

NORTH KOREAN REFUGEES IN CHINA

Findings

- The Chinese government continued to detain North Korean refugees in China and repatriate them to the Democratic People’s Republic of Korea (DPRK). North Korean refugees face severe punishments upon repatriation to the DPRK, including torture, imprisonment, forced labor, and even execution. The repatriation of North Korean refugees violates China’s obligations under international human rights and refugee law. The UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea has stated that such repatriation may amount to “aiding and abetting crimes against humanity.”
- Chinese and North Korean authorities continue to impose strict border controls. These controls are meant to deter North Korean refugees from escaping the DPRK, and the South Korean government reported that about 1,047 North Korean refugees escaped to South Korea in 2019, compared to the 2009 peak of 2,914 refugees. The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries.
- Chinese authorities’ crackdown on and expulsions of South Korean missionaries have undermined refugee rescue work carried out by the missionaries. South Korean missionaries and organizations play a crucial role in assisting and facilitating the movement of North Korean refugees in China. Additionally, further restrictions placed by Chinese and DPRK authorities during the novel coronavirus outbreak indirectly hampered missionary efforts to facilitate the movement of refugees in China.
- The majority of North Korean refugees leaving the DPRK are women, who are often vulnerable to human trafficking. The Chinese government’s refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.
- Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights. These rights include the right to education and other public services, and these children are deprived of them due to their lack of legal resident status in China, which constitutes a violation of the PRC Nationality Law and the UN Convention on the Rights of the Child.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Appoint and confirm the U.S. Special Envoy on North Korean Human Rights Issues. When appointed, the Special Envoy should work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refugees in China, in accordance with

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the North Korean Human Rights Reauthorization Act (Public Law No. 115–198).

- Support efforts to hold a debate on North Korea’s human rights record in the UN Security Council. Security Council members have indicated support for such a debate in the past, but it has not taken place, likely due to lack of U.S. support.
- Consider using the suite of sanctions that are available, where appropriate, against actors involved in the repatriation of North Korean refugees, including Chinese government agencies and individuals; and press for increased international monitoring of and accountability for the Chinese government’s treatment of refugees.
- Urge the Chinese government to recognize North Koreans in China as refugees. Especially important is recognizing them as refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK. In addition, urge the Chinese government to immediately halt the repatriation of North Korean refugees; adopt asylum or refugee legislation and incorporate the principle of non-refoulement into domestic legislation; establish a responsible government institution and mechanism to determine asylee or refugee status for North Koreans seeking international protection in China, in cooperation with the UN High Commissioner for Refugees; and allow North Korean refugees safe passage to another country, including South Korea.
- Urge Chinese authorities to grant legal status to North Korean women who marry or have children with Chinese citizens. Ensure that children born of such marriages are granted resident status and access to education and other public services in accordance with Chinese law and international standards.

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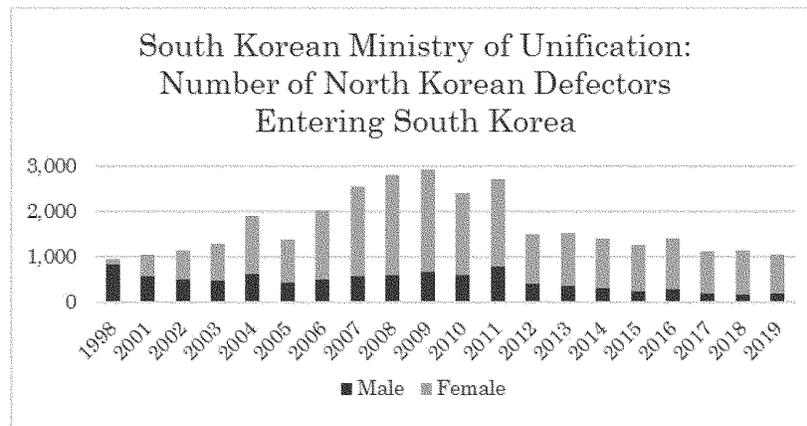
Introduction

The Chinese government regards North Korean refugees in China as illegal economic migrants and maintains a policy of forcible repatriation¹ based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).² This policy of repatriation persists despite substantial evidence that repatriated North Koreans face torture, imprisonment, forced labor, execution, and other inhuman treatment.³ The North Korean government's treatment of repatriated refugees renders North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.⁴

China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.⁵ China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."⁶

Border Conditions

Conditions on the China-North Korea border have made it difficult for North Korean refugees to escape North Korea. In recent years, Chinese and North Korean authorities have reportedly imposed stricter border controls to deter North Korean refugees from escaping the DPRK.⁷ Such security measures along the China-North Korea border may have contributed to the significant decline in the number of North Korean refugees who reached South Korea.⁸



The South Korean Ministry of Unification reported that about 1,047 North Korean refugees reached South Korea in 2019, compared with a peak of 2,914 refugees in 2009.⁹ In early 2020, Chinese and DPRK authorities further restricted the China-North Korea border due to the novel coronavirus (COVID-19) outbreak.¹⁰

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The majority of North Korean refugees escape to South Korea via China and Southeast Asian countries.¹¹

Repatriation of Refugees

During the 2020 reporting year, the Commission observed reports that Chinese authorities detained and repatriated North Korean refugees to the DPRK. Representative cases include the following:

- **May 2019.** The Daily NK reported in July 2020 that authorities made multiple arrests of North Koreans who overstayed family visit visas in China.¹² The series of arrests, which began in May 2019, reportedly aimed to strengthen “Party to Party” bonds ahead of Communist Party General Secretary Xi Jinping’s visit to the DPRK in June 2019.¹³
- **January 2020.** The Daily NK reported that North Korean border guards arrested 8 individuals from a group of 18 attempted defectors before they were able to cross the border into China.¹⁴ Chinese authorities captured the other 10 who managed to cross the border, sending them back to North Korea.¹⁵ Officials of North Korea’s Ministry of People’s Security sent investigators to interrogate the detainees, possibly on political charges relating to “betraying their country.”¹⁶
- **January 2020.** According to Radio Free Asia’s Korean Service, Chinese police facilitated DPRK security services’ detention and repatriation of 15 refugees, including 1 child.¹⁷ To prevent the spread of COVID-19 from China, DPRK officials quarantined the refugees in a tuberculosis hospital, potentially exposing them to tuberculosis.¹⁸
- **February 2020.** The Daily NK’s North Korean sources reported that Chinese authorities held at least 20 refugees in Dandong municipality, Liaoning province, including a pregnant woman who was married to a Chinese citizen.¹⁹ After the DPRK closed the China-North Korea border due to COVID-19, Chinese police have been unable to repatriate the refugees, who have been imprisoned in China for months.²⁰

In 2014, the UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea stated that China’s forcible repatriation of North Korean refugees may amount to “aiding and abetting crimes against humanity.”²¹ In February 2020, the UN Special Rapporteur on the situation of human rights in North Korea voiced his concern and urged Chinese authorities on a number of occasions to stop the repatriation of DPRK nationals, who risk torture and abuse upon return to North Korea.²²

Foreign Aid Work

During this reporting year, the Commission continued to observe reports of Chinese authorities cracking down on organizations and individuals, particularly South Korean Christian churches and missionaries, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.²³ Prior to this reporting year, Chinese authorities expelled at least several hundred South Korean missionaries, many of

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whom assisted North Korean refugees fleeing to South Korea and other countries.²⁴

The COVID-19 outbreak also threatened the work of foreign missionaries in China. Chinese and DPRK authorities enacted stricter border security measures during the COVID-19 outbreak, such as road closures and health checkpoints.²⁵ These restrictions indirectly hindered efforts by advocacy groups to help refugees reach safety.²⁶

Trafficking of North Korean Women

North Korean women remain particularly vulnerable to human trafficking into or within China. The demand for women has been linked to the sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.²⁷ Sources indicate that the majority of North Korean refugees leaving the DPRK are women,²⁸ many of whom are trafficked by force or deception from the DPRK into or within China for purposes of forced marriage and commercial sexual exploitation.²⁹

The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.³⁰ According to a May 2019 report published by the Korea Future Initiative, an estimated 60 percent of all female North Korean refugees in China are trafficked for the purpose of sexual exploitation.³¹ As in the previous reporting year, the Commission observed at least one report of traffickers confining women and girls fleeing the DPRK at unknown locations in China and forcing them to work in "cybersex dens."³² China is obligated to take measures to safeguard trafficking victims and suppress all forms of trafficking of women under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³³ [For more information on the sex ratio imbalance and the trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights due to their lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranged between 20,000 and 30,000.³⁴ The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.³⁵ However, Chinese authorities reportedly continue to deprive children of Chinese fathers and North Korean mothers of their rights to birth registration and nationality.³⁶ These children are often unable to access education and other public services.³⁷ The denial of nationality rights and access to education for these children contravenes China's obligations under the UN Convention on the Rights of the Child.³⁸

Notes to Section II—North Korean Refugees in China

¹ Kang Mi Jin, “18 N. Koreans Attempt Mass Defection on New Year’s Day,” *Daily NK* (blog), January 13, 2020; Ahn So-young, “N. Korean Defectors Detained in Vietnam Seek Seoul’s Help with Asylum,” *Voice of America*, December 3, 2019; Kang Buseong and Edward White, “Group of North Korean Women and Children Escape Coronavirus Lockdown,” *Financial Times*, March 14, 2020; Crossing Borders, “North Korean Orphans,” accessed March 26, 2020; UN General Assembly, Report on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/74/268, August 2, 2019. UN Office of the High Commissioner for Human Rights, “Committee on the Elimination of Racial Discrimination Reviews the Report of China,” August 13, 2018. The UN Committee on the Elimination of Racial Discrimination expressed concern that “China continued to deny refugee status to asylum-seekers from the Democratic People’s Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations.”

² Democratic People’s Republic of Korea Ministry of State Security and People’s Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gong’anbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojia Baoweibu Guanyu Zai Bianjing Diqu Weihu Guojia Anquan He Shehui Zhixu De Gongzuo Zhong Xianghu Hezuo De Yidingshu*, [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases involving “calamity or unavoidable factors.”

³ UN General Assembly, Report on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/74/268, August 2, 2019; Amnesty International, “North Korea 2019,” accessed February 28, 2020.

⁴ UN High Commissioner for Refugees, Refugee Protection and International Migration, January 17, 2007, paras. 20–21; Human Rights Watch, “China: Protect 7 North Koreans Fleeing Oppression,” May 14, 2019; Roberta Cohen, “Legal Grounds for Protection of North Korean Refugees,” Brookings Institution, September 13, 2010.

⁵ Convention Relating to the Status of Refugees, adopted by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country” Article 33 of the 1951 Convention mandates that, “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 3, 2020. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by UN General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 3, 2020. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed April 3, 2020. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 46.

⁷ Jane Lee, “The Closing Door: North Korean Refugees Losing Escape Routes through Southeast Asia,” Center for Strategic and International Studies, *CogitAsia* (blog), February 20, 2020; Amnesty International, “North Korea 2019,” accessed February 28, 2020.

⁸ Jane Lee, “The Closing Door: North Korean Refugees Losing Escape Routes through Southeast Asia,” Center for Strategic and International Studies, *CogitAsia* (blog), February 20, 2020; Amnesty International, “North Korea 2019,” accessed February 28, 2020.

⁹ Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” accessed March 30, 2020; The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

¹⁰ Keith Zhai and Josh Smith, “With North Korea Border Shut, China Warns Citizens to Keep Away, or Else,” *Reuters*, March 5, 2020; Kang Buseong and Edward White, “Group of North Korean Women and Children Escape Coronavirus Lockdown,” *Financial Times*, March 14, 2020; Mun Dong Hui, “N. Korean Smuggler Executed after Crossing Sino-North Korean Border,” *Daily NK*, March 18, 2020.

¹¹ Jane Lee, “The Closing Door: North Korean Refugees Losing Escape Routes through Southeast Asia,” Center for Strategic and International Studies, *CogitAsia* (blog), February 20, 2020; Jared Ferrie, “North Korean Defectors Risk It All to Reach Thailand,” *Southeast Asia Globe*, December 19, 2019.

¹² Lee Sang Yong, “Chinese Authorities Move to Arrest North Koreans Overstaying Their Visas,” *Daily NK*, July 4, 2019.

¹³ *Ibid.*

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¹⁴Kang Mi Jin, “18 N. Koreans Attempt Mass Defection on New Year’s Day,” *Daily NK*, January 13, 2020.

¹⁵Ibid.

¹⁶Ibid.

¹⁷“Fifteen Repatriated North Korean Refugees Kept Quarantined for Coronavirus in ‘Dangerous’ Tuberculosis Hospital,” *Radio Free Asia*, February 7, 2020.

¹⁸Ibid.

¹⁹Jong So Yong, “N. Korea Refuses Repatriation of Defectors Imprisoned in Dandong,” *Daily NK*, March 4, 2020.

²⁰Ibid.

²¹UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, A/HRC/25/63, February 7, 2014, Annex II, 28; Jung-Hoon Lee and Joe Phillips, “Drawing the Line: Combating Atrocities in North Korea,” *Washington Quarterly* 39, no. 2 (2016): 62. See also “Seven Detained North Korean Defectors in China Face Repatriation,” *Radio Free Asia*, April 29, 2019.

²²UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/HRC/43/58, February 25, 2020; Letter from the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea Ojea Quintana to the United Nations Human Rights Council, UA CHN 20/2019, September 27, 2019; Letter from the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea Ojea Quintana to the United Nations Human Rights Council, UA CHN 19/2019, September 23, 2019; Letter from the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea Ojea Quintana to the United Nations Human Rights Council, UA CHN 13/2019, July 17, 2019.

²³Jang Seul Gi, “Is China’s Policy toward Female N. Korean Defectors Changing?” *Daily NK*, December 23, 2019; International Christian Concern, “China Deports Korean Missionaries Serving North Korean Defectors,” September 18, 2019.

²⁴“China Expells Hundreds of South Korean Christians,” *BosNewsLife*, December 10, 2017; Zhuang Ruimeng, “Missionaries Assisting North Korean Defectors Expelled from China” [Xiezhu tuobeizhe xuanjiaoshi zao Zhongguo quzhu], *Awakening News Networks*, November 9, 2017; Jon Rogers, “China Deports Christians for Supporting North Korea Defectors,” *Express*, October 31, 2017; Ha Yoon Ah, “Many Churches Assisting North Korean Defectors in China Close, Missionaries Say,” *Daily NK*, February 8, 2019. See also CECC, *2019 Annual Report*, November 18, 2019, 177; CECC, *2018 Annual Report*, October 10, 2018, 192; CECC, *2017 Annual Report*, October 5, 2017, 199.

²⁵William Gallo, “China Coronavirus Lockdown Complicates North Korea Refugee Journeys,” *Voice of America*, February 8, 2020.

²⁶Ibid.

²⁷See, e.g., Heather Barr, “China’s Bride Trafficking Problem,” *The Diplomat*, October 30, 2019; Desmond Ng, Ikhwan Rivai, and Melissa Chi, “Raped, Beaten and Sold in China: Vietnam’s Kidnapped Young Brides,” *Channel News Asia*, August 3, 2019. See also Robbie Gramer and Bethany Allen-Ebrahmanian, “With Human Trafficking Report, Tillerson Rebukes China on Human Rights,” *Foreign Policy*, June 27, 2017. See also Yoon Hee-soon, Korea Future Initiative, “Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China,” May 20, 2019.

²⁸UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/HRC/43/58, February 25, 2020, 8; Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” accessed March 30, 2020. South Korean Ministry of Unification data show that as of June 2019, 81 percent (845) of North Korean refugees (1,047) who entered South Korea in 2019 were females; and 72 percent (24,160) of all North Korean refugees (33,523) who entered South Korea since 1998 were females. See also Yoon Hee-soon, Korea Future Initiative, “Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China,” May 20, 2019.

²⁹UN General Assembly, Report on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/74/268, August 2, 2019; Choe Sang-Hun, “After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China,” *New York Times*, September 13, 2019. Amnesty International, “North Korea 2019,” accessed February 28, 2020.

³⁰UN General Assembly, Report on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/74/268, August 2, 2019; Choe Sang-Hun, “After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China,” *New York Times*, September 13, 2019; Phil Robertson, “North Korean Refugees Trapped by China’s Expanding Dagnet,” *Human Rights Watch*, September 18, 2017; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 13.

³¹Yoon Hee-soon, Korea Future Initiative, “Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China,” May 20, 2019.

³²Choe Sang-Hun, “After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China,” *New York Times*, September 2019; Joshua Berlinger, “Report Claims Thousands of North Korean Women Sold into Sex Slavery in China,” *CNN*, May 21, 2019; Emma Batha, “North Korean Women Tell of Slavery and Gang Rape in Chinese Cybersex Dens,” *Reuters*, May 20, 2019; Jung Da-min, “Young North Korean Defectors Fall Prey to Human Trafficking,” *Korea Times*, January 22, 2019.

³³Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed April 3, 2020. China signed the Convention on July 17, 1980, and ratified it on November 4, 1980. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the

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United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 6–9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, accessed June 4, 2020. China acceded to the Protocol on February 8, 2010.

³⁴Crossing Borders, “North Korean Orphans,” accessed April 2, 2020; Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, December 22, 2017; Rachel Judah, “On Kim Jong-un’s Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition,” *The Independent*, January 7, 2018.

³⁵*Zhonghua Renmin Gongheguo Guoji Fa* [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.”

³⁶UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/HRC/43/58, February 25, 2020; Crossing Borders, “North Korean Orphans,” accessed April 2, 2020.

³⁷UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/HRC/43/58, February 25, 2020; Crossing Borders, “North Korean Orphans,” accessed April 2, 2020.

³⁸Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality.