

Headquarters  
United States Forces Korea  
Unit #15237  
APO AP 96205-5237

United States Forces Korea  
Regulation 550-5

1 April 2010

## Foreign Countries and Nationals

### REQUESTS FOR POLITICAL ASYLUM AND TEMPORARY REFUGE

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**\*This regulation supersedes USFK Regulation 550-5, 2 April 1990,  
and Change 1, 18 March 1999.**

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For the Commander:

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**Summary.** This regulation establishes general policies and procedures for handling requests by foreign nationals for political asylum or temporary refuge that originate in the territory or territorial waters of the Republic of Korea (ROK).

**Summary of Change.** This edition consolidates the 2 April 1990 edition of USFK Regulation 550-5 and the 18 March 1999 Change 1. It also updates the references section and incorporates several substantive changes found in those updated references. Finally, this update deletes an unnecessary Appendix and makes several stylistic and formatting changes.

**Applicability.** This regulation applies to all Department of Defense (DOD) installations, facilities, vessels, personnel, and commands stationed or present in the territory or territorial waters of the ROK and subject to the authority of the Commander, United States Forces Korea (USFK).

**Supplementation.** Further supplements to this regulation by subordinate commands are prohibited unless prior approval is obtained from Headquarters (HQ) USFK (FKJA-OL), Unit #15237, APO AP 96205-0010.

**Forms.** USFK forms are available at <http://www.usfk.mil/usfk/>.

**Records Management.** Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to governing service regulations. Record titles and descriptions are available on the Army Records Information Management System (ARIMS) website at <https://www.arims.army.mil>.

**Suggested Improvements.** The proponent of this regulation is HQ USFK, (FKJA-OL). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to HQ USFK (FKJA-OL), Unit #15237, APO AP 96205-5237.

**Distribution.** Electronic Media Only (EMO).

## **CONTENTS**

### **Chapter 1**

#### **General, *page 1***

- 1-1. Purpose
- 1-2. References
- 1-3. Explanation of Terms

### **Chapter 2**

#### **Policies and Procedures, *page 2***

- 2-1. Policy
- 2-2. Responsibilities
- 2-3. Procedures
- 2-4. Reports

#### **Appendix A. Reporting Data to Request Political Asylum or Temporary Refuge, *page 6***

## **Chapter 1**

### **General**

#### **1-1. Purpose**

This regulation establishes general policies and procedures for handling requests by foreign nationals for political asylum or temporary refuge.

#### **1-2. References**

a. Department of Defense Directive 2000.11, Procedures for Handling Requests for Political Asylum and Temporary Refuge, (Incorporating Change 1.

b. Army Regulation 550-1, Processing Requests for Political Asylum and Temporary Refuge.

c. U.S. Navy Regulations, Article 0939, Granting of Asylum and Temporary Refuge.

d. Secretary of the Navy Instruction 5710.22A, Political Asylum and Temporary Refuge, 29 December 2005.

e. USCINCPACINST 3821.58B, Procedures for Handling Requests for Political Asylum and Temporary Refuge, 4 February 1987 (Incorporating Change 1, 5 April 1993).

#### **1-3. Explanation of Terms**

##### a. Abbreviations

- (1) DOD      Department of Defense
- (2) ROK      Republic of Korea
- (3) USFK      United States Forces, Korea

##### b. Terms

**(1) Political Asylum.** Protection and sanctuary granted by the United States Government within its territorial jurisdiction, or on the high seas, to a foreign national who applies for such protection because of persecution, or fear of persecution, on the basis of race, religion, nationality, membership in a particular social group, or political opinion. (See reference e.)

**(2) Temporary Refuge.** Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, which may be granted (except to board aircraft because of their vulnerability to hijacking) in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob. (See reference e.)

## **Chapter 2 Policies and Procedures**

### **2-1. Policies**

a. Political asylum. Political asylum is protection and sanctuary granted by the United States Government within its territorial jurisdiction, or on the high seas, to a foreign national who applies for such protection because of persecution, or fear of persecution, on the basis of race, religion, nationality, membership in a particular social group, or political opinion. (See reference e.)

(1) Political asylum is a matter under the cognizance of the State Department, and any person requesting political asylum, whether a ROK or third country national, will be advised to contact the US Embassy. However, no one who requests political asylum will be expelled from any US military installation, facility, or vessel under circumstances where there is an imminent threat to the individual's safety or liberty. In such cases, persons seeking political asylum will be regarded as seeking temporary refuge (see paragraph 4(b)) and treated in accordance with specific procedures set forth in paragraph 6 of this regulation.

(2) The USFK Judge Advocate will be consulted whenever a request for political asylum is made to a Department of Defense (DOD) installation, facility, vessel, employee, or command stationed or present in the territory or territorial waters of the ROK and subject to the authority of the Commander, United States Forces Korea (USFK).

(3) If a request for political asylum is received by a US vessel outside ROK territorial seas, the provisions of references c and d apply.

(4) Requests for political asylum in the Joint Security Area will be coordinated with the United Nations Command Military Armistice Commission (UNCMAC) (DSN 734-8515).

b. Temporary refuge. Temporary refuge is afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, which may be granted (except to board aircraft because of their vulnerability to hijacking) in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob. (See reference e.)

(1) Requests for temporary refuge will not be summarily or arbitrarily refused. Persons who meet the criteria for temporary refuge may be afforded refuge in accordance with specific procedures set forth in paragraph 6 of this regulation.

(2) The USFK Judge Advocate will be consulted whenever a request for temporary refuge is made to a Department of Defense (DOD) installation, facility, vessel, employee, or command stationed or present in the territory or territorial waters of the ROK and subject to the authority of the Commander, United States Forces Korea (USFK).

(3) Once granted, temporary refuge will not be terminated unless directed by Commander, United States Forces Korea. Furthermore, an applicant will be released only to the authorities designated in the termination message. If the individual himself demands release, force will not be used to prevent the individual from leaving.

(4) If a request for temporary refuge is received by a US vessel outside ROK territorial seas, the provisions of references c and d apply.

(5) Requests for temporary refuge in the Joint Security Area will be coordinated with the United Nations Command Military Armistice Commission (UNCMAC) (DSN 734-8515).

c. Defectors.

(1) Defectors will be processed in accordance with reference f.

(2) Requests to defect made in the Joint Security Area are governed by reference f.

## **2-2. Responsibilities**

a. Commander, USFK, provides policies, procedures and guidance concerning requests for political asylum or temporary refuge in accordance with reference e and coordinates with the United States Embassy in all cases covered by this regulation.

b. Component commanders will ensure that all subordinate commanders are aware of policies and procedures applicable to defections and requests for political asylum and temporary refuge.

c. Subordinate commanders will ensure that the policies and procedures set forth in this regulation are made known to all personnel whose duties might require them to respond to requests for political asylum or temporary refuge. This includes, but is not limited to: area and installation commanders, staff judge advocates, military and security police, and security guards (contract and direct hire).

d. Senior official present at a military installation or on board a military vessel will:

(1) Provide temporary refuge in those circumstances described in subparagraph 4(b).

(2) Report to Command Center Seoul ([CCSEOULEOC@korea.army.mil](mailto:CCSEOULEOC@korea.army.mil), 723-3029/3030) any request for political asylum or temporary refuge in accordance with paragraph 7 and the Appendix to this regulation.

e. USFK Judge Advocate will provide advice on matters within the scope of this regulation.

f. Command Center Seoul will:

(1) Immediately notify the USFK Judge Advocate upon receipt of information regarding requests for political asylum or temporary refuge.

(2) Collect and record the information about the incident in accordance with the requirements of the Appendix to this regulation.

(3) Prepare (in coordination with the USFK Judge Advocate) and transmit the report of the incident in accordance with paragraph 7 of this regulation.

## **2-3. Procedures**

a. Political asylum may not be granted in any military facility or on board any military aircraft or vessel within the territorial jurisdiction of a foreign country. However, in cases that meet the criteria for temporary refuge, the senior officer present at any US installation, facility, or vessel will provide temporary refuge.

b. The official who receives a request for political asylum or temporary refuge will report the request and the circumstances surrounding the incident by immediate message in accordance with paragraph 7 of this regulation.

c. If a request is made by foreign authorities for return of custody of a person under the protection of temporary refuge, no action will be taken other than reporting the request in accordance with paragraph 7 of this regulation and informing the foreign authorities that the case has been referred to higher authorities for instructions. A final decision normally will be made on a priority basis within 24 hours.

d. Temporary refuge will only be terminated when:

- (1) The period of active danger has ended; and
- (2) USFK or higher headquarters directs that the temporary refuge be terminated; and
- (3) USFK or higher headquarters designates the authorities to whom persons given temporary refuge are to be released.

e. Public announcements or releases on political asylum or temporary refuge cases will not be made except as authorized by Headquarters, USFK following coordination with the Assistant Secretary of Defense for Public Affairs (in accordance with reference a) and with the US Embassy.

#### **2-4. Reports**

a. Upon receipt of a request for political asylum or temporary refuge, the senior officer present at the particular USFK installation, facility, or vessel where the request was made will:

- (1) Report the request to Command Center, Seoul in accordance with the Appendix to this regulation.
- (2) Send follow-up reports, as necessary, to keep Command Center, Seoul advised of developments in the case.

b. Upon receipt of the report described in subparagraph a above, Command Center Seoul will:

(1) Advise the USFK Judge Advocate of the report, and, in coordination with USFK Judge Advocate, send an Operational Report (OPREP)-3 PINNACLE voice report (RCS DD-ISA(AR) 1161), followed by a message to the following addressees:

(a) Mandatory in Every Case

- i. Action addressee: NMCC WASHINGTON DC
- ii. Information addressees:
  - COMUSKOREA SEOUL KOR//JAJ-OL//
  - AMEMB SEOUL KOR
  - HQ USPACOM HONOLULU HI

- SECSTATE WASH DC

(b) Information Addressees as instructed by the USFK Judge Advocate

- i. Deputy Chief of Staff for Military Operations of the service concerned.
- ii. Office of the Judge Advocate General of the service concerned.
- iii. Citizenship and Naturalization Service, Department of Homeland Security, Washington, D.C.
- iv. Other interested agencies.

(2) Make an initial voice report to the US Embassy Political Counselor (721-4122) or, if unreachable, to his or her deputy.

(3) Forward the report via e-mail to the Army Operations Center (NIPR: [armywtdch@hqda-aoc.army.pentagon.mil](mailto:armywtdch@hqda-aoc.army.pentagon.mil); SIPR: [armywtdch@hqda.army.smil.mil](mailto:armywtdch@hqda.army.smil.mil) ) (See reference b.)

(4) Send follow-up reports, as necessary, to keep all addressees advised of developments in the case.



**Appendix A**  
**Reporting Data to Request Political Asylum or Temporary Refuge**

The official granting temporary refuge will report the information required below by immediate precedence message to Command Center Seoul (723-3029/3030, [CCSEOULEOC@korea.army.mil](mailto:CCSEOULEOC@korea.army.mil))

- A-1. Name and nationality of the person requesting asylum (or temporary refuge).
- A-2. Date, place of birth, and occupation.
- A-3. Description of any documentation in his or her possession.
- A-4. List of foreign authorities that are aware of the request. Also state whether any foreign authorities will be notified of the request.
- A-5. Circumstances surrounding the request.
- A-6. Exact location. If aboard a vessel or aircraft, give the estimated time of arrival at next port or airport.
- A-7. Reason for requesting asylum or temporary refuge.
- A-8. Description of any criminal charges known or alleged to be pending against the person requesting asylum. Indicate also if any terrorism, piracy at sea, air piracy, or hijacking background.
- A-9. Any Communist Party affiliation or affiliation with other political parties. Also list any government office now held or previously occupied.
- A-10. Other pertinent information.