

Five Chinese religious refugees denied political asylum and threatened with deportation back to China

Open letter to the South Korean authorities

HRWF (08.02.2017) - *Human Rights Without Frontiers* (Brussels) is asking the South Korean authorities to urgently grant political asylum to five Chinese citizens who have been persecuted because of their religious beliefs in China:

Cao Yi
Wang Jingjing
Wang Tingting
Xia Yaowen
Wang Dongqing

They have recently been ordered by the Seoul Southern Immigration Office to sign their Departure Order(출국명령서). Here is their story:

In July 2013, **Cao Yi (Spiritual name: Sister Ming Liang)** applied to the South Korean Immigration Office for refugee status, but the immigration office denied her request, and decided to not recognize her refugee status (난민불인정결정취소). Disagreeing with their refusal, she lodged an appeal to the South Korean Ministry of Justice, hoping to be granted a permit of stay for humanitarian reasons, a request which was also rejected. Soon afterwards, she appealed yet again to the court and for a third time, her request was turned down, which means that she could neither be granted refugee status nor remain in South Korea legally. As a result, she may be deported back to China. The Chinese police had planned to arrest her in July 2013 but did not manage to execute the arrest for she had fled to South Korea before the police arrived at her home.

Chinese police will surely arrest and persecute her if she is sent back to China. Her Alien Registration Card expires on 9 February 2017, in the mean time she planned to seek legal help and advice to avoid being deported. Unexpectedly, on 25 November 2016, the Seoul Southern Immigration Office withdrew her Alien Registration Card and urged her to sign the Departure Order, which forces her to leave South Korea within thirty days. When she applied to the South Korean Ministry of Justice for the second time, her case was heard and she was issued the Receipt of Refugee Status Application on 16 December 2016. However, the South Korean Immigration Office failed to grant her G-1 visa and failed to extend the normal permit of stay as according to the Refugee Act. A clerk wrote on her Departure Order with his handwritten signature reading "Pending Deportation (출국기한유예기간) 2017.3.23"

Her Departure Order expires on 23 March 2017. As claimed by the immigration office, she can still apply to the immigration office to extend her Departure Order on the afternoon of the 21st or 22nd March. If she is turned down, she will have to leave South Korea immediately, which divests her of her time and rights to seek legal remedy.

Wang Jingjing (Spiritual name: Sister Xi Yue) fled to South Korea and applied to the immigration office for her refugee status in August 2014. On 9 January 2015, she received the notice of non-recognition of refugee status from South Korean Immigration Office. She lodged an appeal to the Ministry of Justice and applied to the Commission on Legal Empowerment for an administrative trial. On 25 February 2016, she received a notice of rejection decision from the Ministry of Justice. On 10 May 2016, the Commission on Legal Empowerment refused her request for the administrative trial, stating in the notice that she can lodge an appeal to the court within 90 days from the date when she was notified. On 3 August 2016, she lodged an appeal to the court, requesting that the South Korean Immigration Office withdraws the decision of non-recognition of refugee status. On 25 August 2016, the court scheduled the hearing on her case. The court judged that her appeal had exceeded the given period of 90 days from the date of notification, and rejected her appeal according to "the applicant can lodge an appeal to the court within 90 days from the date when she was notified of being rejected". The court failed to proceed her case as a real-entity one but regardless went through the procedure of the hearing outwardly. Xi Yue clarified that she had effectively lodged an appeal before 7 August 2016, according to the notification of the decision of administrative trial, and that therefore it did not exceed the required submission period. The judge then replied that, according to the South Korean law, the applicant could make a choice between lodging a disagreement and applying for an administrative trial after receiving the notification of a decision of non-recognition of refugee status. This was the first time Xi Yue heard that these two options were mutually exclusive options. Being a foreigner, she does not speak Korean. She had no knowledge of any Korean laws, and could not conduct conversations with Korean people, making it impossible to seek legal help during this time. The Immigration Office, the Ministry of Justice, and the court all failed to perform their obligation to inform the refugee status applicants of the proper procedures.

After facing such difficulties, 24-year-old Xi Yue feels sad and helpless. Her Alien Registration Card was due to expire on 28 February 2017, but the South Korean Immigration Office withdrew the card on 25 November 2016, forcing her to sign the Departure Order, ordering her to leave South Korea within thirty days. On 13 December 2016, she applied for refugee status for a second time with the South Korean Ministry of Justice. Like Ming Liang's experience, the immigration office failed to issue Xi Yue's Alien Registration Card and to extend her regular permit of stay. They signed "Pending Deportation 2017.3.23" on her Departure Order in handwriting. Xi Yue has one final chance to apply for an extension on her Departure Order from the immigration office, which must be done on the afternoon of 21 or 22 March. If her application is denied, she will have to leave South Korea immediately.

In August 2014, **Wang Tingting** and **Xia Yaowen (Spiritual names: Chun Zhen and Gao Ge)** fled to South Korea to seek asylum. They were followed by **Wang Dongqing (Spiritual name: Jiao Tuo)** in November 2014. After their applications for refugee status were overruled, they lodged disagreements against the rejection decision to the Ministry of Justice, and applied to the Commission on Legal Empowerment for the administrative trial. These appeal applications were once again overruled and the Commission on Legal Empowerment refused their requests for an administrative trial. Like Xi Yue's experience, when the three siblings lodged appeals to the court, they did not know that their appeals were not within the required period of 90 days against the

rejection decision. They thought it was effective as long as they lodged their appeals for the administrative trial within required 90 days.

Human Rights Without Frontiers asks the South Korean authorities to grant these individuals political asylum if they have not committed criminal activities and to examine the cases of other Chinese citizens who are in the same situation in South Korea.

Best regards,

Human Rights Without Frontiers