

# Enforcement Decree of the Refugee Act

## Article 1 (Purpose)

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

## Article 2 (Humanitarian Permission to Stay)

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

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

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

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

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

## Article 3 (Refugee Application at Ports of Entry)

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

Recognition of Refugee Status as prescribed by the Ordinance of the Minister of Justice, attaching the required documents listed in each subparagraph of Article 5(2) of the Act, to the respective Chief of Immigration Office (hereinafter referred to as the "Office Chief") or Chief of Immigration Branch Office (hereinafter referred to as the "Branch Chief") with jurisdiction over the port of entry in accordance with the Immigration Control Act. (2) The Office Chief or Branch Chief who receives an application pursuant to paragraph 1 shall investigate the facts via interview, etc., and report the results to the Minister of Justice in an attachment to the refugee status application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Article 6 (Qualifications of RSD Officers)**

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

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

## **Article 7 (Work of RSD Officer, etc.)**

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

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

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

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

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

#### **Article 8 (Interpretation)**

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

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

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

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

interpreter interpret the latter to Korean;

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

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

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

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

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

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

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

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

#### **Article 10 (Review of Appeals by the Refugee Committee)**

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

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

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

#### **Article 11 (Determination of Appeals, etc.)**

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

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

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

#### **Article 12 (Permission for Refugee Resettlement)**

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

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

(2) The Minister of Justice may, if deemed

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

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

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

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

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

#### **Article 13 (Support for Education)**

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

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

#### **Article 14 (Social Integration Education)**

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

### **Article 15 (Vocation Training)**

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

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

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

### **Article 17 (Support for Living Expenses, etc.)**

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

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

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

### **Article 18 (Employment Permission)**

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

### **Article 19 (Establishment and Operation of Residential facilities)**

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

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

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

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

### **Article 20 (Medical Service Support)**

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

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

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

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

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

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

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

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

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

#### **Article 23 (Refugee Support Facilities)**

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

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

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

falling under subparagraphs 1 to 3.

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

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

#### **Article 24 (Delegation of Authority)**

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

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

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

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

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

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

## Supplementary Provision

### Article 1 (Date of Effect)

This Enforcement Decree shall take effect July 1, 2013.

### Article 2 (Other Amendments)

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

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

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

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

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

Article 88-9 shall be amended as follows:

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

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

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

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

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



# Enforcement Rule of the Refugee Act

## Article 1 (Purpose)

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

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

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

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

## Article 3 (Receipt of Refugee Recognition Applications)

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

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

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

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

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

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

## Article 5 (Summons and Summons Register)

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

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

## Article 6 (Refugee Interview Report)

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

## Article 7 (Application for a Disclosure or a Copy)

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

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

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

1. For a disclosure: 500 won per disclosure;

2. For a copy: 500 won per page.

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

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

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

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

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

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

1. Materials explaining reasons for application for reissuance;

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

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

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

Reissuance following the form in Annex No. 12.

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

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

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

#### **Article 10 (Procedure of Application for Appeal)**

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

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

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

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

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

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

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

(1) The Chairperson of the Refugee Committee

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

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

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

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

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

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

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

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

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

#### **Article 13 (Recommendation Procedure for Education Expenses)**

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

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

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

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

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

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

#### **Article 14 (Recommendation Procedure for Vocational Training)**

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

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

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

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

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

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

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

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

#### **Article 16 (Procedure for Using Residential Facilities)**

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

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

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

#### **Article 17 (Procedure for Using Refugee Support Facilities)**

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

the head of the immigration support facility.

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

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

### **Supplementary Provision**

#### **Article 1 (Date of Entry into Force)**

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

#### **Article 2 (Other Amendments)**

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

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

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

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

Article 67-13 shall be deleted;

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