

for **Guide**  
**Refugees**  
from **A to Z**



NANCEN

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# I. Guide for Refugee Status Determination procedures in Korea

## 1. Definition of a Refugee and Refugee Status Application

### (1) What is the legal definition of a 'refugee'?

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 prior to entry into the Republic of Korea.

### (2) Where can I apply for refugee status?

You can apply for refugee status at the airport or seaport (port of entry) or at the immigration office or its branch office located in each region.

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## **2. Applying for Refugee Status at the airport and seaport (ports of entry)**

**(1) I would like to apply for refugee status simultaneously at the moment of entry. How do I apply for refugee status at the port of entry?**

When you express your will to apply for refugee status at the time of immigration inspection, you will receive a refugee status application form. You can then fill up the form and submit it. However, please note that if you are having a difficulty in understanding the form, you can request for an explanation or request for an interpreter or a translator from the responsible government official. The application form will be a very important evidence in Refugee Status Determination (hereinafter "RSD") procedures. Therefore, if you fill up the application form without sufficient understanding, it might cause possible disadvantages in the future.

**(2) I applied for refugee status but I was requested to wait. Why is my entry not allowed?**

First of all, when you apply for refugee status at the port of entry, the application will be reviewed whether it should be referred to RSD procedures. When you submit the application form, an interview with a government official will be conducted and the decision on the referral will be made in 7 days. Therefore, when you are requested to wait after your submission of the form, please check if 7 days have passed from the day you have submitted the form. However, if you have already

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waited for 7 days without receiving or hearing the final result, it is considered that the decision on referral is made, and your entry will be permitted. If no appropriate action is made after 7 days, you should make a request for legal assistance from a lawyer or other related organization.

**(3) I am currently waiting for the result of my refugee status application and my rights are violated while I am waiting (a prohibition of using toilets or making phone calls)?**

If you experience any human rights violations while waiting for referral result at the port of entry, please seek help from people around you. It would be better if you take a picture, a video or voice recording or others as evidence when you encounter such incident. Please contact relevant organizations immediately for help.

**(4) Under what circumstances, can a refugee status application be non-referred?**

Under current law, the grounds for non-referral are 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 identity of the person 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 an applicant voluntarily reports such facts without delay. Especially, the use of fake/forged passport should be reported in advance because there

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is a risk of compulsory deportation. Also the application may not be referred to RSD procedures if ④ the applicant came from a safe country without the risk of persecution or if he/she is from a safe country; ⑤ the applicant's refugee application has been denied or whose refugee status has been cancelled, reapplies for such status without a material change of the circumstances; ⑥ the applicant is currently receiving protection from organizations or agencies of the United Nations (such as UNRWA) other than the United Nations High Commissioner for Refugees (UNHCR); ⑦ the applicant has committed a crime against peace, a war crime, a crime against humanity or a serious non-political crime; or if the applicant has been found guilty of acts contrary to the purposes and principles of the United Nations; ⑧ the person's basis for applying for refugee status is found to be clearly groundless.

**(5) My refugee status application has been non-referred. What should I do?**

Under the current Refugee Act in the Republic of Korea, there is no appeal procedure on non-referral. Furthermore, the Ministry of Justice either deports or detains the refugee status applicant in a quick manner once non-referral decision is made. Therefore, please keep the external contacts so that you can contact them directly after you receive a non-referral decision and request for immediate assistance after explaining about your situation to them.

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**(6) My refugee status application has been accepted for referral. What should I do next?**

If your refugee application is accepted for referral, you will receive a receipt of refugee status application as well as a permission to stay around 90 days under some conditions: i.e. applicants will need to comply with the request to attend for refugee status review. However, even if your application is accepted for referral, it does not mean that you are recognized as a refugee. So there are still a number of things you will need to consider to proceed the RSD procedures after your entry. At present, the Korean government has not been providing any information that will be useful for living during your stay after your entry. Therefore, you will have to find a place to stay while the procedures go on. When you found a place, you should change your status of stay at the Immigration Office or Branch Office (hereinafter 'immigration office') with jurisdiction over your place of residence. A refugee status applicant will be granted with an 'Others (G-1) Visa'. It is required to pay 130,000 won for the change of your status and the issuance of your Alien Registration Card. After changing the status of stay to G-1 visa, your rights as a refugee status applicant will be guaranteed. If you exceed the permitted duration of stay, a fine will be imposed. So, please change your status of stay as soon as possible.

**(7) How will the Refugee Status Determination procedures be proceeded?**

A person who has reported his/her residence to the jurisdictional immigration office or branch office after his/her arrival, he/she can find

the relevant immigration office where his/her RSD procedures will be proceeded, as shown below.

<b>Main Immigration Offices</b>	<b>Location</b>	<b>Immigration Offices and Branch Offices</b>
Seoul Immigration Office	Seoul	Seoul, Southern Seoul, Gimpo Airport, Suwon, Yangju, Daejeon, Cheongju, Chuncheon (Branch Office) Sejong-ro, Doshim Airport, Seoul Station, Goyang, Pyeongtaek, Pyeongtaek Seaport, Cheonan, Seosan, Dangjin, Donghae, Sokcho, Goseong (Center) Immigration Reception Center
Incheon Immigration Office	Incheon	Incheon (Branch Office) Ansan
Busan Immigration Office	Busan	Busan, Gimhae Airport, Ulsan, Changwon (Branch Office) Gamcheon, Gimhae, Tongyeong, Sacheon, Geojae

Daegu Immigration Office	Daegu	Daegu (Branch Office) Gumi, Pohang
Gwangju Immigration Office	Gwangju	Gwangju, Jeonju (Branch Office) Mokpo, Muan, Gunsan
Jeju Immigration Office	Jeju Special Self-Governing Province Jeju	Jeju
Yeosu Immigration Office	Jeonlanam-do Yeosu	Yeosu (Branch Office) Gwangyang
Hwaseong Immigration Detention Center	Gyeonggi-do Hwaseong	Hwaseong Immigration Detention Center
Cheongju Immigration Detention Center	Chungcheongbuk-do Cheongju	Cheongju Immigration Detention Center
Incheon Airport	Incheon	Applicants whose referrals have been accepted after 1 <sup>st</sup> July 2014, his/her RSD procedures will be proceeded at the jurisdictional immigration office where

		he/she issued his/her Alien Registration Card.
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Usually, the average length of waiting period from the day he/she applies for refugee status to the day he/she has the 1<sup>st</sup> interview at the immigration office and receive its decision is one year and six months.

### **3. Applying for Refugee Status after arrival**

#### **A. Refugee Status Application**

##### **(1) When can I apply for refugee status?**

You can apply for refugee status any time during your stay in Korea irrespective of the visa type or legal status. However, under current law, if you apply for refugee status when your visa is close to expire or if your visa has already expired, it may cause negative impact on your RSD procedures.

##### **(2) If I apply for refugee status, can I stay in Korea for good?**

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, a refugee status applicant will not be forcibly returned until his/her RSD procedures are terminated. However, there is a possibility of detention if the applicant has stayed

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or worked with no valid visa. It is rare, but there has been an incident of human right violations when Ministry of Justice deported the applicant on the day when the result of RSD was released. However, this is a clear violation of international law and the right of a refugee status applicant to stay in Korea without being deported must be guaranteed.

### **(3) Where can I apply for refugee status?**

You can apply for refugee status at an immigration office, a branch office or an immigration detention center in the Republic of Korea. If you face any problems while submitting the refugee status application, please contact relevant organizations for assistance.

### **(4) What are the required documents for refugee status application?**

- ① An Application for Refugee Status Recognition form
- ② Passport (However, it may be exempted if you can present a written statement explaining the reason for unavailability, i.e. escape from imminent danger of life and body. In case you are holding a fake/forged passport, you may be able to reduce the risk of deportation or detention if you can present a written statement on the details on how and why you used it and etc.)
- ③ Supplementary documents that might be beneficial for RSD procedures (e.g. Documents proving persecution such as

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arrest warrants, court rulings, newspaper articles, and other documents, photographs, videos, etc.)

- ④ A copy of recent (not later than six months) identification photo in colors (W: 3.5cm, H: 4.5cm)
- ⑤ Alien Registration Card (It only applies to the person who already has registered him/herself for alien registration prior to the refugee status application)
- ⑥ A copy of your health examination report (includes tuberculosis, syphilis and AIDS, test results issued by the Public Health Center, Korean National Tuberculosis Association, Korea Health Care Association, and hospitals designated by the Ministry of Justice)
- ⑦ Other documents (In case the spouse and the child are accompanied, documents such as birth certificate, marriage certificate or any other document that can prove the family relationship as well as the Landing Permit for Temporary Refugee or the Conditional Entry Permit if they have entered with such document.

RSD procedures are conducted based on the materials submitted by the person who filed for the refugee status application. Therefore, you should pay careful attention and be well-prepared when writing the statements and submitting the evidentiary documents or supplementary evidence.

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## **B. Filling in the Application form and submission**

### **(1) How do I fill in the refugee application form?**

The refugee application form is divided into 3 sections - Part A, B and C. You should write the basic information in Part A, short statements about the persecution in Part B, and detailed statements in Part C. You should make sure that the content of Part B and C are the consistent. Part C may be difficult to write as it requires a free account. You can include your background and based on the eligibility requirements of a refugee as referred in the Refugee Convention, you can write on the persecution under 5W1H (Who, When, Where, What, Why and How) principle. If necessary, you can request for an additional paper if it needs more space.

During the interview, if your verbal statements and the written statements on the application form are not consistent, it may cause some disadvantages. Try writing everything you remember, as clearly as possible. Please pay special attention to every details such as the dates, names, etc.

### **(2) Can I write in a foreign language in the application form?**

It would be the best to write the application form in Korean or English. However, if you cannot write in any of these languages you can write it in other language. Sometimes the refugee status applications forms are

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not accepted because they were not written in English or Korean. Since the Ministry of Justice has the obligation to accept refugee status applications and to translate them, you can contact relevant organizations to request for assistance. If you can translate the form into English or Korean, you can do so. However, please keep in mind that you should be accompanied with a translator when you are submitting the form. If you cannot be accompanied, please contact the immigration office with jurisdiction over your residence for inquiries.

**(3) I am illiterate, can a friend of mine write down the application form on behalf of me?**

If you are unable to write down the application form by yourself (due to disabilities or illiteracy, etc.), you should first inquire this to the immigration officer for assistance. Otherwise, problems may arise if you submit the application form that is written by somebody else. So please be careful.

**(4) It is difficult to fill in the application form. Can I only fill up the sections that I understand?**

You should not leave any section as blank. If questions are not applicable to you, please mark as N/A. Here are some guidelines about FAQs: on section 2-5) Types of Visa, you should write down the type of visa that you received as you entered into country, such as C-3 or others. Please do not mark as single-entry or multiple-entry. Questions from section 13-5) to 13-8) are about departure permit. If you have not received a departure permit, you do not need to answer. Also, try to

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write down all information for sections such as 6. Family Information, 7. Education, 8. Work Experiences even though you have long answers. Problems may arise if you revise or shorten the answers.

**(5) Is there any instruction to pay attention to as I submit the application? Are there any parts in the application form that require special attention?**

When you submit your refugee status application form, it is recommended to make a copy of it for your use. Having a copy of the application form will help you to prevent making any possible discrepancies between the information written on the application and verbal statement that you will provide during the interview. It can also be useful when you receive assistance from related organizations in the future. If you have not prepared a copy of application form in advance, you can make a request and pay its fee as you submit. Once the application form is submitted, you may not be able to make a copy before having an interview.

**(6) What kind of evidence do I need to prepare and submit?**

When you submit materials to prove your persecution as relevant evidence, you should submit as much evidence as possible to prove the persecution you faced. (E.g. police reports, photos of your activities, letters from related person(s), news articles, membership cards of political party, etc.)

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When you submit the evidence, you should bring both original documents and the copies. However, you can just submit copies and bring the original documents back with you. When you submit the original documents and if an officer happens to lose them by mistake, you will be responsible for its loss. Then, you may not be able to use the evidence in the following appeal procedures. If you have a lot of evidence, please make a list and organize them carefully.

**(7) I am in the situation where I cannot submit the refugee status application form. Can a friend of mine visit the office and submit the application form on my behalf?**

A refugee status application form must be submitted by the applicant him/herself. Another person cannot submit on behalf of the applicant. However, a legal representative or a family member of the applicant can submit the application form in case of unavoidable circumstances such as serious illness.

**(8) I submitted the refugee status application form. Is my application procedure completed?**

The application procedure is completed only when you receive the receipt of the application. Please do not forget to receive the receipt of application after the submission. The receipt does not replace the identification card. Please bring the receipt to the Department of Sojourn in the immigration office or the branch office and request for a visa for refugee status applicants (G-1 visa).

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## C. Other inquiries

### **(1) My Refugee Status Determination procedures were terminated all of sudden. What should I do?**

If you fail to respond to requests to appear for interviews, etc., for 3 more consecutive times, your RSD procedures will automatically be terminated. If you were not able to attend according to the request, you should explain to the relevant main immigration office in detail and request for cancellation of termination.

### **(2) I now have moved to a new place after submitting the application form. Will my RSD procedures be conducted in the same immigration office?**

If an interview has not been conducted yet, your refugee status application will be transferred to the main immigration office which has jurisdiction over your current residential region. Interview and reviewing procedures will be processed in this office where your application has been transferred to, so please check which regional office the call is coming from when you receive a phone call. If an interview has already been conducted, your application will not be transferred, and reviewing procedures will be proceeded in the office where the application has originally been submitted.

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**(3) I have not received a phone call yet, but now I have a new telephone number. What should I do?**

If your telephone number or address is changed, you should visit your jurisdictional immigration office and report about the change of your contact information or address. (For Seoul, you should report the change to the immigration office and you do not need to additionally report to the Refugee Office). It is crucial to provide the most updated address and contact information for upcoming RSD interview and review procedures. Please do not forget to change the address or contact number by visiting the immigration office.

**(4) I have already applied for refugee status and my wife and child would like to apply as well. Since I have already applied for refugee status as a householder, can they not apply for refugee status?**

If a spouse of an applicant wants to apply for refugee status, he/she should write an application and submit it individually. If the child is underage, the result of RSD made to the parent will be applied to the child, but the application for the child should still be submitted separately. The contents of the application can be identical with his/her parent's.

**(5) Is an unregistered foreigner eligible to apply for refugee status?**

An unregistered foreigner is also eligible for refugee status application. Applying for refugee status does not result in the imposition of fines. However, fine will be imposed when the person tries to register themselves and request for issuance of ID card. The exact amount of

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fine depends on the number of exceeded days of illegal stay. Recently, due to stricter legislation, there has been cases of detention for exceeding sojourn period.

**(6) I used a fake/forged passport for entry. Will it cause any problem?**

As far as a fake/forged passport is concerned, if you voluntarily report it without delay, it would not cause problems. If not, there is a high chance of detention. If you have a fake/forged passport, please report it to the immigration office in advance.

**(7) Can I get all the documents that I submitted to the Ministry of Justice back?**

If you wish to request access to, or a copy of your materials that you submitted (a refugee status application form and additional documents as supplementary evidence) and the refugee interview report (the interview report if you have already had the interview), you can do so by submitting an Application for Perusal and/or Copying. The request form is displayed at the immigration office. You can access to and make a copy of original aforementioned materials and the records at the immigration office where your RSD procedures are being conducted. In other immigration offices, you can only make copies of images of records and materials saved in the computer. As for the fees, Five Hundred Won (500 won) will be charged for an access and fifty Won (50 won) for copying each page.

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You can copy the refugee status application form immediately after completing the application, and you can also make copies of the interview records right after finishing the interview. However, you may not be able to access to or copy the refugee status application form prior to your interview. Therefore, please be sure to secure a copy of application form beforehand.

#### **D. Medical check-up (Related to 3. A. (4) 'Health Examination Report')**

**(1) After submitting my refugee status application form, I received a paper that stated I should receive a medical check-up. Is it mandatory to submit its result?**

Under current law, all foreigners who enter the Republic of Korea are required to receive a medical check-up in order to prevent any infectious diseases. Not all of refugee status applicants are not entitled to any financial assistance for medical check-up fees. For those who do happen to receive the financial assistance, the immigration office sets a day for the medical check-up. If the applicant does not appear on the scheduled date by the immigration office, he/she will not be able to receive a free medical check-up. Also, if you were not able to receive financial assistance for the medical check-up or missed the scheduled date for medical check-up, he/she can receive it from the public health center nearby his/her residence. The medical screening should include

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tests for tuberculosis, syphilis and AIDS and others. Please note that it will bring not bring any negative impacts on the refugee status application. If you happen to face any disadvantages due to the result of medical check-up, please report it to human rights organizations as it is a violation of human rights.

## 4. Refugee Status Determination (RSD) procedures at the Ministry of Justice

### A. RSD procedures

#### (1) How are the RSD procedures being processed?



During RSD procedures, RSD officers (the public official in-charge) at the immigration office of your jurisdictional residence will interview you and make a final decision. The officer will check the submitted application and investigate relevant information on applicant's country of origin. The RSD officer will give a 1<sup>st</sup> decision after having an interview with the applicant. As the officer reports it to the Head Office, the final decision will be made.

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## **(2) How long does it take for the RSD procedures to be completed?**

Currently (As of August 2018), it takes about one year to one year and a half to receive the final decision of the RSD procedures. According to The Refugee Act, the result should be made within 6 months after the submission of application, but it is often delayed due to exceeded numbers of applicants. If the waiting period exceeds more than 6 months, the relevant immigration office can extend the review period of RSD procedures. In that case, the 'Notice on Extension of Review Period of Refugee Status Recognition' will be issued via mail at least 7 days before the expiration.

Usually, around a year after submitting the refugee status application, the applicant will receive a notification for an interview. After having an interview, the decision is usually made after one week or at least within three months. In case of fast track procedures, the result will be issued faster.

## **(3) How is the result of the RSD procedures notified?**

Once the final result of RSD procedures is made, you will be informed via phone to visit the immigration office of the jurisdictional immigration office and pick up the result. Please note that you yourself have to visit the immigration office for the result. (Often the notification is made by a text message, but it depends on the responsible officers.) When the refugee status is denied, you will receive a Notice on Non-Recognition of Refugee Status and the statement on the reasons of the non-recognition. Once you are recognized as a refugee, you will receive a Certificate of Refugee Status Recognition.

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**(4) It has been only three months since I applied, but the result has already come out. Why?**

Under current law, some RSD procedures may be omitted and processed on the fast track.

- If the applicant submitted fake/forged documents or made false statements
- If the applicant whose previous application was cancelled or denied re-applied for refugee status without a material change of the circumstances
- If the applicant has been staying in the Republic of Korea for more than a year as the sojourn period is close to the expiration or if the applicant who is the subject of forced deportation applied for refugee status.

## **B. Interview**

### **(1) How is the interview conducted for RSD?**

Once you submit the application, based on the information provided on documents, the interview will be conducted at the Main immigration office with jurisdiction over your place of residence. The interview begins with questions about personal information and continues with factual

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inquiries on the persecution you experienced, details about entry pathways, and etc. Additionally, interview questions may include your professional experiences, personal information of family members, identification card and documents for proof, explanations on how you get to leave your home country and enter the Republic of Korea and how you get to apply for refugee status, history of any refugee status application, membership of certain organizations and relevant activities, any reports of arrests or confinement or prosecution, possibility of persecution on return, health or other issues. Upon request, you can ask to have an interviewer of the same gender as you.

## **(2) When will the interview be held?**

The interview will be conducted on the date that scheduled by the RSD officer of the immigration office with jurisdiction over your place of residence. You will receive a phone call regarding the interview and a notification for attendance, so please be attentive to not to miss them. If it is not possible to show up for the interview on the scheduled date due to unavoidable circumstances, you should rearrange the interview schedule in advance.

## **(3) I am afraid if statements I made during the interview are reported to the country of origin. Is it really safe to make true statements?**

In principle, the interview will be conducted in a secured place, in privately and individually. You can trust the interview officer and make

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true statements as you wish. If you make false statements, it may cause problems or disadvantages for your application in the future.

**(4) I am afraid of being interviewed alone. Can someone accompany me during the interview?**

If requested by a refugee status applicant, someone who is a trusted individual, to the extent that such presence does not interfere with the fairness of the interview can accompany the applicant. There was a case when a NGO activist accompanied an applicant who was in a very vulnerable situation for the interview.

**(5) Is it possible to audio or video record the interview?**

If the immigration office is equipped with video recording facilities, it is possible to audio or video record the interview under the request of a refugee status applicant. To avoid any disadvantages or problems arising from the mistranslation, it would be beneficial to audio or video record the interview. If you are rejected for your request, please contact to relevant NGO for assistance.

**(6) I could not state properly during the interview due to the coercive attitude of the officer. What should I do?**

If you experience any humiliating verbal abuse by a RSD officer or an interpreter, during the interview, you can report it to human rights organizations (Filing petition to National Human Rights Commission of

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Korea, Raising objection to Ministry of Justice, Filing petition to e-People). However, the best way is to audio or video record the interview in advance. Keep in mind that the interview processes and attitude of the RSD officer may differ in each regional immigration office. In such cases, you should actively request your right.

## **C. Interpretation**

### **(1) Can I receive interpretation assistance during an interview?**

During your interview, you will be assisted by a qualified interpreter. In case there are a number of issues to consider (an interpreter with same-sex, different nationality or religion, etc.), it would be good to inform the Ministry of Justice in advance.

### **(2) I'm not sure if the interpreter is providing proper/correct translation. What should I do?**

If interpreted statements are shorter than the original statements or other explanations are added, you should clearly request the interpreter to translate your statements accurately. If you believe the interpretation is neither accurate nor proper, you should request for a change of an interpreter. If it is not possible to change, you should request for a voice and/or video recording in order to prevent any problems that may arise in future. In case the interviewer does not accept any of your requests, you should report it to a human rights organization so that you do not face any disadvantages or problems.

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### **(3) Can a friend of mine be an interpreter for me?**

In principle, an interpreter hired by the refugee status applicant cannot accompany the applicant. However, it is allowed in exceptional cases; i.e. when it is difficult to find an interpreter for a specific language.

### **(4) After having an interview, I found incorrect information written in the interview record. What should I do?**

After having an interview, you will check the interview report together with the interpretation or translation, and you should check it very carefully. If the translation or interpretation is not sufficient enough, you should request for correct and detailed translation or interpretation. If you find incorrect information, you should not sign it but correct it immediately. The interview report becomes a very important basis for filing an appeal and also as an important evidence at the litigation stages. If the interview statement is found to be different with the information provided on the application, it may significantly harm the credibility.

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## D. Refugee Status Recognition

### **(1) After being recognized as a refugee, what will the remaining procedures be?**

Once recognized as a refugee, you will receive a certificate of refugee status recognition from the immigration office with jurisdiction over your place of residence. With the certificate of refugee status recognition, you can change your visa to a 'F-2 Resident' by visiting the immigration office or the branch office with the jurisdiction over your place of stay. A recognized refugee may stay in Korea for an extended period of time until the circumstances related to your refugee status ceases to exist. Once extended, 3 years of extension will be granted, in general. Below is the list of documents required for the change of status of stay.

- ① A Certificate of refugee Status Recognition
- ② A written Application (Annex No. 34)
- ③ A copy of an identification photo
- ④ Passport (if not available, statement explaining the reasons)
- ⑤ A proof of residence
- ⑥ Fee (130,000 won as of year 2018)

### **(2) Is there any system which allows a rejected refugee status applicant to stay in Korea on humanitarian grounds?**

A Humanitarian Status Holder (hereinafter referred to as a "Humanitarian Status Holder") refers to an alien to whom the category

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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. Once a Humanitarian Status is granted, the relevant information will be written on the Notice on Non-recognition of Refugee Status or on the Disapproval Notice on an Appeal. When the humanitarian status is granted, you should visit Sojourn Department in the immigration office and change your status of stay to *G-1-6*. Usually, Humanitarian Status Holders can extend the duration of stay for maximum one year each time they make an extension.

## **E. Non-Recognition on Refugee Status**

### **(1) How does a refugee status applicant get notified with non-recognition?**

If your application for refugee status is denied, you will receive two documents – a Notice on Non-recognition of Refugee Status and a statement of the reasons of non-recognition from the immigration office where the decision was made.

You can file an appeal within 30 days of the date you received a “Notice on Non-Recognition of Refugee Status” (the date written on the bottom of the Notice). As the statement of reasons for Non-recognition is written in Korean, please read it very carefully with the help from acquaintances and relevant organizations for thorough understanding.

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**(2) I went to the immigration office to extend duration of stay, but my request for extension was denied due to the Non-Recognition on Refugee Status. What should I do?**

If your request for extension has been denied due to the decision of Non-Recognition on Refugee Status, you can file an appeal and request for the extension of duration of stay.

**(3) Can a refugee status applicant who satisfies the requirements of refugee status based on Refugee Convention be rejected for refugee status?**

Statistically, according to the Refugee Status Determination procedures of the Korean government, the likelihood of being recognized for refugee status at the time of first instance is not even 1%. Refugee status may not be recognized even if it falls under the Refugee Convention. It may also be denied if applicable below.

- If the applicant is currently receiving protection or assistance from organs or agencies of the United Nations (i.e. UNRWA) other than the United Nations High Commissioner for Refugees (UNHCR);
- 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;
- If the applicant has committed a serious non-political crime outside the Republic of Korea prior to his/her admission into Republic of Korea; or
- If the applicant has been found guilty of acts contrary to the

purposes and principles of the United Nations.

## 5. Appeal

### A. Appeal Process

#### (1) Who can apply?

A person who received a Notice on Non-Recognition of Refugee Status or who received a Notice on the Cancellation, Withdrawal of Refugee Status Recognition can file an appeal.

#### (2) When to apply?

You should file an appeal at the immigration office 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. A Humanitarian Status Holder can also file an appeal. The first day is not included when you count 30 days. If the 30th day is a public holiday, the following day will be the last day. (If the 30<sup>th</sup> day falls on Saturday, the last day is the day after the next day.)

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### **(3) How to apply?**

You need to submit an Application for Appeal (You can get it in the immigration office or download it from hikorea.go.kr) with materials for explanation for appeal. If you were advised to sign the Application for Appeal when you visit the immigration office to get the Notice on the Non-Recognition of Refugee Status, it is recommended not to sign and submit the Application for Appeal form immediately. If the Application for Appeal form is submitted only with your signature, it is highly likely that it will be dismissed. Therefore, it is necessary to clearly verify the reasons for the Non-Recognition stated in the Notice on Non-recognition of Refugee Status and submit the rebuttal statement and materials that can support the statements as evidence.

### **(4) I would like to get assistance from a lawyer or an organization during the appeal process. What do I need to prepare?**

It is recommended that you bring the Notice on Non-Recognition of Refugee Status and the statement with reasons for non-recognition, the application form for Refugee Status Recognition, relevant documents and the interview scripts (copies can be made at the immigration office where your RSD procedure have been conducted).

### **(5) It might take long time for my supplementary evidence that I would like to submit with the Application for Appeal to arrive on time. Would it be okay if I submit the materials later?**

If you need some time to prepare the statements and supplementary evidence, it is possible to file an appeal with brief explanation for late

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submission and submit the statements and materials later.

## **B. Procedures of Appeal review**

### **(1) Who will review my appeal?**

Unlike the review at the first instance which was taken at jurisdictional immigration office, the Refugee Committee established under the Ministry of Justice will be in charge of appeal reviews. The Refugee Committee consists of lawyers, college/university professors, and experts who have expertise and experiences with refugee work.

### **(2) How is the review of my appeal being conducted?**

When an application for appeal is filed, a jurisdictional immigration office will summarize the contents of the application, choose relevant supplementary evidence and send them to the sub-committee of Refugee Division under the Ministry of Justice. After the first decision by sub-committee, the case is sent to the Refugee Committee and the Refugee Committee will make the final decision. The Refugee Committee meets once in three months, and they make decisions on hundreds of applications for appeal during their meeting. Sub-committees will review the cases that have been selected for reconsideration, and the rest of the cases will be mostly rejected. Most of the cases are reviewed in writing, but if necessary, additional documents or interviews can be requested.

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(If the supplementary evidence are submitted to the jurisdictional immigration office, they may be omitted and may not be sent to the Refugee Division. Therefore, if they are important evidence, it would be advantageous for you to submit it directly to the Ministry of Justice in Gwacheon.)

### **(3) When will the result of the appeal be released?**

It takes about a year and half to receive the result of the appeal. (As of August 2018) According to the Refugee Act, a decision concerning the appeal should be made within six months from the day the written Application for Appeal is submitted, but it is likely to be delayed due to a long waiting list of applicants waiting for the review. If the review is delayed, the review period can be extended within six months and the 'Notice on Extension of Review Period of Appeal' will be issued.

### **(4) How is the result of appeal being notified?**

The result of the appeal will be issued from the jurisdictional immigration office. If the applicant's appeal is found to be reasonable, a Certificate of Refugee Status Recognition will be issued. If it is found to be groundless, a Disapproval Notice on an Appeal will be issued. A person whose appeal is dismissed may file an administrative litigation within 90 days of the date he/she is notified with the decision of disapproval.

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**(5) If the appeal gets dismissed, will there be no chance of being recognized as a refugee?**

You may file a litigation with the court to cancel the refugee's disapproval within 90 days of receiving the notice of disapproval.

## **6. Administrative litigation**

### **A. Court of first instance procedure**

#### **(1) How are the procedures of administrative litigation?**

Administrative litigation consists of three instances. Firstly, the court of first instance will be held in Seoul Administrative Court for those whose RSD interviews have been conducted in Seoul. For those who had their RSD interviews outside of Seoul, the court of first instance will be held in the relevant District Court. Each court will make a decision on the case. If you want to appeal against the judgment (of the court of first instance), you can file an appeal within 14 days. If the appeal from a court of the first instance is filed, the High Court (Seoul High Court or the relevant District Court) will hold the second trial (trial on appeal). If you again want to appeal against the judgment of the High Court, you can appeal to the Supreme Court within 14 days.

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## **(2) How long does administrative litigation take?**

The court of first instance (first trial) takes six months to a year, and trial on appeal (second trial) takes six months to a year. As for the trial at the Supreme Court, the judgment is likely to be made within three to six months. Filing an administrative litigation must be carefully considered as it usually takes more than two years including the preparation period for litigation.

## **(3) Is it possible to file the litigation by myself?**

When you visit the court, you can file an appeal with the help of an officer in the court. You can also continue the following procedures after that by yourself, but it may not be easy. It is recommended to ask for assistance from a NGO or a lawyer.

## **(4) Is it possible to file litigation even if one's financial condition is difficult?**

Those who do not have sufficient money to pay the costs of lawsuit may apply for litigation aid to receive financial aid to cover the related costs of lawsuit from Korean government, or to be exempted from the costs. A person who qualifies for the litigation aid is a person who has limited or no financial means to pay the costs of lawsuit and who is not likely to lose the case. Litigation aid can be applied to receive the costs of revenue stamps, fee for delivery, attorney, interpretation, and others.

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### **(5) How can I know the result of application for litigation aid?**

When the result is released, the result will be delivered to the address given on the application form of litigation aid. 'Admission' means that the applicant will receive litigation aid for all the requested costs, 'Partial Admission' means that the applicant will receive litigation aid for certain items that are marked. If the litigation aid has not been accepted, it will be stated as 'Dismissal'.

### **(6) How do the litigation procedures take place?**

As for the administrative litigation, the date for hearing is usually set once. However, there have been cases where the date for hearing has not even set once. So, you may ask your attorney to request for the date. Sometimes, the maximum number of days for hearing may be set for 2-3 times. If the case is requested by the attorney, the parties will be questioned at least once and the judgment will then be made. If you have an attorney, it would not be mandatory for you to attend the hearing. You can consult with your attorney and attend on the dates when your presence is necessary,

### **(7) How can I file an appeal?**

You can bring the written appeal, go to the bank located in the court and pay the revenue stamp (95,000 won) and the delivery fee (63,800 won) and return the receipt to the appeal reception desk. If you are applying for the litigation aid, you can pay the revenue stamp (1,000 won) and the delivery fee (6,380 won). When you file an appeal, you

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will receive a case number which you should remember as it is needed for litigation procedures afterwards. (You can check the proceeding information by inputting the case number through online 'My Case Search' service. However, the service is provided only in Korean language at present.)

## **B. Appeal from a court of the first instance and appeal to the Supreme Court**

### **(1) I lost the first trial. What should I do?**

If you lost your first trial, you can file an appeal within 14 days. First, you should file a petition of appeal, appoint a lawyer and submit the statement of reason(s) for appeal. If you have lost your first trial, the possibility of winning the second trial is even lower. Compared to the first trial, the second and third trial will quickly be proceeded. Therefore, you may also have to make a plan for the future (i.e. moving to a third country, etc.)

### **(2) I also lost the second trial. What should I do?**

If you lost your second trial, you can file an appeal within 14 days. As for the third trial, you need to file an appeal to the relevant court of the second instance and submit the statement of reason(s) for appeal thereafter, just like the previous trial.

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### **(3) Will interpreting service be available during the trial?**

If the interpreting service is requested in advance, it will be provided during the trial. You can request it through your attorney, or if you are proceeding the trial by yourself, you should request it by yourself. If you are receiving litigation aid, there will be no additional fee to pay for the interpreting service, but if there is no litigation aid available for you, you should pay the fee for interpreting service.

## **7. Others**

### **(1) Can I re-apply for the Refugee Status?**

You can re-apply for refugee status if there is a significant change in your refugee claim. However, if there is no significant change or additional reason, your re-application for refugee status may not be accepted or the result may be notified early through the expedited procedures.

### **(2) Is it possible to leave to another country and apply for Refugee Status there?**

The problem is that you have to get a visa for the country that you intend to enter. If the visa is issued and your entrance is allowed, there will be no significant problem about applying for Refugee Status. However, it is not easy to get the visa and permission for the entry. If

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there is a country where you can enter without visa (through visa exemption agreements), it can be another way to go to that country. The countries with visa exemption agreements differ country by country, so you need to contact the country's embassy to clarify this issue. Also, the refugee system may be operated differently country to country. Please note that the record of your refugee status application in Korea may bring a negative impact for your refugee status application in that country.

**(3) Is it possible to change the status of stay to, for example, a student visa or a marriage visa?**

As for G-1 visa holders, it is impossible to change the status of stay in Korea. Therefore, you will need to go to another country, get the new status of stay and re-enter to Korea. Even if you are admitted to the school, it is not guaranteed if the embassy will grant you a student visa. Even if you get married, you may have to go back to your home country to bring your record of marriage registration from your home country.

**(4) Can a person who is detained for undocumented status apply for refugee status?**

It is also possible to apply for refugee status in the detention center. You can request a refugee status application form from the officer in charge of refugee status and submit the form. When you apply for refugee status in the detention center, you will stay at the detention center until your RSD procedures are terminated. If the officer in charge does not assist you accordingly with the refugee status application, you

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can ask for assistance from human rights organizations.

**(5) I was caught for illegal employment after I applied for refugee status. Will I be deported even though I applied for refugee status?**

If you worked illegally while your refugee status application is on process, you may not be deported until your RSD procedures get terminated but there is a high chance of detention. Please contact human rights organizations immediately, as soon as you get arrested.

## **8. Termination of Refugee Status Determination procedures and Cancellation and Withdrawal of Refugee Status**

**(1) Is it possible to withdraw a refugee status application?**

An applicant can withdraw his/her refugee application with any of the following reasons:

- The person voluntarily determines that he/she is no longer in need of refugee status recognition anymore because there has been a change of circumstances in the country of origin or if the cause of persecution has been resolved
- The person voluntarily gives up his/her refugee status recognition application and decides to return to his/her country due to unavoidable circumstances including illness of family, etc., or the person wishes to withdraw the refugee status application, as he/she has changed his/her status to another, such as an F-6 Spouse of Korean National, etc.
- Others. If the person cannot stay in Korea for unavoidable reason.

**(2) Is it possible for the Refugee Status Determination procedures to be terminated by force?**

Under current law, the RSD procedures may be terminated by force when person's whereabouts are unknown, the authorized duration of stay expires after his/her departure from Korea, the person acquires a Korean nationality, the person passes away or there is a compelling or unavoidable reason to terminate the RSD procedures.

**(3) Can a Refugee Status Recognition that has been decided at once be cancelled?**

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If the person has been recognized as a refugee by submitting false documents, making false statements or concealing facts, the refugee status recognition may be revoked once revealed. If the decision to recognize the person as a refugee gets canceled, a Notice on the Cancellation/Withdrawal of Refugee Status Recognition will be issued and the Certificate of Refugee Status Recognition will be recollected. The person who receives the notification may file an appeal against the decision within 30 days of the date he/she received the notification.

**(4) Can a Refugee Status Recognition that has been decided at once be withdrawn?**

The decision to recognize refugee status may be withdrawn if the person falls under the following condition.

- If the person has voluntarily re-availed him/herself of the protection of the country of his/her nationality; or having lost his/her nationality, has voluntarily re-acquired it;
- If the person has acquired a new nationality, and enjoys the protection of the country of his/her new nationality;
- If 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;
- If the person can no longer continue to refuse to avail him/herself of the protection of the country of his/her nationality because the circumstances connected to his/her recognition as a refugee have ceased to exist; or

- If the person 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.

When the decision to recognize refugee status is withdrawn, a Notice on the Cancellation/Withdrawal of Refugee Status Recognition will be issued, and the Certificate of Refugee Status Recognition will be recollected. The person who receives the notification may file an appeal against the decision within 30 days of the date he/she received the notification.

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## II. Status of stay and Legal Issues

### 1. Alien Registration and Extension of stay

#### **(1) I have not applied for Alien Registration for myself. How do I calculate the duration of stay?**

If you have a visa without Alien Registration, you can calculate your expiration date for duration of stay by adding remaining days upon the entry date stamped on your passport. If you enter Korea without a visa, the duration of stay written by the immigration inspector will be the expiration date for the duration of stay. When you calculate the duration of stay, you do not count the first day. If the expiration date is a public holiday, the expiration date of duration of stay is the next day. (However, if the expiration date falls on Saturday, the expiration date will be the day after tomorrow.) In case the sojourn period is set by a month or a year, the last day of the last month will become the date of expiration.

#### **(2) How can I check the immigration office with jurisdiction over my residence?**

If you call 1345 (Immigration Contact Center for Foreigners) and tell them your address, you can verify the immigration office with jurisdiction over your place. 1345 Immigration Contact Center for Foreigners is a multilingual information platform that offers necessary information and counseling services in various languages to help foreigners residing in Korea adjust to our society. You can get almost all

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the information that is useful for the life in Korea, so we encourage you to contact them for your convenience.

### **About the Center**

Centered on Immigration Service Center, the Center provides general consultation related to administration service and life in Korea for foreigners for social adjustment or integration in various languages.

- Visa related issue such as invitation of foreigners, employment, studying abroad
- Immigration-related issues of Koreans and foreigners including re-entry permit
- Issues related to Alien Registration, resident registration, identity card, etc.
- Issues related to extension of stay, change of status of stay or residence permit, etc.
- Issues related to naturalization test, acquisition of nationality, renunciation of nationality, etc.
- Issues related to Refugee Status Determination procedures and assistance for refugees
- Reports on foreigner-related crimes such as illegal immigration, unlawful employment and report of illegal stay of foreigners, etc.
- Issues related to training on social integration, network of married immigrants, social integration for foreign residents in Korea, etc.
- Inquiries from married immigrants, foreign workers support system, related organizations and associations
- Interpretation service through telephone required for foreign-related work of central government agencies such as immigration

and foreign policy departments, local self-governing bodies, public agencies and non-profit private institutions

### **Operating hours**

Hours: 09:00 to 22:00 on weekdays (Korean, English and Chinese will be available after 18:00 at night)

### **(3) What kinds of documents are required to apply for alien registration as a refugee status applicant?**

In order to apply for alien registration, required documents are as below.

- ① Application form (attached form No. 34, displayed in the jurisdictional immigration office)
- ② Passport (If you have lost your passport, you should have a document that shows you have reported for the loss of your passport at the embassy. If you cannot report it to the embassy, you should bring a copy of your passport and have an interview with the immigration officer.)
- ③ One standard photo
- ④ A receipt of refugee status application
- ⑤ A proof of your residence
- ⑥ Fees of 130,000 won (Change of status of stay: 100,000 won, Issuance of ID card: 30,000 won (as of 2015))

※ A proof of residence can be a lease contract, a confirmation of accommodation, a receipt for payment of utility bills, and a dormitory receipt. If you do not have a place of stay and therefore need to write the address of your acquaintance, you should bring the lease contract

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and the agreement form that states his/her permit of accommodation.  
\* HiKorea> Application form> Sojourn-related> Confirmation of Residence/Accommodation

**(4) I just received my Alien Registration Card. How can I check my duration of stay?**

The date written on the right side at the back of your Alien Registration Card will be the expiration date of your duration of stay.

**(5) If I want to re-issue my alien registration card, what should I do?**

You can request for re-issuance of alien registration card when ① it is lost, ② it is broken due to tearing, ③ there is lack of space to fill out the necessary information, ④ there is a change of name, sex, date of birth and nationality on it. However, please note that you have to apply for re-issuance within 14 days from the date on which the reason is filed, and you can only request for it at the jurisdictional immigration office or branch Office. The following documents are required at the time of application.

- ① Application form of Alien Registration (Reason for the application of re-issuance) and fee
- ② One photo (3X4CM)

**(6) How can I extend my duration of stay?**

A refugee status applicant has the permission to stay in the Republic of Korea until the his/her RSD procedures are terminated as well as the

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permission to extend his/her stay for the maximum period of six months. If the expiration date is near, the Advance Notice on Expiration of your stay will be sent to you by post. Even if it is the same immigration office, depending on the immigration officer, the period of extension that they grant you may vary. This is because the public servant is permitted to give at the discretion to extend within the 'six months' range. If you apply for permission to extend your stay after the expiration date of your stay, penalties may be imposed or you may be detained. Therefore, you should pay special attention to your duration of stay.

**(7) When is the appropriate time to extend my duration of stay?**

You must apply for extension from two months before the expiration date. If you go too early, there may be a public servant who will not extend your duration of stay, so it is recommended to visit the immigration office about two weeks before the expiration date. If the jurisdictional immigration office requires a reservation for a visit, please make an appointment in advance as some immigration offices may quickly be fully-booked.

**(8) Will my sojourn period not be extended if my application for refugee status gets denied?**

A refugee status applicant can stay in Korea during the period of the RSD procedures. An extension of stay may not be granted immediately after receiving a decision of non-recognition or immediately after receiving a decision to reject the appeal. At this time, you can extend your stay if you file an appeal or a lawsuit.

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**(9) I am preparing for an administrative litigation after my appeal got dismissed. My expiration date for sojourn period is close to an end. What should I do?**

For a refugee applicant who has received a decision to dismiss an appeal, he/she needs a document proving that he/she has filed a lawsuit for extension of duration of stay. You can extend your stay after submitting an appeal and receiving the Certificate proving the submission of your appeal issued by the court.

**(10) I am in the course of litigation proceedings and I want to extend my stay. What should I do?**

In order to extend your stay in the course of litigation proceedings, you must submit a certificate of attestation proving the ongoing proceedings, such as the certificate of continuation of appeal, to the jurisdictional immigration office. The certificate of continuation of appeal can be obtained by filling out the certificate form in the court and paying 500 won for the revenue stamp.

**(11) My application for extension of stay has been denied. Why?**

Under current law, all kinds of residence permits may be canceled or changed if below circumstances occur:

- If it is found that you have been granted permission through false or other fraudulent method
- If the permission condition is violated

- If there is a compelling reason that the permission status can no longer be maintained due to the change of circumstances
- If the degree of violation of other Immigration Control Act or other laws is serious, or If the immigration officer has violated his/her duties

The current law is designed for the immigration, so if you have ever experienced unjustifiable human rights violations, please contact a human rights organization or a lawyer for assistance.

### **(12) I have changed my address. Where should I report this to?**

If you have changed your place of residence, you must submit your Alien Registration Card and the proof of residence documents (lease contract, confirmation letter of accommodation, advance notice of expiration of your stay, receipt of public utility bills payment, receipt of dormitory fee, etc.) along with the Report on the change of residence to the city, county of your new residence or the immigration office or branch office that has jurisdiction over your new residence. If the contractor in the contract is not you yourself, you must take the confirmation letter from the contracting party him/herself. (You can download the form here: Hi Korea> Application Form> Related to your stay> Confirmation of Residence/Accommodation). When the change of the place of residence is completed, the officer in charge will write the new address at the back of the Alien Registration Card. Please note that if you do not report your change of residence within the due date, a penalty will be charged.

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## **2. Others**

### **(1) Can a refugee status applicant travel outside Korea?**

A refugee status applicant can also travel overseas within the period of his/her stay as written on the Alien Registration Card without a separate visa. However, if your stay is short, you may not be able to get a visa to leave your country. In this process, you need to be careful and be reachable by the immigration. This is because refugee applications can be withdrawn if they miss their notification for interviews. Therefore, it is advisable to consult with the immigration authorities in advance on your travel plan so that you can prevent any disadvantages that may arise during re-entry or subsequent RSD procedures, depending on the country / purpose / schedule of the visit.

### **(2) I want to have my passport reissued.**

If your passport has been expired or is lost, you can apply for extension or re-issue at the embassy. However, if your persecution is attributed to the country of your origin, you should be cautious when contacting the embassy as it could entail disadvantages against you.

## **3. Immigration Detention Center**

### **(1) I am held in the immigration detention center. Will I be deported?**

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A refugee status applicant held in the immigration detention center can stay there until his or her RSD procedures are terminated. However, there was a case when the refugee status applicant was deported as soon as the result of the RSD procedures was released, although the procedures were not terminated.

**(2) Is there any way to leave the immigration detention center?**

If a refugee applicant is held in the immigration detention center, he/she must stay in the detention center until the RSD procedures are terminated. However, if he/she is seriously sick or had a problem with the detention process, he/she can pay the deposit of 20 million won or less and apply for temporary release. Anyone can apply for an application but the acceptance rate of the application has been very low. Therefore, it is recommended to consult with a lawyer before he/she applies for temporary release.

**(3) I have been unfairly treated and experienced verbal abuse at the detention center. What should I do?**

If you have experienced a human rights violation in the detention center, you can request for help. Please call the National Human Rights Commission of Korea as displayed in the detention center or report it to the relevant organization.

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## III. Rights and Treatment of Humanitarian Status Holders

### 1. Rights and Treatment of Humanitarian Status Holders

#### (1) What is the legal definition of 'Humanitarian Status'?

A humanitarian status holder (one who has been granted to stay on humanitarian grounds) refers to an alien to whom the definition of refugee does not apply but there are reasonable grounds to believe his/her life or physical freedom may be extremely violated by inhumane treatment, such as torture, punishment or other circumstances.

#### (2) What steps should I take after being granted with Humanitarian Status?

If you are granted with Humanitarian Status, you will receive the Notice on non-recognition of refugee status or the Notice on dismissal of appeal with its decision. You must then apply for a change of status of stay (from Refugee Applicant Visa G-1-5 to Humanitarian Status Holder G-1-6) within 30 days from the date you received the notice at the immigration office or branch office with jurisdiction over your place of residence. As the Alien Registration Card only shows G-1, you may easily misunderstand that your status has been changed. Therefore, please ensure to check if your application for status of stay has been officially and correctly changed. Humanitarian Status Holders may extend their stay every three months to a year.

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### **(3) I am granted with a Humanitarian Status but I am not satisfied.**

Despite having been granted humanitarian status, if you want to be recognized as a refugee, you can file an appeal or a lawsuit. Even if your refugee status application gets denied after that, your humanitarian status that has decided beforehand will not be revoked.

### **(4) Can my humanitarian status be cancelled?**

Your humanitarian status can be cancelled if you are found to be granted the status by submitting false documents or statements or concealing facts. Also, your humanitarian status can be withdrawn if the circumstances in your country of origin has changed permitting you to return or if a reason for limitation on refugee recognition or cancellation and withdrawal of refugee status recognition has been found or occurred after the decision of humanitarian status.

### **(5) Is it possible to travel abroad with Humanitarian Status?**

It is possible to leave and re-enter within the duration of stay as written on the Alien Registration Card. A Humanitarian Status Holder needs to be fully aware of the validity of the passport to travel abroad as he/she cannot get a travel document unlike a recognized refugee.

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## IV. Living as Refugee Status Applicants & Humanitarian Status Holders

### 1. Employment

#### A. Employment of Refugee Status Applicants

##### **(1) I am a refugee status applicant. Can I get a work permit?**

If you are a refugee status applicant whose refugee status application was filed over 6 months, or even if it was less than 6 months but if you have a dependent family member who is unable to work due to disabilities or other reasons, or if it is considered necessary for you to work by the officer chief, you can work after obtaining the permission for activities beyond your given status.

##### **(2) How can I obtain permission for activities beyond given status of stay?**

In order to get permission for activities beyond the given status of stay, you first need to find a workplace, visit the immigration office or its branch office with jurisdiction over your residence and submit the following documents as shown below. Areas of employment are limited to the fields that do not require professional skills and the permission is only valid during your permitted duration of stay.

- ① Application form (Annex No. 34)
- ② Passport
- ③ Alien Registration Card

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- ④ Employment contract
  - ⑤ Copy of business license

The permission for activities beyond given status of stay will be stamped on your passport, which specifies the permitted activity and duration. For this purpose, the immigration office may ask you to submit your passport during the review period.

**(3) Can I apply for permission for activities beyond given status of stay without a passport?**

If you are a refugee status applicant without a passport, with the exceptional situation of a refugee, you can apply for permission for activities beyond the given status of stay with your Alien Registration Card. However, there are occasions when some officials at the reception, with little understanding of refugees, demand a passport and refuse to accept the application for permit. If you find yourself in such situation, please contact a relevant organization for assistance.

**(4) Is there anything that I should be cautious when applying for permission for activities beyond the given status of stay?**

The starting date of your work on your employment contract should be later the date you apply for the permit. If the starting date on the contract is before the date of your application, you will be assumed to have been employed without the permit and get fined.

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**(5) If the immigration office with jurisdiction over my residence and my work place are different, which immigration office should I go for application?**

If the jurisdictional immigration office over your residence and your work place are different, you can apply for work permit at the immigration with jurisdiction over your residence. However, if your place of stay and the work place are too far to each other, please note that the immigration office may not issue the work permit.

**(6) I applied for permission for activities beyond the given status of stay. How long should I wait for the permit?**

It usually takes about 1-2 weeks for the decision. When you re-apply for new permit with the same employer after the expiration of the first permit, it will be faster than the first time.

**(7) Can I get any job regardless of the type of work?**

Refugee status applicants and humanitarian status holders are only allowed to work in the fields that do not require professional skills. However, it is noted that the employment in the professional area are possible if you meet the criteria regulated by the Immigration Control Act and its regulations. However, there has not been a single case. In addition, it is difficult to obtain a work permit in case of daily work.

**(8) I wish to change my work place. Should I apply for new permit?**

If you have changed your work place, you should get the new permission for activities beyond given status of stay in advance.

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**(9) My permission for activities beyond given status of stay will expire soon. Do I need to apply again?**

If you are a refugee applicant, you will be granted a work permit within 6 months. If the deadline expires, you will need to obtain the required documents again and get the permission for activities beyond given status of stay from the immigration office.

**(10) What happens if I violated the conditions of permission for activities beyond the given status of stay?**

A refugee status applicant who has received the work permit and violated the permission conditions (employment in the professional fields or employment without a permit) will receive the notification of disposition (fine) or be issued with the compulsory deportation order.

## **B. Employment of Humanitarian Status Holders**

**(1) How can a Humanitarian Status Holder get employed?**

A Humanitarian Status Holder can work in non-professional field with a “comprehensive employment activity permit”. The duration of a permit is up to a year. Unlike refugee status applicants who have to submit the employment contract for the application, Humanitarian Status Holders are free to be employed without a proof of the work place.

Following are required documents:

- |                                   |
|-----------------------------------|
| ① Application form (annex No. 34) |
|-----------------------------------|

- ② Passport
- ③ Alien Registration Card

**(2) If I want to change my workplace, do I need to apply for new permit?**

A Humanitarian Status Holder can change his/her workplace within the permitted duration of the employment. However, you must report it on the first day of work to an individual, agency, group or company, or visit the immigration office within 15 days from the date of change of the work place or report it online ([www.hikorea.go.kr](http://www.hikorea.go.kr)).

**(3) My permit will expire soon. Do you need to apply again for the permit?**

For a Humanitarian Status Holder, each work permit is valid for one year. So when your permit expires, you need to apply for the comprehensive permission for activities beyond given status of stay with required documents.

**(4) What happens if I violated the conditions of comprehensive permission for activities beyond given status of stay?**

If a Humanitarian Status Holder has violated the conditions of the permit, depending on the extent and the frequency of the violation, he/she will be subjected to a warning, fine, limited extension of the permit, or accusation.

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**(5) My application for the work permit has been denied. What should I do?**

If your application for the work permit gets denied, you must check the reason for the denial. If the reason can be corrected, you should again prepare and apply for the permit again.

## **2. Accommodation**

**(1) Is there a government-run accommodation for refugees?**

The Korea Immigration Reception Center is a government-run residential facility located in Yeongjongdo. Prioritized residents are refugee status applicants who filed the application at ports of entry, applicants who have stayed in Korea less than 90 days and at the same time applied for the accommodation at the Immigration Reception Center and resettled refugees. The resident can decide how long he/she will stay for up to 6 months. Depending on the health of the applicant, conditions of the dependent family members, and other reasons deemed necessary for prolonged stay, a resident can extend the duration of stay. The Center provides Korean language programs and training on social integration.

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## **(2) How can I apply for accommodation in the Immigration Reception Center?**

You can apply for the accommodation by filling in the application form at the immigration office or the branch office and submitting it. As there will be many refugee status applicants in the waiting list, please contact the immigration office or the branch office, or call 1345 for more information.

## **3. Living**

### **(1) Is there any available living expenses support?**

A refugee status applicant can apply for living expenses support within the period of six months from the date of refugee status application. (However, if the applicant needs further assistance due to serious illness or physical disability, additional support may be provided not exceeding the period of six months). The decision of the living expenses support and its amount will be given by the Ministry of Justice after reviewing the duration of stay in Korea, the employment status, previous record of staying at the Immigration Reception Center, existence of dependents, living conditions, etc. of the refugee status applicant. As of 2018, the amount of living expenses is 432,900 won. A Humanitarian Status Holder can receive living expenses support for emergency situations through the Emergency Welfare Support System of the Ministry of Health and Welfare. For more information, please visit the community center in your residence.

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## **(2) How can a refugee status applicant apply for living expenses support?**

Following documents need to be submitted to the immigration office or the branch office with jurisdiction over your residence or at the office where you filed your application for refugee status.

- ① Application form of living expenses support
  - ② Verification form
  - ③ Passport or Alien Registration Card (in case of its absence, receipt of refugee status application)
  - ④ Copy of your bank account issued in Korea (for minors, a copy of bank account of their legal deputies)
- \* An additional document certifying that you have disease or dependent family can be appended.

The result of the selection will be announced via text to your phone. You can also find out at Korea Immigration Service website (<http://immigration.go.kr>) under Announcement > Notice. Once you are selected, the living expense will be directly deposited into your bank account.

## **(3) Are there programs for other supports such as food?**

The Red Cross has cash and in-kind support for refugees who need urgent assistance. As it is not a regular program, you should contact the Red Cross with the help of a nearby organization if necessary.

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#### **(4) Where can I get interpretation support?**

There is a Danuri Call Center operated by the Ministry of Gender Equality and Family. The center usually provides programs mainly for married immigrant women, but they will be still useful for daily life information, guidance on education and emergency situation when you need interpreting service. If you live in Seoul, you can use Dasan Call Center which provides information useful for your stay in Seoul as well as 3-way interpreter services. BBB Korea is an interpreting service operated by the private sector and it also provides interpreting services in various languages including Arabic.

Danuri Call Center: 1577-1366

Dasan Call Center (Seoul): 120

BBB Korea: 1588-5644

## **4. Medical Care**

### **(1) Are there any medical support programs?**

At the moment, the Ministry of Justice provides medical expenses support for refugee status applicants who have spent a large amount of money on a sudden surgery or hospitalization. In order to apply for the medical expenses support, you should take your Alien Registration Card (or the receipt of refugee status application or passport if the Alien Registration Card has not been issued yet) and receipt of the medical

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cost for your surgery or hospitalization to the Refugee Division and apply for the medical expenses support. Up to 500,000 won per person is provided. If the number of applicants exceeds the annual budget, you may not be able to benefit from the program. So, please call the Refugee Division (☎1345 -> ask the officer to forward you to the Refugee Division) and check prior to your visit.

**(2) Are refugee status applicants and humanitarian status holders eligible for health insurance coverage?**

The national health insurance policy is designed to relieve the heavy burden of high medical cost by paying insurance fee to the National Health Service and having the organization cover medical expenses when such needs arise. Refugee status applicants and Humanitarian Status Holders can subscribe to employment insurance when they get employed. However, many employers are reluctant to apply for employment insurance for foreign workers. Please inquire your employer whether you are subscribed to employment insurance. If you have not been subscribed, you should request your employer for employment insurance. For more information on health insurance, please call the National Health Insurance Service (1577-1000).

**(3) Is there any other available medical assistance policies?**

Medical insurance programs provided by non-governmental organizations include Korea Migrant Health Association. The Medical Mutual Aid Union provided by Korea Migrant Health Association is available for those adults and children without medical insurance,

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regardless of their status of stay. The only condition is that you must have stayed in Korea for over six months for subscription. If you want to subscribe, please check the nearest Medical Mutual Aid Union member consulting office (which can be found on its website) and visit with the required documents. For more information, please check the website at ([http://www.wefriends.org/sub/page.php?bo\\_table=eng10](http://www.wefriends.org/sub/page.php?bo_table=eng10)) or call 02-3147-0516~8. Medical Mutual Aid Union provided by Jubilee Mission Korea requires a monthly fee of 8,000 won for the subscribers. With this, you can get medical treatment at its partner hospitals at relatively lower costs compared to regular medical treatment costs. For more information, check the website ([www.jubileekorea.org](http://www.jubileekorea.org)), or call 02-858-7829.