

# **Voluntary GCM Review**

by

**The Republic of Korea**

## **1. Methodology for preparing the voluntary GCM reviews**

**(a) Information on the process for preparation of the review may be presented, including, for example, how different relevant levels and sectors of government contributed to the responses and whether and how the whole-of-government and whole-of-society approaches were applied; whether parliaments, local authorities and NHRIs were engaged; what mechanisms have been used to engage civil society and other relevant stakeholders; and whether the UN Country Teams were engaged.**

In answering this Voluntary GCM Review, the overarching organisation responsible for migration issues and non-national policies – the Ministry of Justice – collected and co-ordinated various

migration-related discussions and collect, analyse, and assess advanced immigration policies to use them as a resource for drawing up and implementing our own.

## 2. Policy and enabling environment

**(a) Member States are encouraged to describe efforts to leverage synergies across the various reporting mechanisms of other international agreements, such as the 2030 Agenda for Sustainable Development.**

To keep pace with global efforts on humanitarian aid, the Republic of Korea updated its Humanitarian Assistance Strategy in 2019. In 2021, it created an action plan for the Humanitarian-Development-Peace (HDP) Nexus. In line with these changes, the Republic of Korea has provided sector-specific support and bolstered the HDP Nexus, thereby offering more effective support for fragile and conflict

In response, the government of the Republic of Korea has stepped up efforts to ensure that migrants are not denied their human rights or discriminated against on the basis of their race, ethnicity or

The ODA budget allocated for this year is KRW 4 trillion 42.5 billion (approx. USD 3.6 billion), a 3-times increase compared to 2010 (KRW 1 trillion 341.1 billion (approx. USD 1.1 billion), which is



the Republic of Korea is also providing tailored job training to nurture them as after-

his/her fingerprint record is kept for 10 years, leaving a sufficient window period for the deceased to be identified later on.

[Efforts to prevent smuggling and human trafficking]

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The Republic of Korea implements a three-tier measure against immigration offenders (departure recommendation, departure order and forced removal). In 21 January 2021, it put in place a new policy to receive deposit money from immigration offenders who received a departure order instead of forced removal. Those who successfully depart from the Republic of Korea as pledged will have the deposit returned, thereby encouraging them to leave on their will. The government of the Republic of Korea also has a policy to temporarily lift detention orders if their detention status results in a substantial threat to their life, physical well-being or financial security, thereby minimising detention.

Detention is only conducted strictly in accordance with due procedures and the Ministry of Justice conducts self-evaluation for any potential cases of human rights infringements. The National Human Rights Commission of Korea, an independent organisation dedicated to human rights protection, pays visits to detention facilities to ensure these facilities are free from arbitrary detention and human rights infringements.

Children under 14 years of age are, in principle, not detained. However, if a detainee is the only legal guardian to (a) child(ren) under 14, (s)he/they are offered a special room in facilities, where they can stay with his/her/their legal guardian. In addition, a new scheme is set to be implemented from April 2021 to guarantee a right to education for irregular foreign children who are currently receiving primary or secondary education in the Republic of Korea. Under the scheme, such children and their parents are allowed to stay in the country until their education is complete.

If a non-national needs to be detained in a correctional or an immigration detention facility for his/her criminal or immigration offence, his/her rights to receive consular assistance and meet his/her relatives are guaranteed. The government of the Republic of Korea also supports them to keep in touch with their family via telephone and the Internet. It also runs special programmes to safeguard their emotional stability – concerts, hobby activities, various education sessions, to name a few.

[Return, re-admission and re-integration of non-nationals to his/her home country]

Prior to executing forced removal, detained non-nationals are checked for unpaid wages

travelling overseas in emergency situations. The government of the Republic of Korea also dispatches an Honorary Consul – responsible for protecting overseas Koreans and providing services they need – to 166 Korean diplomatic missions.

The government of the Republic of Korea regularly opens bilateral consular conferences with Japan, People’s Republic of China, Thailand and other countries to discuss urgent relevant issues and forge closer ties.

[Strengthening capabilities of migrants]

In accordance with the Framework Act on Treatment of Foreigners Residing in the Republic of Korea, we design and implement a whole-of-government level 5-year Basic Plan for Policies on Foreigners and Annual Implementation Plans. Currently the third Basic Plan for Policies on Foreigners, effective from 2018 to 2022, is being implemented and one of five major objectives is “An integrated society supported by the engagement and self-reliance of migrants”, which gave os-FFd by th C3

Our government also encourages creating a bilingual learning environment by providing e-textbooks and bilingual books in nine different languages, which can be used at after-school programmes and other similar programmes. Bilingual ability contests are opened to discover bilingual talents and to develop unique abilities children from multicultural families are most likely to demonstrate. A special programme with an emphasis on language and talent discovery – “Rainbow School” – is offered –

model between schools and communities to offer comprehensive measures to support students from multicultural background.

Our government also focuses on teachers' capabilities to be equipped with sufficient level of knowledge and understanding on cultural diversity. Additional programmes related to multiculturalism are added to a list of subject teacher candidates should take, thereby making them competent in understanding this value from an early stage. A competition was held in July 2021 to collect best practices of multiculturalism education to share good examples of education methods on this field.

[Encouraging forging ties between diasporas and the Republic of Korea]

Whole-of-governmental level policies are designed and implemented to support diasporas (overseas ethnic Koreans) in various aspects by installing and running a dedicated committee for diaspora policies. Ever since 2000, World Korean Community Leaders Convention has been held every year to promote personal exchanges among diasporas, which serves as a platform to set up Korean international networks. In 2007, 5 October was designated as Korean Day to contribute to harmony and development of overseas ethnic Koreans in the world. Not only that, we hold World Korean Business Convention and let overseas ethnic Korean have access to the business - - -of

Immigration-related information (e.g. entry/departure record, residence, nationality information, etc.) are stored and managed in DW (Data Warehouse) based system and we have introduced big data analysis technique and bio information fast-searching system. In 2021, Immigration Big Data Division was launched in the Ministry of Justice to standardise personal information of foreign nationals and analyse big data.

We collect statistics relevant to a) the flow of migrants, including global population movement statistics, Population and Housing Census and statistics on migrants' residential/employment status, b) statistics on the size of migrants and their characteristics and c) statistics on migrants' employment activities and residential status. These statistics are provided to other ministries and regional governments to support better immigration policies and evaluation of these policies.

The government of the Republic of Korea signed an agreement with IOM to give birth to MRTC (Migration Research & Training Centre: [www.iom-mrtc.org](http://www.iom-mrtc.org)), which is responsible for conducting research and studies on the effects of international migration on the host country and the country of origin.

Insurance to become a mandatory measure. This came into effect on 16 July 2019 with objectives to minimise grey zones in medical service provision and to realise universal healthcare. International students will be able to enjoy this benefit from March 2021.

Our government also allows non-nationals, including migrant workers and their child(ren), female marriage migrant and her child(ren) yet to obtain Korean nationality, refugees and their child(ren), who are not covered by national health insurance and medical fee support, to receive up to 90% of medical cost as subsidy for their hospitalisation and surgery, provided that this subsidy does not exceed KRW 5 million for a single treatment.

Our government is allowing children of irregular migrants to enter our public schools to guarantee their education rights. It also makes sure migrants, especially irregular migrants are not left out

integration”. We also have an independent organisation dedicated to protecting human rights, the National Human Rights Commission of Korea, which can investigate cases of human rights infringements and provide recommendation to the government for better policies.

[Forging stronger international co-operation to encourage regular migration]

The Republic of Korea, which is represented by the Korean ambassador to Switzerland, was elected as a rapporteur at the 112th session of the IOM council. Korea will be a member of IOM chairs from the 113th session of the IOM council in 2022 and assume an important position to be engaged in discussions on international migration. Korea will also double the role of a mediator in the Asia-Pacific group – a sub-regional group under IOM.

Our government is well aware that migrant labourers to work in non-professional sectors and seasonal labourers are highly exposed to the risk of their human rights infringements and becoming a victim of corruption and scams during the process of securing a chance to come to the Republic of Korea. The government, therefore, has signed MOUs with central governments or local governments from labour-sending countries to protect these group of people, thereby preventing corruption and scams and ensuring transparent procedures. The Ministry of Justice and the Labour Bureau of Thailand signed an MOU to prevent irregular stay and illegal employment on 27 November 2019. This institutionalised the provision of information to Thai authorities since 2020, which is needed to prevent illegal residency and employment of Thai nationals in Korea and ensure swift cooperation from Thai authorities. We also signed an MOU involving four parties – the Ministry of Justice, Korea Invention Promotion Asnventnvel(r)3 (-)Tj27.62 0a3 (om)-2 JTJ8.74 0 p2dy of Jusnv



Poverty, Support of Children, Etc. and Act on Special Cases Concerning the Punishment, Etc. of Child Abuse Crimes.

#### I. Whole-of-government approach

In accordance with Framework Act on Treatment of Foreigners Residing in the Republic of Korea, Korea invites all sectors of government in designing five-year Basic Plan for Policies on Foreigners, its Annual Implementation Plans, and evaluation of these targets.

#### J. Whole-of-society approach

Our government takes the following approaches to realise this goal. We ensure relevant committees are staffed by civilian representatives to a certain level, hold monthly Immigration Policy Forum and reflect civilian experts' and relevant stakeholders' opinions on our policies. Our government also runs Social Integration Volunteer Officers and KIIP Mentoring Volunteers, which are participated by immigrants, to consolidate close partnership with immigrants and support their settlement.

Question D: Member States could present critical difficulties envisioned or encountered in reaching GCM objectives and how they could be addressed. The consideration of the objectives could focus on trends, successes, challenges, emerging issues, and lessons learned, including as impacted by regional dynamics, and describe what actions have been taken to address existing gaps and challenges.

[Regarding policies on migrant labourers]

Our government also has been taking action to select migrant labourers who are to take up unskilled labour jobs in a transparent manner by introducing Employment Permit System (EPS) on August 2004. The Republic of Korea signed an MOU with 16 countries and this scheme has been used to connect selected migrant workers with Korean employers, provides them with a wide range of immigration-related support and serves as a safeguard against human rights violations. On December 2015, Seasonal Worker Programme was introduced by signing MOUs with 28 local governments from nine countries to add flexibility to migrant labour supply chain. Korean local governments sign an MOU with local governments from labour sending countries to select unskilled migrant labours, who are allowed to work in farms and fishing villages during busy seasons. These two mechanisms prevent potential corruption and human rights violations, especially during the process of seeking a chance to work in the Republic of Korea, contribute to the economy of migrant workers' home country by being a recipient of remittances sent from the Republic of Korea and address chronic labour shortages experienced by Korean SMEs and agriculture/fishing villages.

In order to prevent migrant workers from descending into irregular status after their visa expires, it is critical to sign an MOU with countries to include solutions on this matter. This requires greater collaboration with the sending countries.

Every nation has its own standards and requirements to recognise qualifications or certifications and this becomes a hurdle when we verify the abilities of migrant workers. This leads to a conclusion of the necessity to sign agreements for bilateral recognition of qualifications/certifications or create an Asia-Pacific regional or universal system, which can be used to verify qualifications or certifications.

[Providing humanitarian aid to the international community and disaster responsiveness]

In regards to ensure better disaster responsiveness, the Republic of Korea, as the chair state of Disaster Risk Reduction Component at the UNESCAP/WMO Typhoon Committee, is working with 14 member states by participating in general assemblies, annual meetings and workshops to set up global networks with international organisations to minimise typhoon risks. Our government strives to devising better ways with other member states by collecting surveys from member countries and conducting self-evaluations.

Although the demand for humanitarian aid from developing countries is increasing, budget is limited and the natural disaster responsive system that was set up by Korea is being poorly maintained by recipient developing countries. This year has proven to be an extremely challenging year as COVID-19 closed borders of virtually all countries, halting all projects that were ongoing and preventing us to survey on how the situation is on the ground.

[Challenges experienced with detainees and their repatriation]

The Coronavirus Pandemic has led to an unprecedented event of some countries strengthening measures of limiting the entry of their own nationals. This resulted in a prolonged detention of detainees triggered by a delay of repatriation procedures. As they had to be stranded in detention facilities for a longer period of time, this turned out to be detrimental to their psychological stability, physical well-being and speedy re-integration to their community of origin.

Preventing entry to his/her own country directly runs counter to Article 12.4 of the International Covenant on Civil and Political Rights (ICCPR), which clearly states the rights of returning to his/her home country cannot be arbitrary deprived of at any case. The international community should take more attention to addressing this challenge by upholding this Article.

[Encouraging a positive awareness of migration]

It is imperative to provide accurate information to Korean nationals on the effects of migration on the national economy, finance and security, and public safety to create an unbiased social discourse on migration. To achieve this goal, an establishment of a whole-of-governmental migration-related statistics collection and analysis system is needed. It is also critical for the international community to a) create a single standard definition for each migration statistics index and b) set up universal classification/analysis methods on major statistics and invest efforts to ensure the credibility of statistics.

#### 4. Means of implementation

Member States may discuss how means of implementation and resources are mobilized, and what additional resources are needed to implement the GCM, including in terms of financing, capacity development and data needs, technology, and partnerships.

Designing Korea's policies on foreign residents involves the following organisations – a) three committees (Foreigner Policy Committee, Multicultural Family Policy Committee and Foreign Labour Policy Committee) installed under the Office of the Prime Minister, b) the central government, c) local governments, d) the private sector (NGOs, migrant communities, enterprises, supporting agencies and e) implementing institutions (institutions that offer Social Integration Programme, Multicultural Family Support Centre, Foreign Resident Human Rights Centre, Foreign Resident Welfare Centre).

The Framework Act on Treatment of Foreigners Residing in the Republic of Korea specifies legal foundation relevant to conducting/promoting research on policies needed for designing Basic Plans for Policies on Foreigners. The government, academia, universities, research institutes and civil societies are involved in the process of designing and evaluation of the Basic Plan. This Plan is being implemented in co-operation with relevant ministries and regional governments.

Relevant ministries support foreign residents within their responsibilities. The Ministry of Justice provide Korean language and cultural lessons for migrants through institutions that run Social Integration Programmes. The Ministry of Gender Equality and Family support multicultural families, specifically focusing on marriage migrants through Multicultural Family Support Centres. The Ministry of Health and Welfare runs Foreign Resident Welfare Centres. The Ministry of

The fourth Basic Plan for Policies on Foreigners will be improved by reflecting opinions of relevant ministries based on the recommendation described above.

Meanwhile, the Ministry of Justice plans to a) launch an immigration policy committee that represents people from all sectors of our society and b) plans to run an immigration policy planning division as administrative organisation from 2022 to push forward open and inclusive immigration policies that are aligned with universal values cherished by the international community.

Question B: It could be indicated how the results of reviews will strengthen GCM implementation

Korea plans to reflect self-