



UNHCR

United Nations High Commissioner for Refugees

Haut Commissariat des Nations Unies pour les réfugiés

Country Operations Plan 2007

REPUBLIC OF KOREA

2007 COUNTRY OPERATIONS PLAN FOR THE REPUBLIC OF KOREA

Part I: OVERVIEW

1. Protection and socio-economic operational environment

The Republic of Korea (ROK) is party to the 1951 Convention and 1967 Protocol relating to the Status of Refugees. ROK acceded to the CSR51 in 1992 and some of the principles of the Convention were transposed in the national legislation through amendments entered into force in 1994 to the Immigration Control Act of 1963.

In 2005, the Korean authorities have acknowledged that the asylum provisions in the national legislation required improvement and have undertaken the revision of the Immigration Control Act. The revision – once completed – will imply an increase in the quantity and somehow in the quality of asylum/refugee related provisions and the Act will be renamed “Immigration Control and Refugee Status Determination Act”. It is expected that the new text will be approved during 2006.

Though the Convention was signed in 1992, ROK recognized an asylum seeker as a refugee for the first time in 2001. As ROK started conducting RSD in 1994, during these first seven years as many as 133 applications had been all denied.

The refugee population in ROK remains small. In early 2006, the recognized refugees numbered 41 and the holders of humanitarian status were 28. Yet the number of asylum seekers has been rapidly increasing. In particular, in 2005, the number of new applications increased by 282% (from 145 to 410) and that of pending cases by 110% (from 247 to 519). A strong crackdown on the remaining illegal migrants may explain the increase. Asylum might have appeared to some aliens as a way out to avoid deportation and have residence permits extended. The Ministry of Justice focused on resources for better control of illegal migrants, while resources to deal with asylum issues have remained unchanged at their previous very limited level. This has resulted in long delays in the decision making process on asylum claims, which can require two years or longer, notwithstanding the genuine efforts undertaken by the officers involved.

In addition to the revision of the law, the Ministry of Justice has launched a thorough “Strategic Plan of the Ministry of Justice for the year 2006”, which looks up to 2008 for its implementation and foresees, inter alia, a number of relevant changes to the Korean asylum system. The changes are aimed to correct at least some of the major shortcomings in the current system. It is in this framework that the Ministry of Justice, in early 2006, has formally created, in early 2006, a “Naturalization and Refugee Division”. The Plan also foresees the involvement of other Ministries (e.g. Labor, Health and Social Welfare) in the handling of refugee issues.

The resources required to improve the quality of the Korean asylum system will have to be approved also by the Ministry of Planning and Budget. The improvement should primarily aim at regulating access to the asylum procedure at ports of entry in the country, at setting up a reception programme for asylum seekers, streamlining the RSD decision making process improving its quality, and establishing an integration programme for recognized refugees.

UNHCR, with the additional human resources provided together with the upgrading of the Office in Seoul, will be able to increase the substantial support to the Government in the form of guidance and technical expertise as well as policy recommendations (in particular, to the Ministry of Justice and more specifically to the newly established “Naturalization and Refugee

Division”). ROK has the potential and the opportunity – which should not be missed – to set up an asylum system which may become a model for the region.

The current lack of systematic refugee integration programs calls for increased inter-ministerial consultations and lobbying. Systematic social and legal counseling, education and minimal assistance programs have yet to be established. Since these are administered by different ministries, a workable system of co-operation in the form of an inter-ministerial ‘Task Force’ will have to be created. UNHCR could likely assume an active role in its establishment, as it will be difficult for any specific Ministry to take such initiative alone. As long as no State welfare system is developed and NGOs dealing with refugee issues are scarce, UNHCR will continue to remain responsible for (minimal) assistance to the urban asylum seeker and refugee caseload.

The Government highly appreciates UNHCR’s extensive experience in emergency situations and presence in field locations. Nonetheless, ROK’s core contribution during the past seven years has remained somehow unchanged. In 2005, it amounted to 1.15M USD (of which core contributions amounted to 1.1M USD). Considering the size of the country’s economy and its increasing international stature, this figure is low. With the upgrading of the Office to a full-fledged Representation in the Republic of Korea, it is expected that, inter alia, the Government will increase its contribution. In fact, by early February, the Government of Korea had already contributed 1,611,461 USD (of which 1.5M core contribution) to UNHCR for the year 2006. The up-trend should continue in 2007.

The above will be facilitated by an uplifted public information campaign, aiming to increase the awareness of the Korean public at large about UNHCR’s work and role in major refugee crises within and outside the region. This will also constitute one of the indispensable pre-requisites for a successful fund-raising campaign within the Korean private sector, which has an enormous potential yet unexplored by UNHCR. A paper entitled “Situation analysis for Private Sector Fund Raising: what UNHCR needs to know to launch an integrated PSFR programme”, was finalized by UNHCR Seoul in early 2006, and will constitute an importance reference basis for the definition of the strategy. The Private Sector Fund Raising Assistant – to be recruited in mid-2006, will be in charge, under the supervision of the Representative, of implementing UNHCR’s strategy in this area.

2. Operational goals and potential for durable solutions

Derived from UNHCR’s Global strategic objectives, the following are the overall strategic goals of the 2007 ROK programme:

- Promote implementation of 1951 CSR by providing support and input to the government for continued policy reform. Strengthen the already existing strong cooperative relationship with the Ministry of Justice to fulfill UNHCR’s supervisory role.
- Secure basic living standard of beneficiary population by close cooperation with concerned Ministries, i.e. Ministry of Justice, of Health and Social Welfare, of Labour, and of Education.
- Foster effective partnership between UNHCR and human rights/legal NGOs in order to raise public awareness on domestic refugee issues among civic groups and the public and to establish a safety network for vulnerable groups.
- Promote a positive image of UNHCR and increase awareness of the role and work of UNHCR both in the country and worldwide.

- Continue to lobby for an increase of voluntary contributions by the government in the short-term and a long-term strategy for government contributions, secure the legal authorization to initiate PSFR in ROK and implement a long-term strategy for private sector fundraising.
- Liaise as necessary on issues relating to ROK policy on DPRK issues by maintaining close relationship with the Ministry of Foreign Affairs and Trade and the Ministry of Unification, monitoring the media and collecting relevant information.

Part II: COMPREHENSIVE NEEDS AND PARTNERSHIP

1. Outcomes of joint planning and management of identified gaps

In light of the fact that RSD is and should remain a main responsibility of the State, UNHCR and the Government have agreed upon a more efficient way to carry out RSD in Korea, through an improved cooperation between the Ministry of Justice and UNHCR during the determination procedure, while leaving the RSD exclusively in the hands of the Ministry of Justice of ROK. Hence since early 2005, UNHCR has no longer conducted RSD.

In 2005, UNHCR has signed a contract with a legal NGO named Gong-Gam, in 2005, which has provided an almost *pro bono* (in comparison to the market price of such services) legal assistance/representation to a limited number of selected asylum seekers whose application had been negatively decided by the Ministry of Justice. It is foreseen that in spite of the tangible progress in the area of legal assistance to appellants which has been noted in 2005 and which is expected to be strengthened in 2006, high quality legal assistance may continue to be required in 2007 for some asylum seekers whose application was denied.

2. Comprehensive needs and contributions

UNHCR Seoul will look into the possibility of receiving either financial or in-kind contribution from the government, refugees and/or local communities to projects.