



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: Republic of Korea

Planning Year: 2006

2006 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 amendments to the immigration law took effect in 1994. However, the first recognition was made only in 2001 after 133 applications during seven years. The asylum legislation is still vague and rudimentary and requires revision, which is also actively envisaged by the Korean authorities.

The refugee population in ROK is small, yet the number of asylum-seekers has been rapidly increasing. This is likely a side-effect of a stricter immigration control by the Government introduced in August 2003 to regularize illegal migrant workers. During 2004, the number of new applications increased by 67% (from 86 to 145) and that of asylum seekers waiting for decisions by 77% (from 139 to 247). A strong crackdown on the remaining illegal migrants resulted in some of them choosing asylum 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 remained at its very limited size. This resulted in long delays in the decision making process on asylum claims which can take two years or longer, notwithstanding the genuine efforts undertaken by the officers involved.

The Ministry of Justice is determined to reform the system and is planning a thorough revision of the legal framework as well as the establishment of reception arrangements for asylum seekers. The necessary reinforcement of immigration officers in charge of asylum issues will also require approval by the Ministry of Planning and Budget. Priority lies on simplifying and streamlining the decision making process, on establishing independent appeal procedures, regulating access to asylum procedure at ports of entry and drawing up clear internal guidelines. Were UNHCR given the resources to provide substantive support in the form of guidance and technical expertise to the immigration office, a new Korean system could carry the potential to becoming a model for the region, chiefly owing to MOJ's positive attitude towards UNHCR contributing to the reform.

The current lack of systematic refugee integration programmes calls for heavy focus on inter-ministerial consultations and lobbying. Systematic social and legal counseling, education and minimal assistance programmes have yet to be established. Since these are administered by several ministries, a workable system of co-operation in the form of an inter-ministerial 'Task Force' will have to be set up. 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 remains responsible for minimal assistance to the urban asylum seeker and refugee caseload.

The Government highly appreciates UNHCR extensive experience in emergency situations and presence in field locations. Nonetheless, ROK's core contribution during the past seven years has remained at the same level, namely USD 1.1 million, with an increase by USD 400.000 at the end of 2004. Considering the size of the country's economy and its increasing international stature, this figure is low. It is expected that the government becomes more flexible on voluntary contributions to individual agencies from 2006 onwards, once it has honored its commitments to UN assessed contributions and DPKO by the end of 2005. Then, the support by the Permanent Mission and the

office concerned at the Ministry of Foreign Affairs and Trade (MOFAT) that UNHCR had enjoyed during the past has the potential to lead to increased contributions to worldwide refugee programmes of UNHCR. There is however a need to strengthen ties with concerned divisions inside MOFAT and to harmonize the timing of UNHCR appeals for funds with governmental budgetary planning procedures. Thorough reporting and ensuring the visibility of Korean Government funding will be a prerequisite for UNHCR success in this endeavor.

Given the narrow margin of integration opportunities for refugees in ROK, it cannot be excluded that a few, particularly compelling individual cases, may require resettlement in a third country.

In view of the above and in recognition of the global important role that ROK plays in the region and it may potentially play particularly as a model on asylum matters, UNHCR has restructured the Office in Seoul upgrading it, as of 1 January 2006, to an independent Country Representation to the Republic of Korea. In addition to the Representative, UNHCR international presence in ROK will be also strengthened with a Protection Officer.

2. Operational goals and potential for durable solutions

Derived from UNHCR's Global strategic objectives, the following are the overall strategic goals of the 2006 ROK programme:

- Promote implementation of 1951 CSR by providing support and input to the government for continued policy reform. Build strong cooperative relationship with the Ministry of Justice to fulfill the supervisory role of UNHCR.
- Secure basic living standard of beneficiary population by close cooperation with concerned ministries, i.e. Ministry of Justice, of Health and Social Welfare, of Labor and of Education.
- Foster effective partnership between UNHCR and human rights 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 the world.
- Continue to promote an increase of voluntary contributions by the government and establish a long-term strategy for private sector and government contribution.
- Provide useful liaison on issues relating to ROK policy on DPRK issues by maintaining close relations with the Ministry of Unification, monitoring the media and collecting relevant information.