

NGO Thematic Alternative Report to the UN Committee on the Elimination of Racial Discrimination

## **Immigration Detention in the Republic of Korea**

115th Session | 29 April – 30 April 2025

Submitted by :

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## 1. Background

01. The deportation system of the Republic of Korea operates on a principle of detention. Hardly any alternatives to detention are in place. Under the former Immigration Act, the government permitted indefinite detention by allowing individuals subject to deportation orders to be detained “until deportation becomes possible,” without any independent judicial oversight. In March 2023, the Constitutional Court ruled this provision unconstitutional.<sup>1</sup>

02. As a result, on March 18, 2025, the Immigration Act was amended, and a new immigration detention system will be implemented from June 1, 2025. Key revisions include the establishment of a “Foreigners’ Detention Review Committee” to review the necessity of detention, and the introduction of a maximum detention period of 9 or 20 months. However, the revised law fails to address fundamental concerns, leaving many critical issues unresolved.

03. In practice, immigration detention is the only tool used in Korea’s deportation procedures. This structure has led to an abnormal system in which anyone—including children, refugees, and persons with disabilities—can be detained for extended periods. In Korea, anyone subject to a deportation order is detained without exception. Approximately 40,000 individuals are detained annually (38,639 in 2023),<sup>2</sup> which is significantly higher than in most European countries with far greater immigration volumes. The immigration authorities have long relied on the strategy of detaining individuals indefinitely in the hope that the hardships of detention will compel them to leave voluntarily. Even when individuals face difficulties such as lack of a passport, pending refugee claims, or ongoing administrative proceedings, the authorities do not assist in facilitating departure, but rather pressure them to give up their rights and leave.

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<sup>1</sup> 2020Hun-Ka1, 2021Hun-Ka10 (consolidated) Case on Detention of Deportees with No Upper Time Limit, On March 23, 2023, the Court, in a 6-to-3 opinion, held nonconforming to the Constitution Article 63, Section (1) of the Immigration Act, which allows a person under a deportation order to be detained while not setting an upper time limit of the detention. It explained that the provision violates both the rule against excessive restriction and the principle of due process of law and thus infringes the physical freedom of the detainee.

<https://english.court.go.kr/site/eng/ex/bbs/List.do?cbldx=1143>

<sup>2</sup> Duroo, [Statistics] Status of Detention in Immigration Detention Centers (2019–2024. 8.), <https://duroo.campaignus.me/immigration/?q=YToyOntzOjQ6InBhZ2UiO2k6MTtzOjEyOiJrZXI3b3JkX3R5cGUiO3M6MzoiYWxsIjt9&bmode=view&idx=159508750&t=board>

04. In rare cases where individuals are released from detention, Korea's legal system remains silent on their legal status. Individuals who have been issued a deportation order but are not detained are left in society without any formal registration process or identification, effectively forced to live as "ghosts".

05. Despite the forthcoming implementation of the amended Immigration Act, the core problems of Korea's immigration detention system remain unaddressed. The government has even expressed an intention to expand the detention of children and refugees during the legislative process, raising grave concerns that necessitate the submission of this report.

## **2. Procedures and Legal Review of Immigration Detention**

*Concluding Observations: Paragraphs 17, 18 / State Party Report: Paragraphs 77, 78, 79*

### **2. 1. Absence of Clear Criteria for Detention**

06. Under the current Immigration Act of the Republic of Korea, individuals may be subjected to prolonged detention if they "do not possess a valid passport or if no means of transportation is available for their immediate deportation." However, there are no specific provisions requiring a review of the nature of the legal violations or the availability of alternatives to detention for refugees or other immigration law violators. There are no clear criteria for determining when detention is necessary.

07. The criteria for deciding who will be subject to deportation and detention have never been disclosed. Immigration authorities claim to rely on internal, confidential guidelines to identify individuals subject to deportation and detention, but persistent allegations have been raised that these guidelines are applied discriminatorily against persons of certain races or nationalities. The 2025 amendments to the Immigration Act—scheduled to take effect on June 1, 2025—only introduce a review procedure *after* detention has commenced. The newly established "Foreigners' Detention Review Committee" has no authority to intervene at the stage when a deportation or detention

order is initially issued, leaving this decision entirely at the discretion of the administrative authority.

08. Immigration detention must be used only as a measure of last resort and in exceptional circumstances. However, the Korean government has long treated detention as the default approach for all immigration law violations, raising concerns of systemic abuse. There is no preliminary evaluation as to whether detention is necessary in a given case. This is particularly troubling in situations involving stateless persons, refugees, or individuals under exit bans—individuals who cannot be returned to their countries of origin. No mechanisms are in place to prevent their prolonged and unjustified detention.

09. Of particular concern is the widespread detention of children, which must be urgently addressed. In Korea, children are treated as equal targets for detention alongside adults, and are often held without separation from adult detainees. Even infants are detained in immigration detention centers with their parents on the grounds that the parents' detention is "necessary." Detention of children, especially at a young age, carries a high risk of long-term psychological and emotional harm, making this practice especially serious and alarming.

## **2. 2. Lack of Independent and Impartial Review Mechanism**

10. The amendments to the Immigration Act scheduled to take effect on June 1, 2025, establish the "Foreigners' Detention Review Committee" as the body responsible for overseeing immigration detention procedures. The committee will be empowered to decide on the extension of detention periods, review appeals against detention, temporarily release individuals, and re-detain previously released individuals. However, this committee is to be housed within the Ministry of Justice, and its secretariat will be composed entirely of immigration officials.<sup>3</sup> This structure renders the committee incapable of functioning as an independent or impartial oversight mechanism. It effectively allows the immigration authorities to review and validate their own decisions. Civil society has consistently

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<sup>3</sup> Ministry of Justice Notice No. 2025-81, March 7, 2025, Legislative Notice on the Partial Amendment of the Enforcement Decree of the Immigration Control Act, Section 5-3, <https://www.moleg.go.kr/lawinfo/makingInfo.mo?lawSeq=82038&lawCd=0&lawType=TYPE5&mid=a10104010000>

advocated for regular judicial review of the necessity and proportionality of immigration detention by an independent court.

### **2. 3. Inadequate Interpretation and Lack of Opportunity for Detainees to Be Heard**

11. While the amended Immigration Act formally provides that “foreign nationals have the right to express their opinions,” it fails to establish any substantive guarantees to ensure this right is meaningfully exercised. Of particular concern is that the provision of interpretation services during the review process is left to the discretion of immigration offices. Foreign nationals in detention must be guaranteed the right to receive adequate interpretation throughout all review procedures. They must be informed, in a language they understand, of the process concerning their detention, and they must be able to exercise their right to be heard with the assistance of qualified interpreters.

#### **Suggested Recommendations**

- Disclose the specific criteria used to issue deportation orders and detention orders.
- Ensure that immigration detention is used only as a measure of last resort, and establish objective criteria and procedures to assess the necessity of detention from the initial stage.
- Prohibit immigration detention of individuals who cannot be returned to their countries, such as stateless persons, refugees, or those under exit bans.
- Introduce independent and impartial review of immigration detention by entities outside the Ministry of Justice, such as regular judicial review.
- Guarantee the right to interpretation for foreign nationals in all procedures concerning immigration detention.

### **3. Excessive Detention Periods Resulting in De Facto Indefinite Detention**

*Concluding Observations: Paragraphs 17, 18 / State Party Report: Paragraphs 77, 78, 79, 81*

12. The amended Immigration Act, scheduled to take effect on June 1, 2025, sets a formal maximum duration for immigration detention at 9 months, with a possible extension up to 20

months.<sup>4</sup> However, it also permits re-detention without any effective limitation. As a result, despite the amendment, de facto indefinite detention is expected to continue due to the possibility of repeated re-detention without restriction.

13. Despite the Constitutional Court's ruling of unconstitutionality and strong opposition from civil society, the government succeeded in lobbying for an excessively long detention limit. This contrasts starkly with international standards—for example, the EU Returns Directive sets the maximum detention period at 6 months; Taiwan, after a similar constitutional ruling, adopted a 100-day limit; and South Africa limits detention to 120 days.

14. Under the amended Act, re-detention can be imposed repeatedly without substantive constraints. Therefore, even though a formal time limit is set, the risk of de facto indefinite detention remains high. The re-detention clause allows authorities to release a person after the maximum detention period has expired, only to re-detain them shortly after. For instance, if an individual is released due to the expiration of the detention limit but is not granted a residence permit or work authorization, they may be forced to work to survive—this could be deemed a violation of their release conditions and used as grounds for re-detention. This creates a cycle in which once-detained migrants can be re-detained indefinitely.

15. Contrary to the government's assertion (State Party Report, paragraph 81), there are very few cases in which refugee applicants have been temporarily released from detention based on their refugee status. Detention centers do not conduct timely refugee status assessments. In fact, under the amended law, submitting a refugee application or initiating refugee litigation during detention leads to a disadvantage—extending the maximum detention period to 20 months.<sup>5</sup> Meanwhile, the government's claim that setting a time limit on detention would lead to abuse of the refugee system is not supported by any statistics or empirical evidence.

## **Suggested Recommendations**

- Revise the current Immigration Act to permit detention only in exceptional cases and as a last resort for the shortest possible period.
- Develop measures to grant residency status or work permits for immigrants whose

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<sup>4</sup> The Amended Immigration Act, Article 63, Paragraph 1, and Article 63-3.

<sup>5</sup> The Amended Immigration Act, Article 63, Paragraph 2, Subparagraph 1.

detention is terminated.

#### 4. Detention of Children

*Concluding Observations: Paragraphs 17, 18 / State Party Report: Paragraphs 77, 79, 80*

16. The current Immigration Act does not prohibit the detention of children. Instead, the only clause to address child detention is Article 56(3), which requires special protection for persons under the age of 19. Article 4 of the Immigration Detention Rules, a Ministry of Justice directive, stipulates that the director of the detention facility may permit a child under the age of 14 to live with the detained foreigner if the child is dependent on the detainee—even if the child is not subject to detention order. Therefore, in many cases, detaining a parent results in the detention of a child under the age of 14. The child is essentially forced to be detained with the parent because the parent has no other alternative for the child's care.<sup>6</sup>

17. Although the government claims that it does not issue detention orders against children under 14 (State Party Report, paragraph 80), in practice, this is merely a semantic distinction, as such children are labeled as “accompanying” their parents rather than being “detained children.” However, statistics show children are routinely detained with their parents every year. For example, 13 children under the age of three were held in immigration detention centers in 2022, 12 in 2021, and 16 in 2020.<sup>78</sup> The government has announced that it is considering restricting detention only for those under 14, but this continues to rely on the “accompanying child” designation, effectively maintaining the practice of child detention. The Immigration Detention Rules make additional provisions for the education and care of detained children, but as recent studies have shown, these are not usually followed. Furthermore, even if provided, child-specific protections cannot adequately offset the negative impact of detention itself on children.

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<sup>6</sup> 26 children under 8 years of age have been detained at immigration detention unit or center throughout Korea from 2013.1 to 2015.6. Among them, a 3-year-old boy and a 2-year-old girl were detained for 30 days and 81 days respectively. Kim, Jongcheol, *Toward Elimination of Detaining Children of Migrants and Alternatives to Detention*, Apil, World Vision, 2015, 5.

<sup>7</sup> The statistics provided by the Ministry of Justice, June 2023.

<sup>8</sup> In the case of children under 14 years old, 7 children were detained with their parents in January–August 2024, 23 children in 2023, 19 children in 2022, 16 children in 2021, 25 children in 2020, and 28 children in 2019. (Source: Duroo, [Statistics] Status of Detention in Immigration Detention Centers (2019–2024. 8.), <https://duroo.campaignus.me/immigration/?q=YToyOntzOjQ6InBhZ2UiO2k6MTtzOjEyOiJrZXI3b3JkX3R5cGUiO3M6MzoiYWxsljt9&bmode=view&idx=159508750&t=board>)

18. Meanwhile, children aged 14 or older are subject to detention without restriction (State Party Report, paragraph 80). There is no screening process at the point of detention to consider their age, nor are children over 14 released from detention on the basis of their age. Article 4(4) of the Ministerial Rule states that children under the age of 18 who are detained for more than one month may be placed in alternative education, but there is no confirmed case of such education being implemented in detention centers. The number of detained children over 14 has recently surged, with 2024 recording the highest number of child immigration detentions to date.<sup>9</sup>

Year	2019	2020	2021	2022	2023	2024. (Jan–Aug)
No. of children detained (age 14–18)	86	28	14	8	67	97

#### Case: Examples of Child Detention

In April 2023, a then 2-year-old, undocumented Mongolian child was detained with his father in an underground room at Suwon Immigration Detention Center.<sup>10</sup> While at the Suwon Immigration Detention Center, the child's father asked officials whether, rather than be detained, the child could stay with the child's mother or in a childcare institution. The government refused the request. On the third day of their detention, the father applied for temporary release from custody. The government denied his application.

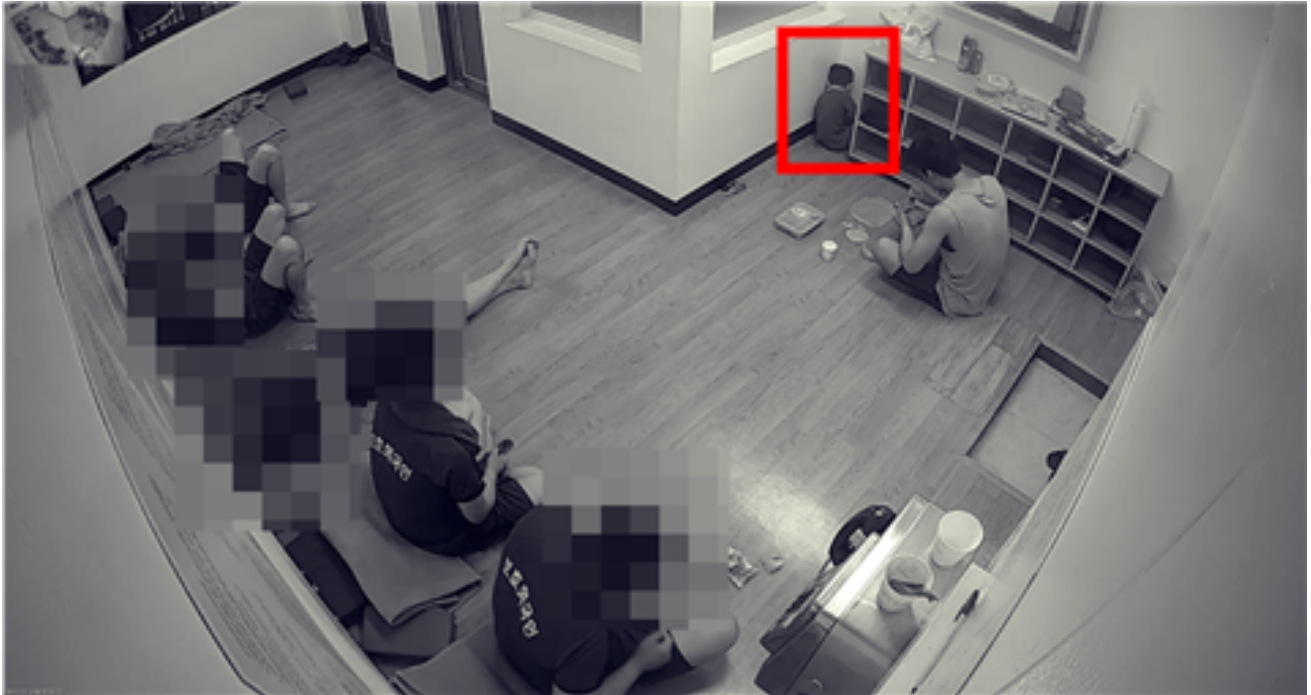
Due to the poor conditions of detention, the child's health deteriorated rapidly. On the seventeenth day of detention, the father filed a complaint with the National Human Rights Commission. In response, government officials told the father that the family would be taken to the hospital to get treatment for the child. Thinking that they were transferring to the hospital, the father did not even pack their luggage. However, rather than taking the family for medical care, the government officials forcibly deported the child and his father without notice to Mongolia.

<sup>9</sup> Duroo, [Statistics] Status of Detention in Immigration Detention Centers (2019–2024. 8.), <https://duroo.campaignus.me/immigration/?q=YToyOntzOjQ6InBhZ2UiO2k6MTtzOjEyOiJrZXI3b3JkX3R5cGUiO3M6MzoiYWxsljt9&bmode=view&idx=159508750&t=board>

<sup>10</sup> The Korea Herald, Minor party slams ministry for detaining Mongolian 3-year-old, 14 June 2023, <https://www.koreaherald.com/view.php?ud=20230614000691>



After being repatriated, the child required medical treatment for the trauma-related condition caused by the circumstances of his detention and deportation.



*(Photo: CCTV image of the Suwon Immigration Detention Center. The child(in the red circle) is hiding in the corner, refusing to eat.)*

### **Suggested Recommendations**

- Prohibit the detention of children under 18 years of age in immigration detention centers, and amend the Immigration Act to include provisions ensuring the best interests of the child.
- Ensure that parents who are responsible for the care of children are not detained as a general rule, and prioritize non-custodial alternatives to detention in such cases.

## **5. Ill-Treatment in Immigration Detention Facilities**

### *Concluding Observations: Paragraphs 17, 18*

19. Officials working in immigration detention centers continue to use physical force against foreigners for the alleged purpose of maintaining order. But, in practice, officials use force as a de

facto punishment, justifying their actions by relying on a statutory exception that “in emergency situations to prevent injuries to themselves or to others, isolation or using restriction tools are permissible”.<sup>11</sup>

20. After disclosing that officials had tortured a detainee in the Hwaseong Immigration Detention Center in 2021—the so-called “hog-tying” case<sup>12</sup>—the government revised the Ministry of Justice directive; however, the revised guidelines are themselves concerning, expanding the types of permissible restraints and still permitting officers to bind a detainee’s limbs.<sup>13</sup> Furthermore, the criteria, method, and process for the use of solitary confinement and restraints are detailed only in a confidential internal regulation document that has not been released to the public. As such, monitoring the application of these regulations is impossible.

### **Case: the Use of Solitary Confinement and Restraints for Torture**

In 2021, a Moroccan man, “Mr. A”, was detained at Hwaseong Immigration Detention Center. After an altercation-asking for medical attention- with staff of the detention center, he was placed in solitary confinement. Officials then tortured AB: They forced him into a “shrimp-tied” (also known as “hog-tied”) stress position, tying his hands and feet tied together behind his back with ropes, metal cuffs, and cable ties. Lastly, they strapped a helmet on his head.

The National Human Rights Commission recognised that these abuses violate human rights and the Convention Against Torture.<sup>14</sup> The Ministry of Justice has acknowledged that a violation of human rights occurred.<sup>15</sup> However, starting in May 2021, the Ministry of Justice—the perpetrator—filed criminal charges against the victim at least 3 times for “obstruction of official

<sup>11</sup> Immigration Act Article 56-4 (Exercise of Coercive Force)

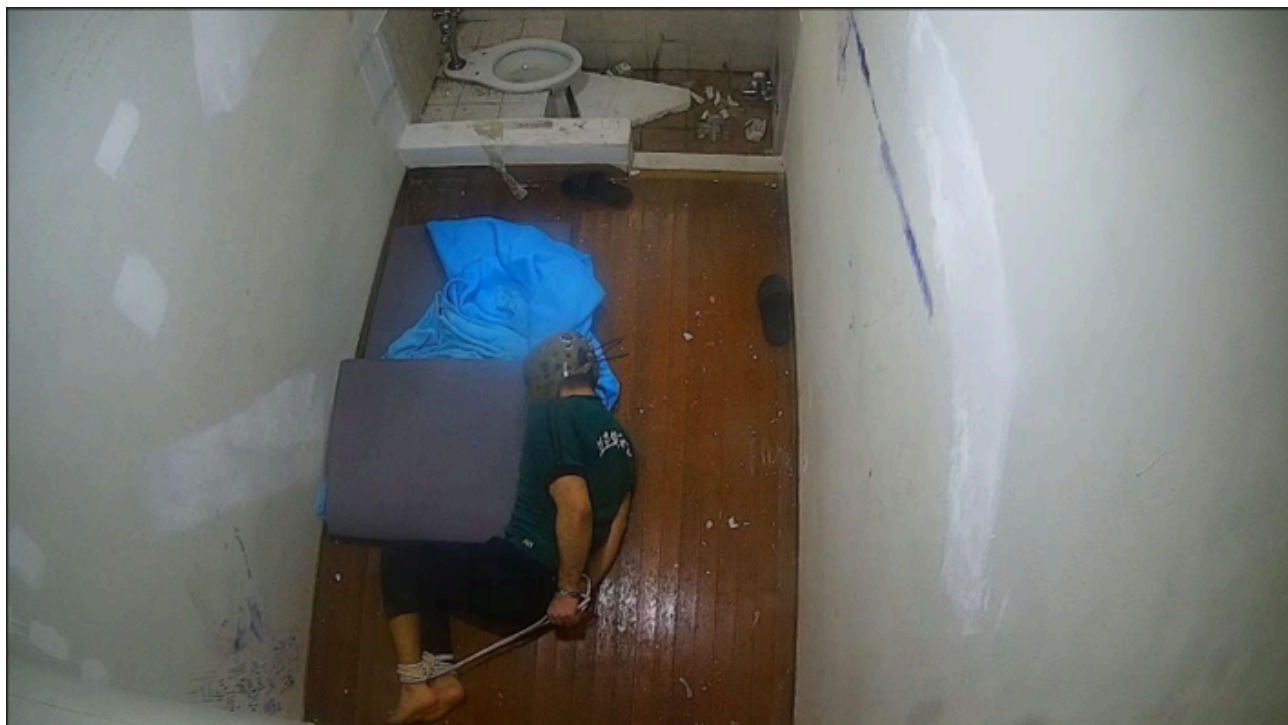
<sup>12</sup> The Korea Times, “Migrant human rights groups denounce excessive use of force at immigration detention center” (29 September 2021), [https://www.koreatimes.co.kr/www/nation/2023/08/113\\_316207.html](https://www.koreatimes.co.kr/www/nation/2023/08/113_316207.html).

<sup>13</sup> Hankyoreh, “Civic groups condemn immigration detention center protective gear as ‘torture devices’” (22 June 2022), [https://english.hani.co.kr/arti/english\\_edition/e\\_national/1048108](https://english.hani.co.kr/arti/english_edition/e_national/1048108).

<sup>14</sup> National Human Rights Commission, Case No. 21 Jinjeong 0520600, Decision on the Improper Use of Restraints in Immigration Detention Centers. 3 December 2021, <https://case.humanrights.go.kr/ezpdf/customLayout.jsp?bencdata=L25hcy9XZWJBcHAvZmlsZXMvZGVjaXNfZGV0YWlfZmlsZS8yMDIzLzEwLzM0NTQwN0I4LTMzQzUtODUxMy0wQkQ5LTIDODBCNUUwQTU2RS5wZGYmZmFsc2UmZmFsc2UmZmFsc2U=>

<sup>15</sup> Middle East Eye, Moroccan migrant left in ‘torture-like’ conditions in South Korean detention centre, 3 November 2021, <https://www.middleeasteye.net/video/moroccan-migrant-left-torture-conditions-south-korean-detention-centre>

duties.” In September 2021, the Ministry issued a press release with dozens of photos of the victim, claiming that the victim’s behavior forced the government to torture him.<sup>16</sup>



*(Photo: CCTV image taken in the Hwaseong Immigration Detention Center in 2021 of Mr. A being tortured in a “shrimp-tied”, a.k.a. “hog-tied”, stress position.)*

## Suggested Recommendations

- Improve living conditions in immigration detention centers to meet international standards. Furthermore, the government should ensure these standards continue to be met by establishing regular, independent monitoring.
- Take the necessary measures to guarantee the right to a remedy for immigrants who were subjected to torture in immigration detention center, including (i) satisfaction, such as public apologies to victims and criminal prosecution of perpetrators; and (ii) guarantees of non-repetition.

## 6. Detention of Refugees

<sup>16</sup> Ministry of Justice Press Release, "The use of restraints was an inevitable measure for preventing self-harm and ensuring the safety of protected foreigners.", 29 September 2021, [https://viewer.moj.go.kr/skin/doc.html?rs=/result/bbs/183&fn=temp\\_1632905387021100](https://viewer.moj.go.kr/skin/doc.html?rs=/result/bbs/183&fn=temp_1632905387021100)

## 6. 1. Detention within Immigration Detention Centers

21. Asylum seekers have the right to appropriate protection under the Refugee Convention, including the right to have their applications processed without being detained. However, under Korea's Immigration Control Act, refugee status is not considered when issuing deportation orders or detention orders. Consequently, many asylum seekers undergo refugee status determination while in detention. In some cases, individuals who have already been recognized as refugees or granted humanitarian status have still been subjected to deportation orders and immigration detention, including prolonged detention. The National Human Rights Commission of Korea has recommended<sup>17</sup> that the Ministry of Justice actively implement alternatives to detention for asylum seekers in prolonged detention. However, this recommendation has not been accepted.

22. Particularly concerning is the fact that the amended Immigration Control Act, scheduled to take effect on June 1, 2025, explicitly makes asylum seekers subject to longer periods of immigration detention.<sup>18</sup> This is the first time that the Korean government has formally codified its intent to detain refugees for longer durations, which raises serious concerns. Refugees who cannot be deported must not be subject to immigration detention. The amended provision imposes more severe disadvantages on asylum seekers than on other foreign nationals, merely because they have exercised their right to apply for asylum—thus posing a grave threat to the legitimacy of refugee protection in Korea.

### Suggested Recommendations

- Exclude individuals undergoing refugee status determination procedures from immigration

<sup>17</sup> National Human Rights Commission, "Alternative detention measures should be actively implemented for refugees and protected foreigners undergoing prolonged detention.", 17 October 2024  
<https://www.humanrights.go.kr/base/board/read?boardManagementNo=24&boardNo=7610614&searchCategory=&page=1&searchType=&searchWord=&menuLevel=3&menuNo=91>

<sup>18</sup> The Amended Immigration Act, Article 63, Paragraph 2, Subparagraph 1  
(Excerpt) In this case, the total period of detention, including any extensions, shall not exceed 20 months.

1. If a person subject to deportation applies for refugee status under the Refugee Act or files a lawsuit against the decision of the Minister of Justice or the head of the local immigration or foreigner office, causing a delay in the deportation procedure.

detention and implement alternative measures.

- Delete Article 63(2)(1) of the Immigration Control Act.

## 6. 2. Detention of Asylum Seekers at Ports of Entry

*Concluding Observations: Paragraphs 13, 14 / State Party Report: Paragraph 13*

### **[Non-referral decisions on asylum claims]**

23. Unlike applying for asylum status after entering Korea, “when submitting an application in [Korean] airports,” an asylum seeker will be subject to a pre-screening assessment known as a “referral assessment.” The Immigration Act provides that the government may refuse to refer an applicant to the asylum application process only in the exceptional case in which the pre-screening assessment proves their asylum claim is “incontestably groundless”; yet, in practice, the government has refused to refer more than half of applicants, effectively barring these individuals from the asylum process.<sup>19</sup> In 2019, the government allowed only 7.5% of airport asylum seekers to apply for asylum, and on average, over the last five years, only 36.2% of asylum seekers applicants were permitted to proceed to the standard asylum procedures.<sup>20</sup>

24. Since there is no separate procedure to appeal non-referral decisions, the only way that an asylum seeker can appeal a non-referral decision is to file a lawsuit in court. However, because there is no guidance on the process, it is difficult for asylum seekers to file a lawsuit on their own unless they hire a lawyer. This is nearly impossible given the high cost of legal fees in ROK, and it is only done on a very rare basis by a small number of pro bono lawyers. Even if an asylum seeker does succeed in filing a lawsuit, the appeal process can be lengthy—months, at least, and sometimes more than a year. Regardless of the risks, some asylum seekers leave the country because they cannot endure the living conditions at the ports of entry.

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<sup>19</sup> Recent reports include that asylum seekers are receiving non-referral decisions for (1) “submitting false documents” on the basis that the person mentioned incorrect dates of events in an interview ; (2) “incontestably groundless” claims on the basis the person failed to state the facts of a insignificant specificity; and (3) “incontestably groundless” claims on the basis that the person is from a country with an ongoing civil war who failed to sufficiently disclose details about insignificant changes in the civil war.

<sup>20</sup> Refugee Rights Center, [Statistics] Status of Refugee Review (As of December 31, 2024), <https://nancen.tistory.com/416311>



### **Case: Prolonged Port of Entry Detention**

In February 2020, an asylum seeker who arrived at Incheon Airport was denied asylum solely on the basis that he was passing through Korea as a “transit passenger.” The man had to spend the entire duration of his case against the Ministry of Justice at the airport: 423 days in total. After he won his case, he was allowed to enter the country.<sup>21</sup>

### **[Inadequate meals and poor living conditions during airport detention]**

25. When asylum seekers receive a non-referral decision, the government does not provide housing in the airport for the duration of any appeal or until their deportation. Instead, foreigners must stay at a “departure waiting room.” During a legal case on a “non-referral decision,” the government detains people at the airport for at least three months, and sometimes, more than fourteen months. Although a high number of detained people are expected, the government has not allocated a budget to the departure waiting rooms for necessary items such as adequate meals and hygiene. For example, currently only two meals per day are served: airline inflight meals, only if available.

26. As a departure waiting room has no sleeping facilities, asylum seekers must sleep on a shared flat bench with blankets. The departure waiting room is small and can become overcrowded easily.



<sup>21</sup> Korea Joongang Daily, Asylum seeker finally sees the sun after 423 days in Terminal 1, 18 April 2021, <https://v.daum.net/v/20210418153603436>

*(Photo: Asylum seekers staying at a “departure waiting room” at the Incheon Airport.<sup>22</sup>)*

**[Detention of children, pregnant women, and persons with disabilities in ports of entry and departure waiting rooms.]**

27. Given that providing adequate meals and hygiene is impossible in the departure waiting rooms, children, pregnant women, and persons with disabilities who are detained at airports in Korea are categorically neglected.

28. Furthermore, departure waiting rooms are arranged only by sex; no extra facilities are available for children and families with children.<sup>23</sup> Therefore, children are detained together with adults who are not part of their family. During long-term detention, in addition to the risk of becoming malnourished and developing health conditions, children are deprived of the right to education.

**Case: Conditions at Port of Entry for Vulnerable Populations**

From 2018 to 2019, an Angolan family with four children (a 9-year old, 7-year old twins, and 5-year-old) who sought asylum were forced to wait at the Incheon Airport for 287 days—the time necessary to successfully appeal an incorrect non-referral decision. During that time, the children had to stay in an area of the airport where lights were on 24 hours, 7 days a week. The children were not provided with a place to shower; instead, they showered in public restrooms. The government did not supply daily necessities to the children, such as meals. There was no possibility for schooling. Thus, this treatment gravely infringed on the rights to health, education, protection, and privacy of these four children.

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<sup>22</sup> CNN International Facebook, Syrian refugees stuck in limbo at Seoul Airport, 1 June 2016, <https://www.facebook.com/cnninternational/videos/syrian-refugees-stuck-in-limbo-at-seoul-airport/10154179783609641/>

<sup>23</sup> For example, in the State Party report and corresponding annex, the government disclosed that only one “family room lounge” was set up in the entire country (Incheon Airport). Sixth Periodic Report Submitted by the Republic of Korea Under Article 19 of the Convention Pursuant to the Simplified Reporting Procedure, Tbl. 15 CAT/C/KOR/6/Annex (12 July 2021).



*(Photo: Asylum seeking family living in front of the flight gate No. 46 at the Incheon Airport while appealing a non-referral decision.<sup>24</sup>)*

### **Suggested Recommendations**

- Stop abusing the refugee referral assessment procedure at ports of entry and end long-term detention of asylum seekers at airports. The State party should ensure the right to apply for refugee status for all applicants.
- Routinely monitor whether people detained at airports are being detained for the shortest period possible. The State party should ensure asylum seekers are treated in a humane manner.
- Arrange a separate living facility outside of airports for possible asylum seekers who will be detained for an extended time at airports.

<sup>24</sup> The Hankyoreh, Angolan family stuck in Incheon Airport for six months as they seek refugee status, 21 June 2019, [https://english.hani.co.kr/arti/english\\_edition/e\\_international/898849.html](https://english.hani.co.kr/arti/english_edition/e_international/898849.html)