

## South Korea Detention Profile

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South Korea's immigration control policy is characterized by tensions between the need for unskilled migrant workers, who have been actively recruited through a government supported program, and the objective of controlling the influx of unauthorized immigrants. The government stepped up efforts to curb undocumented migration in the early 1990s, but the lack of consensus between different political actors resulted in the hesitant implementation of restrictive policies. Beginning in late 2003, however, the government began to systematically arrest, detain, and deport irregular migrants (Kim 2004; Lee 2003).

**Detention policy.** There are two forms of immigration detention in South Korea: internment and detention for deportation (*Immigration Control Act* 1963, art. 51). Internment covers the period during which a person is investigated for suspected violations of the *Immigration Control Act*; detention for deportation occurs after the investigation has been completed and the detainee formerly enters deportation proceedings (Hwang 2009b). While detention under internment is limited to 10 days (with the possibility of one extension of 10 days), detention under a deportation order is not subject to time limitation (*Immigration Control Act* 1963).

Any person not in possession of a valid passport or seaman's pocketbook, as well as with a valid visa, can be deported from South Korea (*Immigration Control Act* 1963, Art. 7). When a person attempts to flee deportation, or is suspected of attempting to flee, he/she can be issued with an "internment order" (*Immigration Control Act* 1963, Art. 51). When there is insufficient time to obtain an internment order, an immigration control official may issue an "emergency internment note" to an immigration office or foreigner internment camp. An internment order must then be obtained within forty-eight hours, otherwise the detained person is to be released (*Immigration Control Act* 1963, Art. 51). Appeals against internment can be made to the Minister of Justice through the head of the office, or at a branch office or foreigner internment camp (*Immigration Control Act*, Art. 55). The act specifies that non-citizens can be interned for immigration-related reasons in a "foreigner internment room, foreigner internment camp, or other place as designated by the Minister of Justice" (*Immigration Control Act* 1963, Art. 52 (2)).

An immigration officer can issue a "written departure recommendation" with a specified departure time-limit to any non-citizen who has committed a minor offence or violated any part of the *Immigration Control Act* (*Immigration Control Act* 1963, Art. 67). When a non-citizen fails to comply with the written departure recommendation, he/she can be issued with a "Departure Order." A Departure Order can also be issued to anyone who enters South Korea illegally or who does not have the necessary documentation to remain; those whose entry permit provisions are revoked; anyone deemed deportable after being fined for negligence; and any person required to depart after receiving a notification. A time-limit of departure is specified with the written departure order, in addition to restrictions on residence and other "necessary" conditions (*Immigration Control Act* 1963, Art. 68).

An Immigration Control official has the power to execute a deportation order, and the head of the office, branch office, or non-citizen internment camp may authorize any judicial police official to execute a deportation order, which must be presented to the person subject to it before he/she is "repatriated without delay" to their country of citizenship, or country from which they came to South Korea (*Immigration Control Act* 1963, Art. 62). If immediate repatriation is not practically possible, a person can be detained until the deportation can be carried out (*Immigration Control Act* 1963, Art. 63). If repatriation is clearly found to be impossible, the person can be released with "necessary conditions attached," including restriction on residence (Art. 63 (2)). Temporary release of those issued with an internment or deportation order can be granted when a guarantor or legal representative applies and makes a deposit of guarantee money of up to ten million won (approx. \$US 8,000), and with residence restrictions and other conditions (*Immigration Control Act* 1963, Art. 65).

South Korea became a party to the 1951 Geneva Refugee Convention in 1992, and in 1994, the government amended the immigration law to facilitate the asylum application process (Lee 2003). In 2009, the Korean Immigration Service issued a statement announcing revisions to the Immigration Law to enhance the refugee recognition system and facilitate the tracking of applications. In addition, asylum seekers are to be granted permission to work after a certain period (Gyu-geun 2009).

Victims of trafficking reportedly receive limited protection in South Korea, many of whom are lured into the country on “entertainment” visas. According to a 2007 NGO report, “[T]he government ... created a provision in the Immigration Control Act that penalizes agents and employers who confiscate passports or certificates of inscription as a means of securing foreign females’ financial obligations under the contract and payment of debt. However, under the same Immigration Control Act, if a migrant woman in the sex industry flees from the employer’s unjust demands and human rights infringement, the employer will simply report that the migrant worker abandoned her workplace, and her stay will become illegal regardless of the circumstances” (MINBYUN 2007, p. 18-19).

Korea’s immigration and detention policies have been subject to numerous criticisms. In 2009, the National Human Rights Commission of Korea (NHRCK) concluded that Article 9 of the Universal Declaration of Human Rights, Article 9 Paragraph 2 of the International Covenant on Civil and Political Rights, and Article 10 of the U.N. Principles for the Protection of All Persons under Any Form of Detention or Imprisonment are frequently violated during the arrest and detention process of irregular migrants in South Korea (NHRCK 2009).

South Korea’s Migrants’ Trade Union (MTU) has also been a strong critic of various government immigration practices. In 2007, the Ministry of Labour appealed against a Seoul High Court ruling that granted legal status to the MTU, and at the end of 2007, MTU senior officials were arrested and deported. Amnesty International accused the South Korean government of denying migrant workers the right to freely form and join trade unions, and on 25 March 2009, the Governing Body of the ILO adopted its Committee on Freedom of Association, supporting the rights of migrant workers in South Korea, regardless of status, to form and join labour unions (AI 2009).

Since March 2008, the government has reportedly increased crack downs on unregistered migrant workers (NHRCK 2009) and has released plans to deport half of all irregular migrant workers by 2012 (AI 2009). Amnesty International has called on the government to ratify and implement the UN International Convention on the Protection of the Rights of all Migrant Workers and Members of the Families, as well as the core International Labour Organization (ILO) conventions on freedom of association, collective bargaining, and forced labour.

**Detention infrastructure.** According to the *Immigration Control Act*, foreigners can be interned in a “foreigner internment room, foreigner internment camp, or other place as designated by the Minister of Justice” (*Immigration Control Act* 1963, Art. 52 (2)). Undocumented foreigners who are—or are suspected of being—in violation of the *Immigration Control Act* are detained in an assortment of detention facilities. These include immigration detention centers (“processing centers”) and detention cells at immigration branch offices. The Immigration Bureau, an agency of the Ministry of Justice, maintains two processing centers (in Hwaseong and Cheongju), which are used exclusively for detention purposes, and maintains detention cells in at least 16 branch offices: Seoul, Incheon, Incheon International Airport, Jeju, Busan, Daegu, Ulsan, Gimhae, Masan, Cheongju, Daejeon, Chuncheon, Suwon, Gwangju, Jeonju, and Yeosu (NHRCK 2005a; Hwang 2009a).

In addition, a transit-zone detention site is located in the Seoul airport. According to one source interviewed by the Global Detention Project, this facility is used to prevent people from entering Korean territory and there are many cases in which people have been held at this site for periods exceeding 20 days (Hwang 2009b). The same source said that there has been at least one case in which a person was “detained” by an airline at the airport because immigration authorities said the inadmissible person was the responsibility of the airline. The person was kept for an unknown period of time at an undisclosed location at the airport until the airline was able to put the person on a flight leaving the country (Hwang 2009b).

Lastly, there are two prisons in South Korea that are used exclusively for holding non-citizens for minor criminal offenses: the Cheonan Correctional Institution and the Cheongju Correctional Facility for Women (NHRCK 2008). Non-citizens who have committed serious crimes are imprisoned in other jails in South Korea that are not used exclusively for non-citizens. In certain cases, when the criminal offense is deemed grave enough, non-citizens can lose their residence status or have their visa revoked. In these cases, the non-citizen is transferred to immigration custody after completing his/her

criminal sentence and confined in an immigration detention facility until deported (Hwang 2009b).

While all immigration detainees are under the authority of the Immigration Bureau and the management of detention facilities is the responsibility of the bureau, private security guards and public service personnel are sometimes employed in the facilities (NHRCK 2007b; Hwang 2009b). Immigration detention facilities are prison-like, using cells to confine detainees (AI 2006; NHRCK 2007a). Human rights groups report that detainees suffer physical and verbal abuse; overcrowding and poor sanitation (especially in Seoul, Suwon, Incheon, Yeosu and Incheon International Airport immigration offices); insufficient physical exercise; restricted communication with the outside world (including minimal visitor accessibility and in some cases censorship of detainee letters); and a lack of privacy, with constant camera surveillance (AI 2006; NHRCK 2007a; 2008; GONGGAM 2007). In addition, during the investigation process, detainees at times have been denied access to interpreters and forced to sign documents in a foreign language (AI 2006; GONGGAM 2007).

In February 2007, a fire at the Yeosu detention centre killed 10 detainees and left many wounded. Detention centre staff were criticized for reportedly spraying fire extinguishers through cell bars and not unlocking cell doors to let detainees flee. The incident caused public outrage, and was investigated by the National Human Rights Committee, which issued a series of recommendations on detention centre reform in a February 2008 report (NHRCK 2008).

**Facts and figures.** According to an unofficial estimate, in 2003 the country's total detention capacity was 1,300 (Van Volkenburg 2003). A survey conducted by the NHRCK in 2005 reported that the Hwaseong and Cheonju Immigration Processing Centers held 413 and 144 immigration detainees, respectively. Almost 40 percent of the detainees questioned originated from China, with the balance mainly comprised of migrants from Bangladesh, Mongolia, Uzbekistan, Thailand, and Indonesia (NHRCK 2005a).

The number of irregular migrants in the country, except during the 1997-1999 economic crisis, increased substantially during the mid-1990s—from an estimated 80,000 in 1995 to 289,000 in 2002 (Park 2004). By 2002, undocumented migrants amounted to 70 per cent of South Korea's total foreign labour force (Park 2004). Despite the implementation of the EPS scheme (see "Detention Policy") and routine crackdown operations since 2003, the number of irregular immigrants remains high. In 2006, the Immigration Bureau estimated that there were 211,988 irregular immigrants living in the country, an increase from 180,792 in 2005, of which 18,574 were deported in that year (Immigration Bureau 2006; 2007). According to the Ministry of Justice, as of February of 2007 there were 208,271 undocumented migrant workers. After the introduction of the Voluntary Return Program in 2003, the number decreased from 298,000 in September to as low as 138,000 that year, but has been steadily increasing since then. The government arrested 97,736 undocumented migrants between 2004 and March 2007 (MINBYUN 2007, p. 7-8). The largest number of irregular migrants originated from China, including ethnic Korean Chinese (Seol 2000), with significant numbers of Bangladeshi, Filipinos, Mongolians, and Vietnamese also arrested (Kim 2004).

A total of 1,087 asylum applications were made in South Korea between 1994 and 2006, excluding North Korean "refugees" who are recognized as Republic of Korea citizens. Only 52 of these were granted asylum during that year (Park 2004). Most applicants originated from China, Myanmar, Nepal, and Uganda (NHRCK 2007b).

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## South Korea Detention Profile

### List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Busan Immigration Office Detention Facility	In use (2009)	Busan	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	36 (2007)		Adult males and females. Gender segregation (2009).
Cheongju Immigration Office Detention Facility	In use (2009)	Chungcheong-buk-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Cheongju Immigration Processing Center Detention Center	In use (2009)	Chungcheong-buk-do	Migrant detention centre	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	240 (2006)		Adult males and females. Gender segregation (2009).
Chuncheon Immigration Office Detention Facility	In use (2009)	Gwangwon-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Daegu Immigration Office Detention Facility	In use (2009)	Daegu	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Daejeon Immigration Office Detention Facility	In use (2009)	Daejeon	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Gimhae Immigration Office Detention Facility	In use (2009)	Busan	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Gwangju Immigration Office Detention Facility	In use (2009)	Gwangju	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Hwaseong Immigration Processing Centre/ Hwaseong Detention Center	In use (2009)	Gyeonggi-do	Migrant detention centre	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	712 (2007)	209 (June 2007)	Adult males and females. Minors. Gender segregation (2009).
Incheon Immigration Office Detention Facility	In use (2009)	Incheon	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	220 (2007)	60 (as of 3 September 2007)	Adult males and females. Gender segregation (2009).
Incheon International Airport Detention Facility / Incheon International Airport Immigration Office Detention Facility	In use (2009)	Incheon	Transit zone - Airport	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	8 detention rooms including 2 solitary confinement rooms (2006)	at least 22 (2005)	Adult males and females. Gender segregation (2009).
Jeju Immigration Office Detention Facility	In use (2009)	Jeju-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Jeonju Immigration Office Detention Facility	In use (2009)	Jeonrabuk-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Masan Immigration	In use	Gyungsang-	Immigration	Secure	Ministry of	Immigration			Adult males and

Office Detention Facility	(2009)	nam-do	office		Justice, Immigration Bureau	Bureau			females. Gender segregation (2009).
Seoul Immigration Office Detention Facility	In use (2009)	Seoul	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau	45 (2006)	125 (July 2005)	Adult males and females. Gender segregation (2009).
Suwon Immigration Office Detention Facility	In use (2009)	Gyeonggi-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Ulsan Branch Office of Busan Immigration Office Detention Facility	In use (2009)	Ulsan	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).
Yeosu Immigration Office Detention Facility	In use (2009)	Jeounranam-do	Immigration office	Secure	Ministry of Justice, Immigration Bureau	Immigration Bureau			Adult males and females. Gender segregation (2009).

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(This is only a partial list. More detailed information is available upon request.)

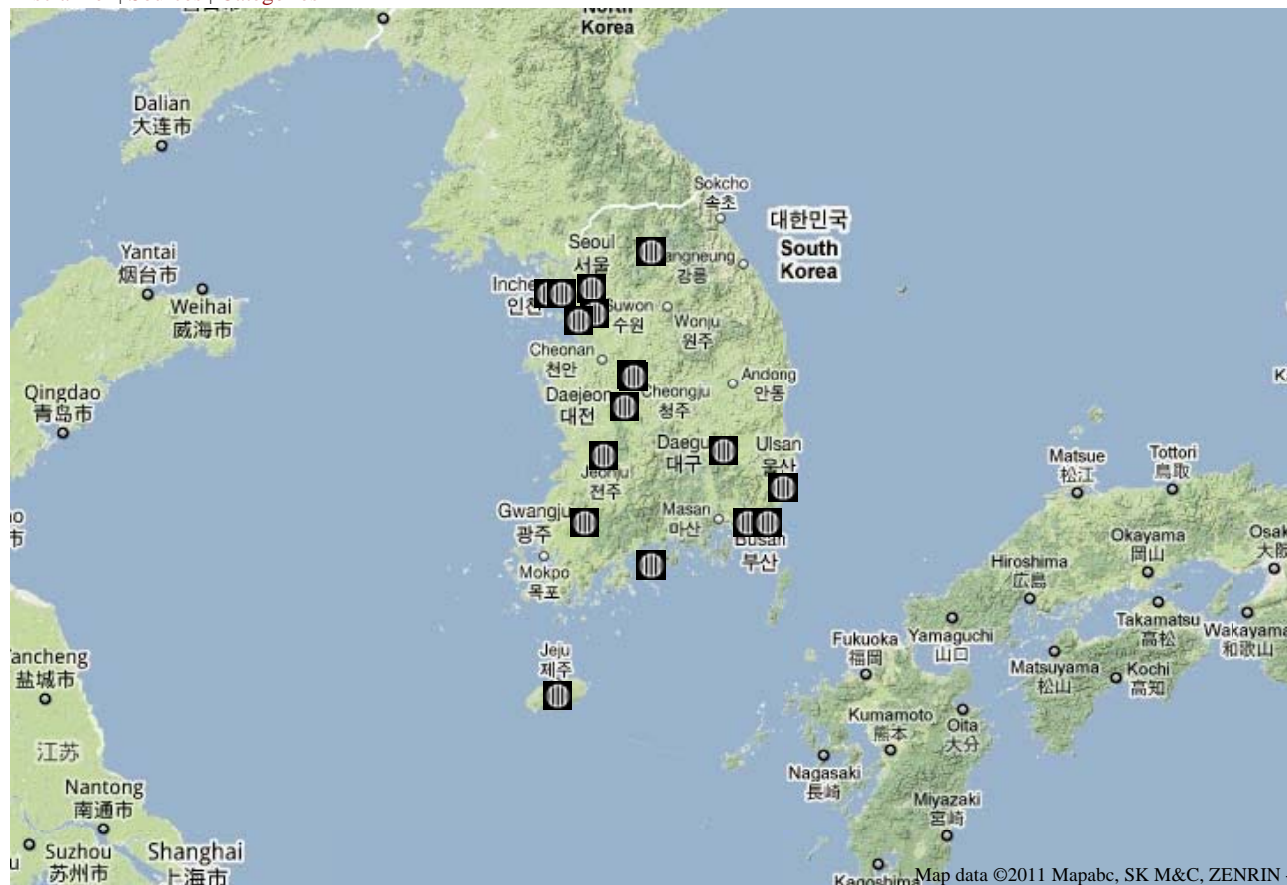
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### Map of "In Use" Detention Sites

For more detailed information, see the complete [List of Detention Sites](#).

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#### Country View

1. Busan Immigration Office Detention Facility
2. Cheongju Immigration Office Detention Facility
3. Cheongju Immigration Processing Centre Detention Centre
4. Chuncheon Immigration Office Detention Facility
5. Daegu Immigration Office Detention Facility
6. Daejeon Immigration Office Detention Facility
7. Gimhae Immigration Office Detention Facility
8. Gwangju Immigration Office Detention Facility
9. Hwaseong Immigration Processing Centre / Hwaseong Detention Centre
10. Incheon Immigration Office Detention Facility
11. Incheon International Airport Detention Facility / Incheon International Airport Immigration Office Detention Facility
12. Jeju Immigration Office Detention Facility
13. Jeonju Immigration Office Detention Facility
14. Masan immigration Office Detention Facility
15. Seoul Immigration Office Detention Facility
16. Suwon Immigration Office Detention Facility
17. Ulsan Branch Office of Busan Immigration Office Detention Facility
18. Yeosu Immigration Office Detention Facility

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