accordance with Immigration Law Article 99-2.

C) Required documents:

Application (Immigration Law 시행규칙 addendum form no. 34)

Passport

Recognized refugee certificate (Refugee Act 시행규칙 addendum form no. 8)

A color photo (3.5cm x 4.5cm)

Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients>

2) Residence status change (visa type F-2-4)

A) Applies to: recognized refugees prescribed by Refugee Act Article 2-2

When change of status is required in accordance with Immigration Law Article 24

B) Measures to be taken:

Change of status for recognized refugees (F-2-4, 3 years)

- Assign the same period for their family as long as there are no particular reasons not to do so.

C) Required documents:

Application (Immigration Law 시행규칙 addendum form no. 34)

Passport

Recognized refugee certificate (Refugee Act 시행규칙 addendum form no. 8)

A color photo (3.5cm x 4.5cm)

Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries; in case application for residence status is filed for the first time since TB guidelines are implemented.)

* TB examination certificate (diagnosis) designated by <Visa assignment and status management guidelines for foreign TB patients>

3) Extension of residence status (visa type F-2-4)

A) Applies to: recognized refugees (F-2-4) who belong to the following category.

Those whose reasons for having been recognized as refugees are still valid.

B) Measures to be taken:

Extend recognized refugee status (F-2-4, within 3 years)

- Assign the same period for their family as long as there are no particular reasons not to do so.

C) Required documents:

Application (Immigration Law 시행규칙 addendum form no. 34)

Passport and alien registration card

Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

4) Change of residence

Follow residence management for ordinary foreigners.

5) Employment of recognized refugees

- Since recognized refugees hold residence status F-2, they are not restricted from employment prescribed by Immigration Law Article 23-2.

B. Change of recognized refugee status to permanent residence status (visa type F-5-27)

1) Authorized by: Justice Minister

- Application for permanent residence status by a recognized refugee is forwarded to the Immigration Office for approval.
- In regard to what is not prescribed in this guideline as to change to and screening of permanent residence status for a recognized refugee, follow Immigration Law.

2) Criteria for permission (should meet all 5 criteria below)

- ① Should stay over 2 years as a recognized refugee (F-2-4) from the date of application for residence status.

* Must stay continuously with no departure from Korea, but when one obtains approval for reentry (including exemption) and returns within 3 months, that period will be counted as stay in Korea.

- ② Should be an adult according to Korean civil law.

- ③ Should be observant of law and decent in behavior.

- ④ Should have property or ability to financially support oneself or his/her family should have means for financial support.

*When total income of a recognized refugee or his/her family (if any) is more than GNI (Gross National Income) per person announced by Bank of Korea for the previous year, or their household property is over medium level.

- ⑤ Should have basic and proper knowledge of the Korean language and custom that is necessary for residing in Korea.

* Should complete social integration program prescribed by Immigration Law Article 39 or pass general evaluation exam prescribed by Immigration Law 시행령 article 48-2-3.

3) Required documents:

A) General documents

- Application (Immigration Law 시행규칙 addendum form no. 34)
- Passport, alien registration card

* In case of absence of passport, which was caused by some inevitable reasons such as hurried escape from life-threatening danger, or children born in Korea or entry with a forged passport, submission of passport can be skipped. (Check the reasons statement submitted during application for status assignment or status change.)

- In case one stayed overseas other than the country of origin for over 6 months, crime record certificate issued by the country where one stayed is required. (Skip submission of crime record certificate issued by country of origin.)

B) Documents relating to basic knowledge of Korea (Korean language)

- Documents that can verify completion of social integration program or passing of general evaluation exam

C) Documents that can prove independent financial support

- When total income of a recognized refugee or his/her family (if any) is more than GNI (Gross National Income) per person announced by Bank of Korea for the previous year, or their household property is over medium level.

4) Restriction on change of residence status

- For those who are charged penalty, apply 「General guidelines for restriction on residence status management (Residence status management dept. – no.2626, 20/05/2014)」.
- Those who are likely to disrupt safety, public order and welfare of Korea and to bring harm to Korean society.
- Those who submitted a falsified document.
- Those with criminal record, which causes limitation on change of residence status.

5) Recognized refugees who lost residence status

- As for recognized refugees who received deportation order and lost residence status as a result, refer to 'Prohibition of deportation' of this guideline (*not included in this version).

C. Application for travel certificate and its issuance

1) Basic principle

A) Applies to:

- Those who are recognized as refugees by Justice Minister

B) Objective

- When a recognized refugee tries to leave Korea, he/she should apply for travel certificate and obtain it.
- However, if his/her departure is considered to cause harm to safety of Korea, travel certificate will not be granted.

C) When to issue travel certificate

- When one applies for travel certificate in order to leave the country

D) Validity period

- 3 years (regardless of residence status period)

E) Required documents:

- A copy of refugee recognition certificate
- A copy of alien registration card (only for those who have alien registration cards)
- A color photo (3.5cm x 4.5cm)
- Fee: 10,000 won

F) Screening

- When the head of the Immigration Office receives an application for travel certificate, he/she should investigate the following:
 - Whether the applicant's refugee recognition has been revoked or will be revoked
 - Whether the applicant's departure would harm safety of Korea
 - Whether entry period should be restricted (3 months – 1 year) based on Immigration Law Article 76-5-4
- * Justice Minister can, if necessary, limit the entry period between 3 months and 1 year.

G) Decision of issuance and request for issuance

- When the head of the Immigration Office decides to issue a travel certificate, send the following information to the Mint Corporation and request its issuance.
 - Information needed to issue a travel certificate: issue number, issue date, expiration date
 - Information on applicants: name, date of birth, alien registration card number, gender, place of birth, applicant's photo
- * Since there is no way for the Mint Corporation to confirm the accuracy of the information, it is essential to make sure that the information is correct and the photo is a prescribed size before transferring the data.

H) Distribution

- Head of the Immigration Office records the issuance in the travel certificate issuance ledger (Immigration Law 시행규칙 addendum form no. 126-13) and has the applicant sign the receipt and then hand out the certificate.

* When distributing the certificate, inform the applicant that he/she should return before residence status expires and otherwise they should go through change of residence status.

2) Extension of validity period of travel certificate

A) Application

- When a recognized refugee cannot return within the valid period of travel certificate for unavoidable reasons such as illness, he/she should submit following documents to the head of overseas diplomatic mission in order to extend the validity period.

B) Required documents:

- Application for extension of validity period of travel certificate (Immigration Law 시행규칙 addendum form no. 126-14)
- Document explaining about the reasons for extension

C) When to extend the validity period of travel certificate

- Even if validity date has expired, if it has not exceeded 6 months, allow extension up to 6 months depending on the applicant's residence status period.

* ex.) When a recognized refugee (residence status expiration date 31/07/2014) with his/her travel certificate's expiration date 31/01/2014 applies for extension of travel certificate at the overseas diplomatic mission on 01/03/2014, allow extension until 31/07/2014.

- However, when the residence status has already expired, extension cannot be allowed.
- When travel certificate has expired over 6 months, a new travel certificate should be issued.

D) Measures to be taken:

→ When the overseas diplomatic mission receives application for extension, allow extension within 6 month-period if there are no particular reasons to consider otherwise and take the following steps:

- Record the extended validity period in the extension section of travel certificate.
- Report immediately to Justice Minister about the extension.

- When Justice Minister receives report on the extension from the head of overseas diplomatic mission, inform the head of the local Immigration Office of the extension.

3) Permission of reentry

- Reentry is allowed within valid period without limit.
- Reentry period can be limited between 3 months and 1 year if Justice Minister affirms limitation is necessary.
 - When entry period is limited, make sure to notify the applicant of the limitation.
- When one reenters after his/her residence status has expired, head of the Immigration Office at the port of entry and departure allows entry by granting visa exemption, no-visa, or temporary stay (C-3-1, 30 days).
 - * After reentering, one should go to the local Immigration Office that has jurisdiction over his/her residence and apply for change of residence status before residence status expires.

4) Reissuance of travel certificate

A) Reasons for reissuance

- When the travel certificate is lost or missing
- When the travel certificate is worn out
- Other cases when Justice Minister considers necessary
 - * When there is no more space for visa stamp in the travel certificate
 - * When all the travel documents are required to be renewed for improvement or to prevent falsification

- ▶ In case one who has a valid travel certificate applies for a new travel certificate, he/she has to return the old certificate.
- ▶ However, when the certificate is reissued because the old one has worn out or run out of space for stamp, stamp 'USED' on the old one and attach it to the new one.

B) When to apply:

- Within 14 days from the date the need for reissuing has occurred, but if there are justifiable reasons for reissuance even after 14 days have been exceeded, a new certificate can be issued.

C) Procedure for reissuance

- Where to apply:
 - (Inside Korea) Apply to the head of local Immigration Office.
 - (Outside Korea) Submit application to the head of overseas diplomatic mission and then to Justice Minister (through head of overseas diplomatic mission).
- Required documents:

- Application for reissuing travel certificate (Immigration Law 시행규칙 addendum form no. 126-11)
- Document explaining reasons for reissuance
- A color photo (3.5cm x 4.5cm)
- Current travel certificate
- * When the certificate is lost, reasons statement for lost is required.
- Fee 10,000 won

○ The head of overseas diplomatic mission who received application for reissuance should immediately inform the head of the Immigration Office about the application.

D) Screening for reissuance and its decision and request

- As for screening for reissuance and its decision and request, follow 'Decision of issuance and request for issuance' in this guideline.
- However, if the head of the Immigration Office decides not to allow reissuance for the applicant outside Korea, report that decision to Justice Minister and then inform the applicant of the decision through overseas diplomatic mission.

E) Distribution

- Head of the Immigration Office records the reissuance in the travel certificate issuance ledger and has the applicant sign the receipt and then hand out the certificate.
- In case the applicant is outside Korea, mail the travel certificate and the receipt to the head of overseas diplomatic mission, who in turn has the applicant sign the receipt and hand out the certificate and then notify the head of the local Immigration Office about the distribution.
- When the certificate is reissued due to its loss, notify the applicant that the lost certificate can no longer be used and receive confirmation from the applicant.

5) Return of travel certificate

A) Applies to:

- When a recognized refugee is subject to one of following conditions, he/she should return refugee recognition certificate and travel certificate immediately to the head of the Immigration Office.
- When deportation order is issued from the head of Immigration of Office
- When rejection of appeal for deportation order is notified by Justice Minister
- When cancellation or withdrawal of refugee recognition is issued by Justice Minister

- If Justice Minister acknowledges that the foreigner with travel certificate is likely to bring harm to the safety and welfare of Korea, he/she can order return of travel certificate.

B) Return deadline

- Within 14 days prescribed by Justice Minister

C) Return procedure

- Justice Minister sends the travel certificate return order (Immigration Law 시행규칙 addendum form no. 126-15) to the foreigner through head of the Immigration Office.

D) Invalidated travel certificate

- When travel certificate is returned or return deadline is exceeded

6) Measures to be taken for lost or invalidated travel certificate

A) Applies to:

- Lost travel certificate
- Invalidated travel certificate as return deadline is exceeded

B) Measures to be taken:

- The Immigration Office, which received application for reissuance of travel certificate or issued return order, should maintain the changed information in the system.
 - ▶ In case invalidated travel certificate is discovered during departure
 - > Hold departure and inform the certificate holder that he/she use a renewed certificate (stamp 'USED' on the old one).
 - ▶ In case invalidated travel certificate is discovered during entry
 - > Check identification and investigate how invalidated certificate has been used and then decide whether entry will be allowed (stamp 'USED' on the old one).

7) Reporting

- Head of the Immigration Office should regularly report to Justice Minister regarding issuance of travel certificate.

D. Management of law violators

- In regard to residence status assignment and change, follow relevant articles of Immigration Law.

- There is no limitation on employment, but one who engages in 'activities offending public morals and order' such as lottery, drinking bar, video game, etc. as stipulated in related laws is subject to penalty.

E. Residence status management (visa assignment) for spouses and other family members (family unification)

1) Principle of family unity

- Refugee Act guarantees reunification of separated family members for recognized refugees and stipulates principle of family unity to protect refugees and their families.

2) Applies to whom and to what extent

- Applies to recognized refugees

* Principle of family unity does not apply to refugee applicants and humanitarian sojourners.

- Extent of family member covered by this principle is limited to spouse and minor child.

- In case of spouse, legal marriage in the country of origin should be verified (official document required).

* However, if there are reasons for not being able to prove legal marriage during change of residence status, marital relation can be acknowledged exceptionally.

- Children will be limited to minors without spouses (under 19 in accordance with Civil Law Article 4)

* Adult children will be screened according to general guidelines for entry and residence status management.

- Other family members including siblings will not be included in family unification.

- Even family members of a recognized refugee will be rejected entry if they are found to be not eligible for entry according to Immigration Law Article 11.

3) Procedure for issuing visa for family of recognized refugees

A) Visa issuance procedure

- When a family member of a recognized refugee intends to enter Korea for family unification, head of overseas diplomatic mission checks the following and then issues a short-stay visa (C-3, 90 days).

- Whether a recognized refugee has been granted refugee recognition

- Whether there is a document that proves family relation

- Whether the recognized refugee and his/her family member want to be united

- Head of overseas diplomatic mission can, if necessary, ask Justice Minister for whether the recognized refugee has been granted refugee recognition before issuing a visa.

B) Required documents for issuing visa for a family member

- Documents required of a spouse

- Passport
- Document that can prove family (spouse) relation
- Document that can verify legal marriage such as marriage certificate
- Other documents that certify marital relation

- Documents required of minor child

- Passport
- Document that can prove family relation (parent – child relation) such as birth certificate
- Document that certifies child's age
- Document that certifies child's marital status

* Requested only when child's marital status is suspicious.

4) Screening for entry of a family member (for family unification)

A) General procedure

- When a spouse or a child of a recognized refugee wants to enter for family unification at the port of entry and departure, check whether they are to be subject to family unity during screening.

B) Procedure for those prevented from entry

- If a family member is found to be prevented from entry according to Article 11-1, he/she should not be allowed to enter.
- However, if there are proper grounds to allow entry for a family member restricted from entering the country, in accordance with Immigration Law, obtain approval from Justice Minister and permit entry.

C) Procedure for a family member who arrived without visa

- Follow general procedure for entry of a foreigner.

5) Residence status assignment, change (visa type F-1-16) and work permit for a family member

A) Residence status assignment and change

○ Basic principle

- When a family member (spouse, minor child) of a recognized refugee applies for residence status or its change, assign or change to cohabitation status (F-1-16) regardless of whether they also apply for refugee recognition.

* If a F-1 holder applies for refugee recognition, benefits and rights (such as living subsidy) as a refugee applicant as prescribed in Refugee Act will be guaranteed.

○ Unification of spouses

- When marital relation was established after the date a recognized refugee applied for refugee recognition (in case of reapplicant, after the date first application was filed) and the spouse was rejected refugee recognition due to lack of grounds, grant "family of recognized refugee status" (F-1-16).

- In principle, a spouse is defined as a person whose legal marriage is verified either in country of origin or in Korea (through official document).

- However, when there are inevitable reasons for not being able to present an official document, their legal marriage will be acknowledged exceptionally only after fact-finding investigation concerning how they got married, whether they actually lived together, whether they have children, and why they are unable to submit marriage certificate, etc.

○ Unification of minor children

- A minor child of parents, both of whom were recognized as refugees for family unity through divorce and remarriage without particular individual reasons for refugee claim, can be granted "family of recognized refugee status" (F-1-16) even if he/she was rejected refugee recognition.

* In case a child has not been given nationality from country of origin of his/her parents according to laws of country of origin, consult the Immigration Office and decide whether to grant residence status.

○ Residence period

- Assign and change to up to 2 years within the period allowed for the recognized refugee.

○ Required documents:

- Application (Immigration Law 시행규칙 addendum form no. 34)

- Passport

- Refugee recognition certificate of the recognized refugee (Refugee Act 시행규칙 addendum form no. 8)

- Documents that can prove family relation

* (Spouse) Family relation certificate, marriage certificate, marriage registration, etc.

* (Minor child) Document that can prove parent-child relation such as birth certificate

- Documents that can prove residence:

* Housing contract, shelter certificate, residence status expiration notice, utility bills, dormitory receipt, residence certificate from church, refugee support group, human rights organization, UNHCR, etc.

- Tuberculosis (TB) examination certificate (for those from 19 TB vulnerable countries)

* TB examination certificate (diagnosis) designated by 「Visa assignment and status management guidelines for foreign TB patients」

- A color photo (3.5cm x 4.5cm)

B) Extension of residence status

Extension is possible as long as the recognized refugee's refugee status is neither revoked nor withdrawn.

C) Work permit

Follow employment guidelines for humanitarian sojourners.

* As for those who violate employment guidelines, follow procedure for humanitarian sojourners who violate laws.

D) Management of applicants for family unification during illegal stay

Calculate days of illegal stay.

- Calculate from the date of application for residence status.

Exemption of penalty applies to:

- Those who voluntarily come to the Immigration Office and also stayed in the country less than a year and their illegal stay does not exceed 30 days

Penalty applies to:

- Except for those who are exempted from penalty, penalty will be charged before residence status is granted.

Follow relevant laws and guidelines for cases not covered by this guideline.

E) Application for refugee recognition and its screening

- When recognized refugee's family want to obtain refugee status for the same reasons as the recognized refugee, they can apply for refugee recognition.
- Once the application is received, decision is to be made within 3 months from the date of application as part of fast-track processing. (However, this will be managed flexibly depending on the available staff at the Immigration Office.)

F. Residence status of refugees whose refugee recognition is cancelled

1) Resident Service Dept. (Immigration Office)

- Departing refugee (who has not returned alien registration card): when those whose refugee recognition was cancelled try to depart the country, local Immigration Office maintains the status in the system and wraps up as a complete departure.
- Those who are legally staying: as soon as informed by the officer in charge of refugee affairs, immediately issue notice for appearance at the Immigration Office.

Those who appear at the Immigration Office	Those who don't appear at the Immigration Office	
Inform them that they can no longer stay in Korea, cancel their residence status in accordance with Immigration Law Article 89, and refer them to an officer in charge of Immigration Law Violation (Investigation & Enforcement Dept.).	When the notice for appearance is returned	Send the notice for appearance by registered mail (Immigration Law Article 91-②) -> Cancel residence status and maintain their location as unidentifiable in the system -> Send residence status cancellation notice by registered mail.
	When they do not appear after receiving the notice	Cancel residence status -> Send residence status cancellation notice by mail. (when it is returned, send it again by registered mail.)

2) Investigation & Enforcement Dept. (Immigration Office)

- In accordance with Immigration Law Article 68, issue deportation order to those who are referred to Investigation & Enforcement Dept. after their residence status is cancelled.

3) Administrative measure

- If those whose refugee recognition was cancelled appeal or start administrative litigation, delay departure up to 3 months until their litigation is over

G. Residence status of refugees whose refugee recognition is withdrawn

1) Residence Service Dept. (Immigration Office)

- Departing refugee (who has not returned alien registration card): when those whose refugee recognition was withdrawn try to depart the country, local Immigration Office maintains the status in the system and wraps up as a complete departure.
- Those who are legally staying: as soon as informed by the officer in charge of refugee affairs, immediately issue notice for appearance at the Immigration Office.

Those who appear at the Immigration Office	Those who don't appear at the Immigration Office	
Inform them that they can no longer stay in Korea, cancel their residence status in accordance with Immigration Law Article 89, and refer them to the officer in charge of Immigration Law Violation (Investigation & Enforcement Dept.).	When the notice for appearance is returned	Send the notice for appearance by registered mail (Immigration Law Article 91-②) -> Cancel residence status and maintain their location as unidentifiable in the system -> Send residence status cancellation notice by registered mail.
	When they do not appear after receiving the notice	Cancel residence status -> Send residence status cancellation notice by mail. (when it is returned, send it again by registered mail.)

- When those whose residence status is soon to expire (within 4 months from expiration date) voluntarily appear at the Immigration Office and apply for extension of residence status: in accordance with Immigration Law 시행령 Article 33, issue notice for not allowing extension and order departure within 14 days from the date of issuance of notice.
- When application for delay of departure is filed, follow Immigration Law 시행규칙 Article 33.

2) Investigation & Enforcement Dept. (Immigration Office)

- In accordance with Immigration Law Article 68, issue deportation order to those who are referred to Investigation & Enforcement Dept. after their residence status is cancelled.

3) Administrative measure

- If those whose refugee recognition was cancelled appeal or start administrative litigation, delay departure up to 3 months until their litigation is over.