

# **Alternative Report to the United Nations Human Rights Committee**

Republic of Korea, 113th Session

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**Submitted by  
Advocates for Public Interest Law**

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## I. INTRODUCTION

1. Advocates for Public Interest Law (APIL) is a public interest lawyers' organization established in 2011 with the goal of furthering its work in human rights upon a solid foundation of ample professional experience and expertise. APIL is a non-governmental, non-profit organization. We seek to defend the human rights of refugees, victims of human trafficking, stateless persons, and long-term detained migrants and human rights victims committed by Korean Corporations abroad through litigation, legislative advocacy, legal education, and domestic and international coalition work with other human rights organizations.

2. Advocates for Public Interest Law would like to bring the following areas to the Human Rights Committee: 1) arbitrary detention of foreigners including minors; 2) human rights abuses in the deportation room; and 3) concerns on enforcement and provisions of the Refugee Act. Each section conveys suggested List of Issues for the Human Right Committee's review.

## II. Arbitrary Detention of Foreigners Including Minors: ICCPR Art. 9

### No Limit on the Detention Period

3. In its Deliberation No 5, the Working Group on Arbitrary Detention stipulates that detention should be for a defined period "set by law" and "may in no case be unlimited or of excessive length": A maximum period should be set by law and the custody may in no case be unlimited or of excessive length.<sup>1</sup> However, Under the Article 63 (1) of Korean Immigration Control Act<sup>2</sup>, foreigners can be detained indefinitely.

4. In fact, even though the average period of detention is 10 days, refugee applicants tend to be detained longer often more than a year.<sup>3</sup> There was a case of a

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<sup>1</sup> Working Group on Arbitrary Detention, Deliberation No. 5. Principles concerning the detention of

<sup>2</sup> Article 63 (Detention of Persons Subject to Deportation Orders, or Release from Detention) (1) If it is impossible to immediately repatriate a person who is subject to a deportation order, out of the Republic of Korea, the head of office or branch office or the head of the immigration detention center may detain him in a detention facilities until the repatriation is possible.

<sup>3</sup> Period of detention of 13 refugee applicants at Hwasung Immigration Detention Center on 30 November 2013 (data obtained by Information Disclosure Request)

| Number | Start Date of Detention | End Date of Detention | Period of Detention (days) |
|--------|-------------------------|-----------------------|----------------------------|
| 1      | 2012.05.18              | Unfinished            | 562                        |
| 2      | 2012.07.02              |                       | 517                        |
| 3      | 2012.07.25              |                       | 494                        |
| 4      | 2012.09.06              |                       | 451                        |
| 5      | 2012.09.07              |                       | 450                        |
| 6      | 2012.10.24              |                       | 403                        |
| 7      | 2012.11.28              |                       | 368                        |
| 8      | 2012.11.29              |                       | 367                        |
| 9      | 2013.03.22              |                       | 254                        |
| 10     | 2013.06.26              |                       | 158                        |

refugee applicant who was detained in the immigration detention center for 3 years and 9 months.

### **No Effective Reevaluation/ Judicial Review on Detention**

5. It is the view of the Human Rights Committee that the detention during the immigration control is arbitrary unless it is justified as reasonable, necessary and proportionate in light of the circumstances, and reassessed as it extends in time. The Human Rights Committee further provides examples of relevant factors to be considered for the decision on extension of detaining asylum-seekers such as an individualized likelihood of absconding, danger of crimes against others, risk of acts against national security, or physical/ mental health.<sup>4</sup> However, the Immigration Control Act of Korea fails to satisfy this standard.

6. The prior approval by the Minister of Justice according to the Immigration Control Act revised on 21 April 2010<sup>5</sup> is not a judicial review or an reevaluation required by the Human Rights Committee; nor does it serve as the effective protection for human rights of the long-term detainees as the government alleges (CCPR/C/KOR/4, para 154).

7. It was confirmed that the Minister of Justice does not consider the specific reasons to the individual; instead, automatically approve the extension of the detention. According to the data obtained by the Information Disclosure Request, there was only one case that the Minister of Justice does not approve the extension of the detention from the enforcement of the revised Immigration Control Act after the enforcement of the revised Immigration Control Act.<sup>6</sup> In addition, the reasons for approving the extension of the detention were mainly the reasons for not being able to

|    |            |  |    |
|----|------------|--|----|
| 11 | 2013.10.29 |  | 33 |
| 12 | 2013.11.21 |  | 10 |
| 13 | 2013.11.26 |  | 5  |

<sup>4</sup> Human Rights Committee, General Comment No.35 - Article 9: Liberty and Security of person (Advance Unedited Version), CCPR/C/GC/35 (28 Oct 2014) at para. 18

<sup>5</sup> Article 63(2) When the head of office or branch office or the head of the foreigner internment camp detain a foreigner according to provision(1) and the period of detention exceeds three months, a prior approval from the Minister of Justice shall be obtained every three months.

<sup>6</sup> Number of foreign detainees whose detention order was canceled due to the absence of approval from the Minister of Justice under Article 63(2) of the Immigration Control Act

| Year                               | 2011 | 2012 | 2013 | November 2014 |
|------------------------------------|------|------|------|---------------|
| Number of Detention Order Canceled | 0    | 1    | 0    | 0             |

<sup>7</sup> The only case in 2012 is assumed to be the case of a refugee applicant we (Advocates of Public Interest Law) were assisting regarding the refugee claim and the prolonged detention. The refugee applicant was detained for 23 months at Hwasung Immigration Detention Center, and was released from the detention after APIL raised the issue that the Minister of Justice's approval was made one day later than the due date. It is assumed that the Minister of Justice did not approve the extension of the detention for the first time (and the last time so far) for this regard.

deport the detainee.<sup>8</sup> Thus, this procedure does not provide any effective review of the reasonableness, necessity, and proportionality of the detention by the independent body; it is rather reporting procedure to provide the reasons for delay of the execution of the deportation order.

8. The objection to the Minister of Justice cannot be the effective reevaluation or judicial review required by the ICCPR either. Though the objection be raised anytime, the criteria for the decision is not clear as it is stipulated by the General Comment by the Human Rights Committee; instead, it is fully depends on the discretion of the Minister of Justice.<sup>9</sup> It rather hinders right to seek the judicial review by delaying the decision on the objection.<sup>10</sup> Therefore, under current Korean law and practice, foreigners, especially asylum-seekers in the detention centers, can be arbitrary detained.

### **Detention of Immigrant Minors**

9. The Human Rights Committee especially emphasizes the protection on the liberty of children by requiring detaining children to be a measure of last resort and for the shortest appropriate period of time, taking into account their best interests as a primary consideration with regard to the duration and conditions of detention, and also taking into account the extreme vulnerability and need for care of unaccompanied minors.<sup>11</sup>

10. The Committee on Rights of the Child expressed its concern on the detention of the refugee, asylum-seeking and unaccompanied children without periodic and timely review and the time limit.<sup>12</sup> The Committee on Rights of the Child urged

<sup>8</sup>An example of the refugee applicant's reasons of approval under the Article 63(2) of the Immigration Control Act is as below:

| Number | Approval Date | Reasons for Approval  |
|--------|---------------|---|
| 1      | 2010.11.16.   | On refugee application procedure (Appeal was made on 2010.11.12.) |
| 2      | 2011.02.10.   | On refugee application appeal procedure                           |
| 3      | 2011.05.11.   | On preparing the litigation for non-recognition of refugee        |
| 4      | 2011.08.10.   | On litigation for non-recognition of refugee                      |
| 5      | 2011.11.07.   | On litigation for non-recognition of refugee                      |
| 6      | 2011.02.03.   | On litigation for non-recognition of refugee                      |

<sup>9</sup>Article 55(2) In case the Minister of Justice has received the objection under the provision of paragraph 1, he/she shall, without delay, review related documents. If the objection is considered as groundless, he/she shall, by decision, dismiss it, and if the objection is considered as grounded, he/she shall, by decision, order to release detention of the detainee.

<sup>10</sup>The case cited by the Human Rights Committee suggests that delay of seven days to seek judicial review was against the ICCPR (291/1988, Torres v. Finland, cited at Human Rights Committee, General Comment No.35 - Article 9: Liberty and Security of person (Advance Unedited Version), CCPR/C/GC/35 (28 Oct 2014) at para. 42); however, there was a case in Korea that took more than 70 days to receive the result of objection against the detention order.

<sup>11</sup>Human Rights Committee, General Comment No.35 - Article 9: Liberty and Security of person (Advance Unedited Version), CCPR/C/GC/35 (28 Oct 2014) at para. 18

<sup>12</sup>Committee on the Rights of Child, Concluding Observation, Republic of Korea, CRC/C/KOR/CO/3-4 (6 Oct 2011) at para. 66

Korean government to accommodate children in such situations in facilities sensitive and respectful to their rights and subject to timely periodic review with the clear time limit.<sup>13</sup> It also recommended Korean government to ensure that the detention to be used as a measure of last resort and promote alternative measures to deprivation of liberty.<sup>14</sup>

11. However, children are still found in the immigration detention facilities. In 2013, a total of 11 children (6 boys and 5 girls) were detained; in 2012, a total of 15 children were detained (6 boys and 9 girls). In both 2012 and 2013, one-year-old baby was detained; in 2013, a 4-month-old baby was detained for 19 days. In some cases, children were detained more than 20 days.<sup>15</sup>

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<sup>13</sup> Id., at para. 67

<sup>14</sup> Id., at para 81(c)

<sup>15</sup> Detention of Immigrant Children in 2013 (obtained by Information Disclosure Request)

| Age      | Sex | Number of Days in Detention |
|----------|-----|-----------------------------|
| 4 months | M   | 19                          |
| 1        | F   | 2                           |
| 4        | F   | 2                           |
| 12       | F   | 3                           |
| 17       | M   | 11                          |
| 17       | M   | 6                           |
| 17       | M   | 1                           |
| 17       | M   | 25                          |
| 17       | F   | 16                          |
| 17       | M   | 27                          |
| 17       | F   | 6                           |

Detention of Immigrant Children in 2012 (obtained by Information Disclosure Request)

| Age | Sex | Number of Days in Detention |
|-----|-----|-----------------------------|
| 1   | F   | 5                           |
| 4   | M   | 2                           |
| 5   | F   | 2                           |
| 7   | F   | 5                           |
| 16  | F   | 4                           |
| 16  | M   | 7                           |
| 16  | M   | 6                           |
| 16  | M   | 14                          |
| 17  | F   | 5                           |
| 17  | F   | 4                           |
| 17  | F   | 22                          |
| 17  | F   | 15                          |
| 17  | F   | 3                           |
| 17  | M   | 8                           |
| 17  | M   | 4                           |

12. In 2012, there was also a case of unaccompanied minor detained in the deportation room, which is *de facto* detention in the airport to prevent the entrance of the foreigners. A fifteen-year-old boy from Somalia sought asylum on arrival to Incheon International Airport, but denied and detained in the deportation room for not having the passport. Korean government continuously attempted to repatriate him, refusing his refugee application; once he was forcibly taken to the airplane but he strongly refused and managed to remain in the deportation room. He was allowed to enter Korea after 25 days by intervention of the lawyers and UNHCR, but suffered from severe stress due to the experience in the deportation room.

13. Thus, it is evident that Korean government fails to abide by the standard set by the Human Rights Committee in terms of protection of securing the liberty of refugee, asylum-seeking and unaccompanied children by detaining them without considering the alternatives to detention, the duration and conditions of detention, and the extreme vulnerability of them.

### **Suggested List of Issues**

14. Please provide the information on:

- (a) the grounds for rejecting the appeal against the detention order;
- (b) the ground for the review by the Minister of Justice to approve the extension of the detention of the foreigners every three months (CCPR/C/KOR/4, para 154).

15. In light of the Committee's General Comment, please provide information on whether the State party considers taking legislative and administrative measures to limit the detention period. Please inform the Committee if the State party intends to take measures to review reasonableness, necessity and proportionality of the detention considering the relevant factors such as individualized likelihood of absconding, danger of crimes against others, risk of acts against national security, or physical/ mental health.

16. Please comment on the report that immigrant children are detained without considering the alternatives to detention, the duration and conditions of detention, and the extreme vulnerability of them. Please provide the information on whether the State party considers adopting the alternatives to detention of immigrant children to ensure their rights under the Convention on Rights of the Child. What measures has the State party taken to prevent the detention of asylum-seeking children, particularly unaccompanied children, and to ensure that they are provided with appropriate care and assistance?

### **III. Human Rights Abuses in the Deportation Room: ICCPR Art. 7, 9, & 10**

#### **Arbitrary Detention Without Legal Ground**

17. Deportation room is an accommodation facility under the control of the Chief of the Immigration Office at the Incheon International Airport that is used to

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temporarily accommodate the foreigners not admitted the entry to Korea. It is a *de facto* detention center operated for administrative purposes without any legal grounds. Though most of the foreigners are repatriated to their countries promptly within a few days, refugee applicants whose application was not referred but refused to return to his/ her country can be detained indefinitely.

18. In 2011, an asylum-seeker from Ethiopia was detained in the deportation room for two months and seventeen days. Even though he manifested his intention to seek asylum in Korea upon arrival, he was denied to apply for a refugee status and sent to the deportation room. After suffering from two months of detention, he was removed from Korea to his country of origin; however, he was consequently detained in the deportation room in Thailand for more than six months.

19. In 2014, even after the enforcement of the Refugee Law, a refugee applicant was detained in the deportation room for five months. It was decided by the Korean Courts that detaining a refugee applicant for five months in the deportation room is illegal and groundless.<sup>16</sup> Thus, the current law and practice allowing detention of foreigners in the deportation room for an indefinite period of time without any review of the detention consists of arbitrary detention.

### **Deprivation of the Right to Counsel**

20. The Human Rights Committee requires that detainees to be afforded prompt and regular access to counsel for effective review, regardless of types of detention.<sup>17</sup>

21. However, under the current practice, foreigners detained in the deportation room are deprived of the right to counsel. In case of refugee applicants, lawyers are allowed to visit their clients upon request; this practice was made possible due to the decision by the Constitutional Court in 2014, upholding the right to counsel of refugee applicants in the deportation room.<sup>18</sup> As all the foreigners in the deportation room are subject to arbitrary detention, right to counsel should be ensured to all of the foreigners in the deportation room without discrimination.

### **Inadequate Food and Accommodation**

22. As the deportation room was built for short-term detention, there are serious problems when the detention becomes lengthy. The only menu served at the deportation room is chicken burger and coke; there is no adequate beddings to rest. Furthermore, lacking prior education on refugees or human rights, the private security guards working in the detention room, often insult the detainees with the racist insults, ignorance, and criminal-like treatment.

### **Rejection at the Border**

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<sup>16</sup> Incheon District Court 2014 INRA 4, Supreme Court 2014 INMA 5

<sup>17</sup> Human Rights Committee, General Comment No.35 - Article 9: Liberty and Security of person (Advance Unedited Version), CCPR/C/GC/35 (28 Oct 2014) at para. 40, 46

<sup>18</sup> Constitutional Court 2014HeonRA 592

23. Once refugee status applicants receive the notice of non-referral of the refugee status application and sent to the deportation room, it is hard for them to bare the poor conditions in the deportation room and most of them choose to leave Korea, results in *de facto refoulment*.

24. There were cases that deported refugee applicants are turned out to be genuine refugees. For example, the case of Ethiopian asylum-seeker mentioned above, was recognized as a refugee by UNHCR in Thailand, he was able to resettle in New Zealand. Thus, detaining refugee applicants in the deportation room often results in deporting the refugees; Korean government is, thus, in breach of the principle of *non-refoulement*.

### **Suggested List of Issues**

25. Please provide information on:

- (a) numbers of foreigners are detained in the deportation room in the Incheon International Airport;
- (b) numbers of refugee applicants whose applications were rejected and detained in the deportation room;
- (c) the average and the maximum period of detention in the deportation room.

26. Please provide information on whether the State party considers taking legislative and administrative measures to ensure the right to counsel to all foreigners detained in the deportation room.

27. What measures the State party intends to take to improve the conditions in the deportation room in terms of food and accommodation? Does the State party have intent to take measures to educate private security guards working in the detention room on human rights and refugee issues?

28. Please comment on the report that detaining non-referred refugee applicants results in deporting the refugees, consequently leads to breach of principle of *non-refoulement*. Does the State party intend to take measures to prevent deportation of refugees?

### **IV. Concerns on Enforcement and Provisions of the Refugee Act: ICCPR Art. 7 & 13**

29. The existence of Refugee Law does not itself provide better protection for the refugees. Unfortunately, the Refugee Law has not been able to provide a sufficient protection to the refugees in Korea for a number of reasons listed below.

#### **Substantially Low Rate of Refugee Recognition**

30. Refugee recognition rate has not changed but remained substantially low even after the enforcement of the Refugee Act on July 2013. As of May 2014 the number of refugees who have been recognized since 1992 when Korea ratified the Refugee Convention is 389 among total 7,443 applicants, which results in 5.2% of the refugee recognition rate. During January 2014 to May 2014, the Ministry of Justice examined



708 refugee applicants' cases; however, MOJ recognized only 12 people as refugee,<sup>19</sup> which results in 1.6% of the refugee recognition rate during this period.<sup>2021</sup>

31. In case of refugees from the Syrian Arab Republic, though there have been substantial increase in the number of refugee applicants from the Syrian Arab Republic due to the armed conflict and further deterioration,<sup>22</sup> no one from the Syrian Arab Republic was accepted as 'refugee' in Korea as of May 2014. Fearing mass influx or the misuse of the refugee protection system, the Ministry of Justice rejected all the application by Syrian, but merely granted the humanitarian status that provides insufficient protection for the refugee applicants.<sup>23</sup>

### **Delays in Refugee Status Determination Procedure**

32. Although there are no official statistics, it normally takes more than a year to be notified of the result of refugee status determination from the date on which the application was received. The provision of the Refugee Law that the period of determination should, in principle, be restricted within six months<sup>24</sup> ended up being empty words, as a notice of extension of review period of refugee status recognition is conventionally sent to most applicants.

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<sup>19</sup> Among these 12 refugees, 9 people were recognized on the basis of family reunification; this means only three people were recognized as refugee by the substantive review of the Ministry of Justice.

<sup>20</sup> According to UNHCR, the Refugee Recognition Rate (RRR) amounted to an estimated 32 per cent of all decisions taken during 2013 while the Total Recognition Rate (TRR) was 44 per cent the global level (UNHCR and State asylum procedures combined), (UNHCR, Global Trends Report 2013, p. 30, available at [http://www.unhcr.de/fileadmin/user\\_upload/dokumente/06\\_service/zahlen\\_und\\_statistik/Global\\_Trends\\_2013.pdf](http://www.unhcr.de/fileadmin/user_upload/dokumente/06_service/zahlen_und_statistik/Global_Trends_2013.pdf))

<sup>21</sup> All statistics cited this section is based on the data obtained by Information Disclosure Request by NANCEN, a non-government organization which provide the legal assistance, as well as the social/medical assistance to the asylum-seekers and refugees in Korea. More statistics is available at <http://nancen.org/1220>

<sup>22</sup> According to UNHCR, by and large, the Syrian Arab Republic was the the main country of origin of asylum-seekers in industrialized countries in 2014: provisional data indicate that some 48,400 Syrians requested refugee status in the first half of 2014, significantly more than during the first half (18,900 claims) or second half of 2013 (37,500). (UNHCR, Asylum Trends, First half 2014, p.13, available at <http://www.unhcr.org/5423f9699.html> )

<sup>23</sup> Humanitarian status holders are excluded from medical care as they cannot join regional health insurance. Even the basic 'right to work' is impeded as finding employment is extremely difficult, since status holders must apply for a work permit paradoxically after an employment contract is made and employers are ignorant of G-1 visa eligibility to work; even when the humanitarian status holder succeeds in finding work, legally staying in Korea with a work permit is very difficult. Furthermore, since legal period of stay must be renewed every year, the status holder cannot be sure of secure residence in Korea. Thus, besides non-deportation, the Korean government provides no right that makes adequate living possible.

<sup>24</sup> Article 18 (Recognition of Refugee Status) (4) Determination of refugee status pursuant to paragraph 1 or 2 shall be made no later than six months after the date on which the application was received. Should there be unavoidable circumstances, however, this period may be extended by up to six months.

33. Even though the government alleges that the promptness and efficiency of the refugee status determination process was improved by reducing the refugee review period from 42 months to 12 months (CCPR/C/KOR/4, para 221), 12 months is not a short time for refugee applicants to endure. Delays in status determination, not only torment the refugee status applicants psychologically as they worry about deportation or litigation, but also make them extremely vulnerable, considering they rarely receive assistance for living expenses, have no medical insurance, and cannot obtain work permits easily.

### **Insufficient of Social Assistance**

34. Even though a provision regarding the living expenses is inserted in the Refugee Law<sup>25</sup>, there is no effective social assistance to ensure lives of the refugee status applicants.

35. Lacking clear standards for determining living expense eligibility, the government fails to provide effective assist of living expenses to the refugee applicants.<sup>26</sup> Under the current law, as the Minister of Justice has a whole discretion not only on the extent of assistance but also on the granting of assistance, it is in full accordance with the law to provide refugees with no support, or less than the minimum cost of living.

36. Furthermore, refugees must submit an employment contract when applying for a work permit, since the permit is regarded as an exceptional provision to the refugee's visa status (G-1); thus, refugees are legally entitled to work, but face significant barriers in reality, since employers are unlikely to provide refugees with employment contracts since the G-1 visa is widely known not to be work-eligible. As a result, refugee status applicants are given neither any living assistance nor right to work.

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<sup>25</sup> Article 40 (Provision of Living Expenses) (1) The Minister of Justice may provide living and other expenses to refugee status applicants as specified by the Presidential Decree.

(2) As determined by the Presidential Decree, the Minister of Justice may permit a refugee status applicant to engage in wage-earning employment six months after the date on which the refugee application was received.

<sup>26</sup> The government fails to provide sufficient assist of living expenses to the refugee applicants due to a significant decrease in allocated budget in 2014. In the latter half of 2013, despite the enforcement of the new Refugee Act, the government did not receive any applications for living expense citing insufficient budget, and in 2014, it secured only 10% of the amount the government was supposed to have in order to cover living expenses of potential refugee applicants based on 2013 refugee applicant statistics.

37. Therefore, the current situation is not distinct from the past, when the old Immigration Control Act did not provide any living assistance besides granting a work permit six months after refugee status application.<sup>27</sup>

### **Refugee Application at the Port of Entry**

38. Under the current law, refugee applications at the port of entry are subject to a referral procedure to decide whether the case will be referred to the regular refugee status determination procedure; the final decision of which has to be made within 7 days from the application date.<sup>28</sup> There had been much dispute on the referral procedure even before the enforcement of the law as the policy does not stipulate where refugee applicants—who appeal to the administrative court regarding the referral decision—can stay until the case is closed.

39. Since the enforcement of the Refugee Law, this provision has been causing serious problems as expected; refugee applicants who could not be admitted to the territory were deprived of the opportunities for refugee status determination procedures and were detained in the deportation room for lengthy periods of time. Korean government is in fact in breach of the principle of *non-refoulement* due to this provision and practices on the provision.

### **Suggested List of Issues**

40. Please provide information on:

- (a) Measures to increase the refugee recognition rate in line with the spirit of the Refugee Law;
- (b) Measures to improve the efficiency and promptness to resolve the delays in the refugee status determination;
- (c) Measures to ensure the rights of asylum-seekers guaranteed by the Refugee Convention.

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<sup>27</sup> With their application for living expenses rejected, refugee status applicants must rely on uncertain channels like the generosity of religious organizations and other groups until a work permit is available; as a result, many resort to 'illegal' employment. Even if the refugee receives living expenses, the amount (set at 382,200 KRW/approx. \$378 USD per person), is much smaller than even the minimum cost of living in Korea; it is impossible for refugees to pay for housing and other living fees, a clear indication that the basic standard of living is impossible to meet for refugees in Korea.

<sup>28</sup> Article 6 (Applications at the Port of Entry) (1) An alien who wants to apply for refugee status at the time of immigration inspection must submit the refugee status application form to the respective Chief of local Immigration Office or Head of Government Office dealing with Foreigners which have jurisdiction over the port of entry in accordance with the Immigration Control Act.

(2) Chief of local Immigration Office or Head of Government Office dealing with Foreigners may restrict a person who submitted a refugee status application form at the port of entry in accordance with paragraph 1 to stay at a designated location within the port of entry for up to seven days.

(3) The Minister of Justice shall decide within seven days of the submission of a refugee status application whether to refer the application to the refugee status determination procedure, but if the Minister of Justice fails to decide within this period, the applicant's entry into the country shall be permitted.

41. Please comment on the allegations that the State party does not carry out the obligation under the ICCPR and the Refugee Convention by avoiding granting refugee status to the refugee applicants but merely granting humanitarian status.

42. What measures the State party intends to take to ensure rights of the refugee applicants at the port of entry? Does the State party have intent to take legislative and administrative measures to provide opportunities for full and proper refugee status determination Procedures by allowing the applicants to pass the pre-assessments at the port of entry?