

ကိုရီးယားသမ္မတနိုင်ငံ၊ အမျိုးသားရဲတပ်ဖွဲ့ Korean National Police Agency (KNPA)
Waiver Program for Undocumented Foreigners အစီအစဉ်နှင့်ပတ်သက်သည့်
ကြေညာချက်

- ကိုရီးယားသမ္မတနိုင်ငံသို့ စာရွက်စာတမ်းအထောက်အထားမဲ့ တရားမဝင်ရောက်ရှိနေထိုင်ကြ သည့် နိုင်ငံခြားသားများအနေဖြင့် ကိုရီးယားသမ္မတနိုင်ငံ၏ ရာဇဝတ်မှုဥပဒေနှင့် အထူးဥပဒေ ပြဋ္ဌာန်းချက်များ၌အကျုံးဝင်သည့် ကိုယ်ထိလက်ရောက်စော်ကားခံရခြင်း၊ လိင်ပိုင်းဆိုင်ရာခြိမ်း ခြောက်ခံရခြင်း၊ လိမ်လည်လှည့်ဖြားခံရခြင်းနှင့် အတင်းအဓမ္မစေခိုင်းခံရခြင်းစသည့် ရာဇဝတ် မှုများ ကျူးလွန်ခြင်းခံရပါက ကိုရီးယားသမ္မတနိုင်ငံ၊ အမျိုးသားရဲတပ်ဖွဲ့ Korean National Police Agency (KNPA) သို့တိုင်ကြားနိုင်ကြောင်း၊
- ယင်းသို့တိုင်ကြားသည့်အတွက် တရားမဝင်ရောက်ရှိနေထိုင်သူအား လူဝင်မှုကြီးကြပ်ရေး ဥပဒေအရ ပြည်နှင့်ဒဏ်ပေးခြင်း၊ ထိန်းသိမ်းခြင်းစသည်ဖြင့် တစ်စုံတစ်ရာ အရေးယူခြင်းမရှိပဲ ဥပဒေကြောင်းအရ အကာအကွယ်ပေးဆောင်ရွက်ပေးသည့် Waiver Program for Undocumented Foreigners အစီအစဉ်အား ၂၀၁၃ခုနှစ်၊ မတ်လမှစတင်၍ ဆောင်ရွက် ပေးလျက်ရှိပါကြောင်း၊
- ယင်းအစီအစဉ်နှင့်ပတ်သက်၍ ဆက်သွယ်တိုင်ကြားနိုင်သည့် ဖုန်းနံပါတ်အပါအဝင် အခြား အသေးစိတ်အချက်အလက်များအား လေ့လာဖတ်ရှုနိုင်သည့် website များအား ကိုရီးယား သမ္မတနိုင်ငံ၊ အမျိုးသားရဲတပ်ဖွဲ့ Korean National Police Agency (KNPA) မှ သံရုံးသို့ပေးပို့အကြောင်းကြားလာပါသဖြင့် ဆက်လက်အသိပေးဖြန့်ဝေအပ်ပါသည်။



၂၀၁၇ခုနှစ်၊ နိုဝင်ဘာလ ၁၆ ရက်



Notification Waiver Program for Unregistered Foreigners

- **(Introduction)** A police officer is exempt from reporting to the immigration authority any undocumented foreigner who is a victim of major crimes.
- **(Offenses Applicable to the Program)** The following offenses under the Criminal Act and Special Acts

< Crimes subject to the program >

- ▶ **(Offenses under the Criminal Act)** Murder, inflicting bodily injury and violence, bodily injury and death by negligence, abandonment and maltreatment, false arrest and illegal confinement, intimidation, kidnapping, abduction and trafficking in persons, rape and indecent conduct, obstructing another from exercising his/her right, larceny and robbery, fraud and extortion
- ▶ **(Offenses under Special Acts)** Act on Special Cases Concerning the Punishment of Specific Violent Crimes, Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes, Act on Special Cases Concerning the Settlement of Traffic Accidents, Act on the Punishment of Acts of Arranging Sexual Traffic, Employment Security Act(Article 46)* etc.

- * Offenses prescribed in Article 46 of the Employment Security Act are included in the offenses applicable to the program in order to help victims forced to work unjustly under violence, intimidation, or illegal confinement (Oct. 30, 2017)

- **(Legal Ground)** Article 84 Paragraph 1 of Immigration Act, Article 92-2 of Enforcement Decree of the Immigration Act



- **(Public Servants Subject to the Program)** Police, Prosecution, and Coast Guard etc. with duties of rescuing criminal victims and protecting crime victims' human rights
- **(Information Protected under the Program)** Personal information of the victimized foreigners acquired in the process of rescuing victims of aforementioned crimes
- **(Note)** The program is not applied if ① the case is a simple civil case such as a dispute over unpaid wage, ② the victim falsely reports criminal damage to the police, ③ the case is a fight in which the victim is also an involved offender.
- **(How to report)** ① On the Internet*, ② Call 182, ③ Visit a police station(civil service center)
 - * Homepage of the Safe Dream Police Support Center for Children, Women and the Physically-challenged (www.safe182.go.kr) / Homepage of the Police Civil Service Portal (<http://minwon.police.go.kr>)



존경하는 옛 우 마음 대사님께

안녕하십니까. 대한민국 경찰청 외사국장 이준섭입니다.

먼저, 대한민국 경찰의 치안활동에 보여주신 관심과 성원에 깊은 감사를 드립니다.

대한민국 경찰은 '국민과 함께하는 따뜻하고 믿음직한 경찰'을 목표로 우리 국민뿐만 아니라 국내에 체류하고 있는 외국인들의 안전확보 및 인권보호에 노력하고 있습니다.

특히, 국내 체류 외국인은 200만명을 넘어서는 가운데 범죄 피해를 당한 불법체류자들이 강제추방이 두려워 경찰에 신고를 못하는 것을 방지하고 이러한 약점을 이용한 범죄를 예방하기 위해,

법무부와 협의하여 2013년 3월부터 '불법체류자 통보의무 면제제도'를 운영하고 있습니다.

'불법체류자 통보의무 면제'란 경찰관 등이 사건 처리 과정에서 상해·협박·사기 등 중요범죄 피해자가 불법체류자임을 알게 된 경우 출입국관리사무소로 통보하지 않는 제도로 2013년 3월부터 현재까지 총 585명의 범죄피해 불법체류자를 구제하였습니다.



경찰청에서는 외국인 커뮤니티, 외국인 지원센터를 통해 同 제도를 홍보하고 있으나, 아직까지 이러한 제도가 있는지 몰라 범죄피해를 당하였음에도 불구하고 경찰의 도움을 받지 못하는 외국인이 있으리라 우려됩니다.

각 공관에서조차 국내에 체류하는 자국민들에게 '범죄피해를 당한 불법체류자는 경찰에 신고 시 신분상 불이익 없이 도움을 받을 수 있음'을 널리 알린다면 자국민 보호에 큰 도움이 될 것이라고 생각합니다.

앞으로도 우리 경찰은 불법체류 외국인에 대한 폭력, 성범죄, 사기 등 범죄행위를 엄중히 처벌하고, 국내 체류 외국인 인권보호에 최선을 다할 것을 약속드립니다.

다시 한 번, 대한민국 경찰에 대한 성원에 깊이 감사드리며, 귀 대사관의 무궁한 발전과 성공을 기원합니다.

2017. 11. 13.

대한민국 경찰청 의사국장



'불법체류자 통보의무 면제제도' 안내

■ (개념) 경찰관 등이 수사과정에서 주요 범죄피해자가 불법체류자임을 알게 된 경우 출입국관리사무소에 통보하지 않는 제도

■ (대상 범죄) 형법상 아래 범죄, 그 범죄가 포함된 특별법상 범죄

- < 통보의무 면제대상 범죄 >
- ▶ (형법상 범죄) 살인죄, 상해·폭행죄, 과실치사상죄, 유기·학대죄, 체포·감금죄, 협박죄, 약취·유인죄, 강간·추행죄, 권리행사방해죄, 절도·강도죄, 사기·공갈죄
 - ▶ (특별법상 범죄) 폭력행위 등 처벌에 관한 법률, 성폭력범죄의 처벌 등에 관한 특례법, 교통사고처리특례법, 성매매알선 등 행위의 처벌에 관한 법률, 직업안정법(제46조) 등

* 통보의무 면제대상 범죄에 직업안정법(제46조)을 포함, 폭행·협박·감금 등으로 부당하게 근로를 강요당한 피해자 구제할 수 있도록 확대·시행('17. 10. 30.)

■ (근거 법률) 출입국관리법 제84조 제1항, 同法 시행령 제92조의2

■ (통보의무 면제 공무원) 범죄피해자 구조·인권침해 구제업무를 수행하는 경찰, 검찰, 해경 등

■ (면제 사항) 대상 범죄의 피해자 구조 업무를 수행하는 과정에서 알게 된 범죄피해 외국인의 신상 정보

■ (유의 사항) ①임금체불 등 단순 민사사안, ②범죄 피해사실을 허위 신고하는 경우, ③쌍방폭행 등과 같이 피해자 이면서 가해자인 경우 면제대상이 아님

■ (신고 방법) ①인터넷 홈페이지 신고*, ②182 전화신고, ③경찰서 (민원실 등) 직접 방문하여 신고

* 안전 Dream 아동·여성·장애인 경찰지원센터 홈페이지(www.safe182.go.kr) 및 경찰 민원포털 홈페이지(http://minwon.police.go.kr)로 신고 가능