

## NORTH KOREAN REFUGEES IN CHINA

### *Findings*

- Chinese and North Korean authorities arranged the repatriation of reportedly 50 North Korean refugees in July 2021. Repatriated North Koreans remained vulnerable to torture, imprisonment, forced labor, and execution, and the Democratic People's Republic of Korea (DPRK) government signaled harsher punishment for escapees as well as family members within North Korean borders.
- In 2021, only 63 North Korean refugees were recorded as entering South Korea, compared to 229 in 2020 and 1,047 in 2019, the lowest since the South Korean Ministry of Reunification began recording the number of escapees in 1998. The coronavirus disease 2019 (COVID-19) pandemic and related border closures contributed to the decrease.
- The UN Security Council issued a Resolution in 2017 requiring Member States, which includes China, to repatriate North Korean nationals working overseas to the DPRK by December 2019. The Chinese government did not comply with this deadline to repatriate the approximately 20,000 to 100,000 North Koreans working in China as dispatch workers, many of whom are subjected to forced labor and abusive working conditions.
- Women remain the largest demographic of North Korean refugees leaving the DPRK for China and they continue to be vulnerable to human trafficking and forced and low-wage labor. The Chinese government's refusal to recognize survivors of trafficking and abuse prevents them from receiving legal protection or access to vital services.

### *Recommendations*

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

- Continue to designate the Chinese government as a "Tier 3" violator of human trafficking standards, noting not only the Chinese government's refusal to repatriate North Korean dispatch workers, but also its continued solicitation of such workers, especially women. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that Chinese companies and officials that employ dispatch workers are identified and sanctioned. Additionally, encourage designated State Department bureaus to pursue enforcement operations aimed at disrupting the DPRK government's international funding schemes involving products made with forced labor.
- Appoint and confirm a U.S. Special Envoy on North Korean Human Rights Issues, in recognition of the 2022 expiration of the North Korean Human Rights Act (22 U.S.C. 7814). Once appointed, the Special Envoy should work with South Korean counterparts to coordinate efforts related to humanitarian assistance and human rights promotion for North Korean refu-

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gees in China, in accordance with the North Korean Human Rights Reauthorization Act of 2017 (Public Law No. 115-198).

- 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; consider the feasibility of a partnership with non-governmental organizations and private individuals to sponsor North Korean refugees for resettlement in the United States or to coordinate resettlement in South Korea; 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 other countries, including South Korea.

- Urge Chinese authorities to grant legal status to North Korean women and men who marry or have children with People's Republic of China (PRC) 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.

## NORTH KOREAN REFUGEES IN CHINA

### *Introduction*

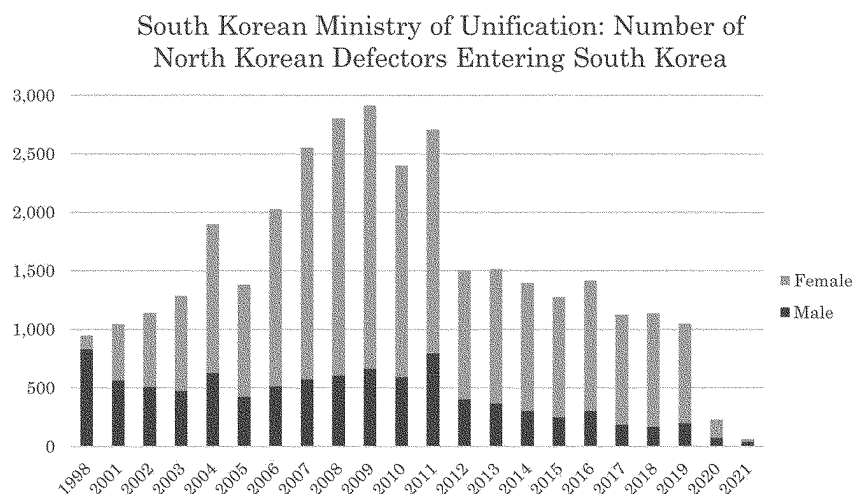
The Chinese government considers North Korean refugees in China to be illegal migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).<sup>1</sup> While the coronavirus disease 2019 (COVID-19) pandemic halted forced repatriations<sup>2</sup> during the DPRK's border closure from January 2020 through July 2021,<sup>3</sup> the Chinese government reportedly resumed repatriations in July 2021.<sup>4</sup> Repatriated North Koreans often face torture, imprisonment, forced labor, execution, and other inhumane treatment,<sup>5</sup> and the DPRK government's treatment of forcibly repatriated refugees renders North Koreans in China refugees *sur place*<sup>6</sup> who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.<sup>7</sup>

The Chinese government's forced 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.<sup>8</sup> Under the principle of non-refoulement, China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it has ratified, to refrain from forcibly repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."<sup>9</sup>

### *Border Conditions and Forced Repatriation of Refugees*

In 2021, 63 North Korean refugees reached South Korea, the lowest total in any year since South Korea's Ministry of Unification began recording arrivals in 1998.<sup>10</sup> The figure represents a 73-percent drop from 2020 and a 98-percent drop from the peak in 2009.<sup>11</sup> The substantial decrease in refugee flows since 2019 can be attributed to North Korean border controls, including alleged "shoot-on-sight" directives for border guards<sup>12</sup> and strict COVID-19 prevention measures within China that made domestic and international travel difficult.<sup>13</sup> Some North Koreans who fled to China faced difficulties traveling to a third country, placing them at risk of repatriation.<sup>14</sup>

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On August 23, 2021, several UN special rapporteurs wrote a letter to the DPRK government describing their concerns regarding a reported August 2020 proclamation on the use of lethal force against those making unauthorized entry into the buffer zone along the border of the DPRK.<sup>15</sup> In the letter, the experts requested clarification from the government on the alleged order, saying that if authentic, the order would violate rights guaranteed under international human rights law.<sup>16</sup>

Despite a city-wide lockdown related to COVID-19, on July 14, 2021, the Chinese government reportedly repatriated 50 North Korean refugees from Dandong municipality, Liaoning province, to the North Korean city of Sinuiju.<sup>17</sup> In his final report published in March 2022, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea estimated that Chinese authorities held in detention around 1,500 North Koreans who were at risk of repatriation.<sup>18</sup>

In October 2021, the Chinese government passed the PRC Land Borders Law which took effect on January 1, 2022.<sup>19</sup> The law was reportedly influenced by concerns over the COVID-19 pandemic, longstanding territory issues with India, and concerns regarding the Taliban takeover in Afghanistan.<sup>20</sup> The law states that the government will “take effective measures to resolutely protect territorial sovereignty and land border security.”<sup>21</sup> According to a policy expert, the codification of the Land Borders Law could embolden the Chinese government to use “national security” as justification for the continued “unlawful treatment and repatriation” of North Korean defectors.<sup>22</sup>

### *North Korean Workers in China*

In their March 2022 final report, the UN Panel of Experts on North Korea found sufficient evidence that DPRK entities dispatched North Korean workers to China despite a 2017 UN order that the Chinese government repatriate them—with limited excep-

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tions—to the DPRK.<sup>23</sup> The UN Security Council issued a Resolution in 2017 requiring Member States, which includes China, to repatriate North Korean nationals working overseas to the DPRK by December 2019.<sup>24</sup> The Chinese government, however, did not comply with the deadline.<sup>25</sup> According to the Daily NK, in early March 2022, DPRK authorities issued an order directed at dispatch workers in at least one Chinese province indicating that they should be prevented from leaving their worksites.<sup>26</sup> Additionally, the U.S. State Department reported in its 2022 Trafficking in Persons Report that approximately 20,000 to 100,000 North Korean workers remained in China, where many are subjected to forced labor and abusive working conditions.<sup>27</sup>

### *Trafficking of North Korean Women*

North Korean women who enter China as refugees, defectors, or dispatch workers on behalf of the DPRK government remain vulnerable to human trafficking. The South Korean Ministry of Unification reports that the majority of North Korean refugees have been women since it began recording arrivals of refugees in 1998.<sup>28</sup> In addition, businesses located in China continued to employ North Korean workers, including women, who were not refugees or defectors.<sup>29</sup> While working in China, dispatch workers are subjected to mistreatment that the International Labour Organization identifies as forced labor, which is a form of human trafficking.<sup>30</sup> Reporting has suggested that the trafficking of North Korean women can be linked to the sex ratio imbalance caused by the Chinese government's restrictive population policies, with many North Korean women trafficked for purposes of forced marriages with Chinese men and sexual exploitation.<sup>31</sup>

### *Children of North Korean and Chinese Parents*

Children born to undocumented North Korean mothers and Chinese fathers continue to be deprived of legal protections guaranteed under Chinese law.<sup>32</sup> Estimates suggest that approximately 30,000 unregistered children in China have been born to North Korean mothers and Chinese fathers.<sup>33</sup> The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen,<sup>34</sup> but the parents of such children are often unable to obtain birth registration or nationality documents.<sup>35</sup> Some Chinese fathers have reportedly avoided registering children in order to keep their undocumented partner's status unknown to authorities.<sup>36</sup> Without proof of resident status, these children often find it difficult to access education and other public services.<sup>37</sup> The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.<sup>38</sup> Despite some North Korean women having lived in China for years with their Chinese husbands and children, authorities detained several of these women this past year and reportedly planned to repatriate them to North Korea.<sup>39</sup>

### Notes to Section VIII—North Korean Refugees in China

<sup>1</sup> UN General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Office of the UN 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." 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 Diqiu 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."

<sup>2</sup> Jong So Yong, "N. Korea Refuses Repatriation of Defectors Imprisoned in Dandong," *Daily NK*, March 4, 2020.

<sup>3</sup> Lina Yoon, Human Rights Watch, "China Restarts Forced Returns of Refugees to North Korea," July 22, 2021.

<sup>4</sup> "Concern About Fate of 50 North Korean Escapees Sent Home by China," *Radio Free Asia*, July 20, 2021.

<sup>5</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2021—Democratic People's Republic of Korea," April 12, 2022, 3, 6, 7, 15, 20, 37; UN General Assembly, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/76/392, October 8, 2021, paras. 8, 13, 19; Amnesty International, Amnesty International Report 2021/22: The State of the World's Human Rights, POL 10/4870/2022, March 29, 2022, 280–82; Office of the UN High Commissioner for Human Rights, "'I Still Feel the Pain . . .,' Human Rights Violations against Women Detained in the Democratic People's Republic of Korea," July 28, 2020, paras. 23, 65, 67, 80; Office of the UN High Commissioner for Human Rights, "Report: Women Detainees Face Serious Human Rights Violations," July 28, 2020.

<sup>6</sup> UN High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21.

<sup>7</sup> 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; Jeong Eun Lee and Jeong Yon Park, "Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives," *Radio Free Asia*, November 15, 2021.

<sup>8</sup> 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 1, 2021. 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, art. 1; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

<sup>9</sup> 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 1, 2021. 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.

<sup>10</sup> Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

<sup>11</sup> Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

<sup>12</sup> "U.N. Asks North Korea to Clarify Alleged Shoot-on-Sight Orders," *Los Angeles Times*, August 27, 2021; Yuna Ha, "N. Korea Sets up 'Strict Security Zones' on Sino-North Korean Border," *Daily NK*, September 7, 2020.

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<sup>13</sup> Arendse Huld, “China Travel Restrictions 2021/2022: An Explainer,” Dezan Shira & Associates, *China Briefing*, July 21, 2022; “Chinese Embassy in Laos Cracks down Soaring Intl. Air Ticket Prices,” *Global Times*, December 22, 2021; “Concern About Fate of 50 North Korean Escapees Sent Home by China,” *Radio Free Asia*, July 20, 2021; Civil Aviation Administration of China, “Notice on Further Reducing International Passenger Flights during the Epidemic Prevention and Control Period,” March 26, 2020. For more information concerning containment and surveillance measures used by the Chinese government during the coronavirus disease 2019 (COVID-19) pandemic, see CECC, *2020 Annual Report*, December 2020, 203–4.

<sup>14</sup> “Concern About Fate of 50 North Korean Escapees Sent Home by China,” *Radio Free Asia*, July 20, 2021.

<sup>15</sup> Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, OL PRK 5/2021, August 23, 2021; Kim Tong-hyung, “UN Asks North Korea to Clarify Alleged Shoot-on-Sight Orders,” *Associated Press*, reprinted in *Los Angeles Times*, August 27, 2021.

<sup>16</sup> Office of the UN High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on the situation of Human Rights in the Democratic People’s Republic of Korea; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, OL PRK 5/2021, August 23, 2021; Kim Tong-hyung, “UN Asks North Korea to Clarify Alleged Shoot-on-Sight Orders,” *Associated Press*, reprinted in *Los Angeles Times*, August 27, 2021.

<sup>17</sup> “Concern About Fate of 50 North Korean Escapees Sent Home by China,” *Radio Free Asia*, July 20, 2021.

<sup>18</sup> UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, A/HRC/49/74, March 17, 2022; Josh Smith and Sunghyuk An, “Kim Jong Un’s Crackdowns Leave North Korea Defectors with Little Hope,” *Reuters*, December 16, 2021.

<sup>19</sup> *Zhonghua Renmin Gongheguo Ludi Guojie Fa* [PRC Land Borders Law], passed October 23, 2021, effective January 1, 2022.

<sup>20</sup> Ralph Jennings, “What Does China’s New Land Borders Law Mean for Its Neighbors?” *Voice of America*, November 5, 2021.

<sup>21</sup> *Zhonghua Renmin Gongheguo Ludi Guojie Fa* [PRC Land Borders Law], passed October 23, 2021, effective January 1, 2022, art. 4. See also “China Adopts Land Borders Law,” *Xinhua*, October 23, 2021.

<sup>22</sup> Jason Bartlett, “China’s New Land Borders Law Is a Nightmare for North Korean Refugees,” *The Diplomat*, October 21, 2021. See also Shuxian Luo, “China’s Land Border Law: A Preliminary Assessment,” Brookings Institution, *Order from Chaos* (blog), November 4, 2021.

<sup>23</sup> Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—North Korea,” July 2022, 327. See also Jieun Kim, “North Korean Labor Managers in China Demand More Money as Job Market Tightens,” *Radio Free Asia*, May 11, 2022.

<sup>24</sup> UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8. China is a member of the United Nations Security Council. UN Security Council, “Current Members,” accessed July 26, 2022.

<sup>25</sup> Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; David Brunnstrom, “China Fails to Repatriate North Korea Workers despite UN Sanctions: U.S. Official,” *Reuters*, January 22, 2020.

<sup>26</sup> Seulkee Jang, “N. Korean Workers in China Have Become ‘Virtual Prisoners’ Confined to Their Dorms and Workplaces,” *Daily NK*, April 7, 2022. See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 327.

<sup>27</sup> Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 327; Panel of Experts Established Pursuant to UN Security Council Resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168, 170, 172, Annex 78; UN Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Countering America’s Adversaries Through Sanctions Act, 22 U.S.C. § 9401, sec. 302(a). Reports this past year indicated that North Korean workers remained in China despite the December 2019 deadline. See, e.g., Hyemin Son and Jeong Eun Lee, “North Korean Workers and Their Manager Disappear from Shanghai Dormitory,” *Radio Free Asia*, April 20, 2022; Seulkee Jang, “North Korea May Be Preparing to Repatriate Some Workers from China,” *Daily NK*, August 3, 2021.

<sup>28</sup> Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” accessed March 15, 2022. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

<sup>29</sup> Seulkee Jang, “N. Korean Workers in China Have Become ‘Virtual Prisoners’ Confined to Their Dorms and Workplaces,” *Daily NK*, April 7, 2022; Hyemin Son and Jeong Eun Lee, “North Korean Workers and Their Manager Disappear from Shanghai Dormitory,” *Radio Free Asia*, March 22, 2022; “North Korea to Replace 10,000 Workers Dispatched to China,” *Radio Free Asia*, June 23, 2021; Hyemin Son, “North Korean Waitresses in China Are Made to Work without Masks,” *Radio Free Asia*, December 2, 2021; “North Korea Dispatches 2,000 Additional Workers to China,” *Daily NK*, October 30, 2019.

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<sup>30</sup>Deception, restriction of movement, intimidation, threats, withholding of wages, abusive working and living conditions, and excessive overtime are all indicators of forced labor according to the International Labour Organization. International Labour Organization, “ILO Indicators of Forced Labor,” October 1, 2012, 1, 2, 3, 5, 7, 13, 17, 21, 23. Hyemin Son, “North Korean Waitresses in China Are Made to Work without Masks,” *Radio Free Asia*, December 2, 2021; Anu Singh et al., “Canadian Brands Sold Clothing from Factory Suspected of Secretly Using North Korean Forced Labour,” *CBC*, November 6, 2021; Hyemin Son and Jeong Eun Lee, “North Korean Workers and Their Manager Disappear from Shanghai Dormitory,” *Radio Free Asia*, March 22, 2022; Panel of Experts established pursuant to UN Security Council resolution 1874 (2009), Final Report of the Panel of Experts Submitted Pursuant to Resolution 2569 (2021), S/2022/132, March 1, 2022, paras. 168–70, Annexes 78, 79; Lam Ka-sing, “Li Ning Refutes US Claim of Using North Korean Forced Labour,” *South China Morning Post*, March 17, 2022; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the 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, art. 3(a). See also Countering America’s Adversaries Through Sanctions Act, 22 U.S.C. §9401, sec. 302(a); Teodora Gyupchanova, “Labor and Human Rights Conditions of North Korean Workers Dispatched Overseas: A Look at the DPRK’s Exploitative Practices in Russia, Poland, and Mongolia,” *Cornell International Law Journal* 51, no. 1 (Winter 2018): 184, 186–87.

<sup>31</sup>All Party Parliamentary Group for North Korea, “APPG on North Korea: Inquiry into Human Rights Violations in North Korea 2014-2020/1,” July 2021, 50. Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 176–77, 327–28.

<sup>32</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 176, 328.

<sup>33</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 328. See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016.

<sup>34</sup>*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.”

<sup>35</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 328; See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016.

<sup>36</sup>Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2021—China (Includes Tibet, Hong Kong and Macau),” April 12, 2022, 60.

<sup>37</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report: North Korea,” July 2022, 328; Eduardo Jaramillo, “China’s Hukou Reform in 2022: Do They Mean It This Time?,” Center for Strategic and International Studies, *New Perspectives on Asia* (blog), April 20, 2022; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2021—China (Includes Tibet, Hong Kong and Macau),” April 12, 2022, 60. See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016.

<sup>38</sup>Convention 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 to provide all children with access to education without discrimination on the basis of nationality. International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 24.

<sup>39</sup>Jeong Yon Park, “North Korean Wives of Chinese Men Asked to Apply for Temporary ID Cards,” *Radio Free Asia*, November 29, 2021; Jeong Eun Lee and Jeong Yon Park, “Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives,” *Radio Free Asia*, November 15, 2021; “Arrests of North Korean Wives of Chinese Men Spook Refugee Community,” *Radio Free Asia*, August 20, 2021.