



## Hearing on

North Korean Refugees and the Imminent Danger of Forced Repatriation from China

Tuesday, June 13, 2023 – 10:00 a.m.

### Statement for the Record

James P. McGovern

Commissioner, Congressional-Executive Commission on China

Good morning. I join my colleagues in welcoming those present to today's hearing on the risk of refolement of North Korean refugees to China, in contravention of international law. I regret that I am unable to join you in person.

The mandate of this Commission is to examine grave human rights violations committed by the People's Republic of China against its own people. But today we are focused on potential rights violations the Chinese state may commit against citizens of the Democratic People's Republic of Korea, also known as North Korea. The concern is that as North Korea relaxes its COVID-era border restrictions, the PRC may begin to deport back to the DPRK North Koreans who entered China without proper documents, where they could be severely punished, tortured or even killed.

Every country has requirements in place to control who can enter its territory. If someone crosses an international border without having the required documents in hand, usually a passport and visa or work permit, and they are caught, they may face sanctions, including deportation. Anyone who enters a country without going through regular channels may face this risk, unless they are seeking asylum.

An asylum seeker is a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee. Asking for asylum is a human right, and governments are obligated under international law to evaluate the situation of each person who requests it.

The issue is that the PRC routinely labels all North Koreans who are in its territory without proper documents to be "illegal economic migrants." As we will hear today, many, maybe even most, may be economic migrants. But there's no way to know for sure without looking at each person's case. To not allow people from North Korea, a country that is infamous

for the severity of the human rights abuses it commits, to be considered for asylum, is a human rights violation.

But even if all the North Koreans in China were “illegal economic migrants,” under international law, the PRC may not repatriate them to the DPRK. As a state party to the 1951 Refugee Convention, its 1967 Protocol, and the UN Convention Against Torture, the PRC may not forcibly return North Koreans if they would be at risk of persecution or torture upon return. As you will hear today, the North Korean authorities have criminalized departure from the country without permission and there are many credible reports of the serious mistreatment to which returnees are subjected. For the PRC to forcibly return people to the DPRK, knowingly placing their well-being and even their lives at risk, violates human rights as well as basic principles of human decency.

This problem is not new. The same alarm was raised when news broke of the detention and possible deportation of North Koreans by the PRC in [2017](#) and in [2021](#). As we will also hear today, the problem is not limited to China; Russia engages in the same practice. So what can be done?

First, the Senate can approve the Administration’s nomination of Julie Turner to serve as Special Envoy on North Korean Human Rights Issues, a position that was vacant throughout the Trump Administration. I was glad to see that Ms. Turner’s nomination was placed on the Senate calendar on June 1.

Second, according to the information that is available to us, many North Koreans who enter China without documents are seeking to transit through to other countries. The U.S. should encourage the PRC to either provide them asylum or give them safe passage to South Korea or another safe third country.

Third, the option for North Korean refugees to resettle in the United States should remain available. Even though the numbers are small, the door must remain open.

Fourth, the Administration should continue to encourage and support the International Red Cross and the UN Refugee Agency in their efforts to track what is happening to North Koreans in China, Russia and elsewhere, and to persuade governments never to forcibly return them to the DPRK.

I expect today’s witnesses will have additional recommendations. I am especially interested in how to protect the well-being of the North Koreans who are victims of this situation – unable to survive in their country of birth, and unable to reach safety. They should be the focus of our concern.

Finally, as a strong believer in the human right to food, I thank Jung-Hoon Lee, one of today’s witnesses, for recognizing that “The right to food is one of the most fundamental human rights ensured under the existing international laws. Denial of food, especially as a weapon of persecution, can therefore substantiate a claim to refugee status by those denied.”

Thank you.