



Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Democratic People's Republic of Korea and Republic of Korea: Whether there are any limitations on the eligibility for citizens of the Democratic People's Republic of Korea (North Korea) to obtain citizenship in the Republic of Korea (South Korea), including any restrictions on resettlement support provided by South Korea; whether living in a third country for an extended period of time affects the eligibility of a North Korean to obtain South Korean citizenship (2010-July 2013)

Publisher [Canada: Immigration and Refugee Board of Canada](#)

Publication
Date 2 August 2013

Citation /
Document ZZZ104514.E
Symbol

Related
Document [République populaire démocratique de Corée et République de Corée : information indiquant s'il y a des restrictions en matière d'admissibilité pour les citoyens de la République populaire démocratique de Corée \(Corée du Nord\) qui désirent obtenir la citoyenneté de la République de Corée \(Corée du Sud\), y compris s'il y a des restrictions par rapport au soutien à la réinstallation qu'offre la Corée du Sud; si le fait de vivre dans un tiers pays pendant une période prolongée a une incidence sur l'admissibilité d'un Nord-Coréen à l'obtention de la citoyenneté sud-coréenne \(2010-juillet 2013\)](#)

Cite as Canada: Immigration and Refugee Board of Canada, *Democratic People's Republic of Korea and Republic of Korea: Whether there are any limitations on the eligibility for citizens of the Democratic People's Republic of Korea (North Korea) to obtain citizenship in the Republic of Korea (South Korea), including any restrictions on resettlement support provided by South Korea; whether living in a third country for an extended period of time affects the eligibility of a North Korean to obtain South Korean citizenship (2010-July 2013)*, 2 August 2013, ZZZ104514.E , available at: <http://www.refworld.org/docid/52b1797f4.html> [accessed 19 June 2015]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

1. Limitations for North Koreans to Obtain South Korean Citizenship

In a telephone interview with the Research Directorate, an official at the Embassy of South Korea said that there are no limitations on the eligibility of South Korean citizenship for persons born in North Korea (Republic of Korea 16 July 2013). Several sources corroborated this information, including the Executive Director of the Committee for Human Rights in North Korea (HRNK), a Washington-based NGO that publishes on the human rights situation in North Korea (HRNK 11 July 2013), a professor of Korean history at Columbia University (Professor 10 July 2013), and the Director of Research and Strategy of Liberty in North Korea (LiNK), a US- and Seoul-based NGO that provides emergency resettlement services to North Korean refugees (LiNK 7 July 2013). Sources indicate that citizens of North Korea are recognized as citizens of the Republic of Korea in the Constitution (ibid.; HRNK 11 July 2013; Han Voice 19 July 2013; Republic of Korea 16 July 2013). Article 3 of the Constitution states, "The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands" (Republic of Korea 1987).

The Director of Research and Strategy at LiNK explained that in order for North Koreans to be accepted as citizens of South Korea,

they have to be established as in fact coming from North Korea (and not for instance being ethnic-Korean Chinese), and be established as freely expressing a desire to go to South Korea, which requires an investigation by ROK [Republic of Korea] government officials. On arrival in South Korea, they undergo an investigation by the ROK National Intelligence Service designed to identify North Korean spies who are trying to enter South Korea disguised as defectors. After the ROK government is satisfied that the person is actually from North Korea and is not a spy, and after they pass through the Hanawon resettlement education facility for three months of readjustment education and training, defectors are free to live in South Korean society as citizens of the ROK. (LiNK 7 July 2013)

In correspondence with the Research Directorate, the Executive Director of the HanVoice Support Association, a Toronto-based NGO that provides support to North Korean refugees through public awareness, policy change and resettlement efforts, said that there may be some circumstances in which the South Korean government may deny citizenship or access to South Korea to a North Korean defector, such as for security reasons (HanVoice 19 July 2013). According to the Seoul-based DailyNK, approximately 90 percent of North Korean defectors who resettle in South Korea come through the immigration detention centre in Bangkok, Thailand (26 Oct. 2012). The Executive Director of HanVoice explained that at the immigration detention centre,

... South Korea will conduct interviews and assessments to determine the legitimacy of their claim, assess any security threats, and make the determination as to whether to send them to South Korea where they are interviewed, processed, and trained/educated further at the Hanawon resettlement center (run by South Korea's Ministry of Unification). If at any point of the processing in Thailand or in South Korea a security threat or other issue is identified, the government may deny citizenship and access to South Korea. (HanVoice 19 July 2013)

For his part, the Executive Director of HRNK said that "[i]f, after the debriefing conducted by relevant ROK government agencies, it is established that the respective North Korean defector is not an agent of the DPRK [Democratic People's Republic of Korea] trying to pose as a refugee to infiltrate the ROK, it is certain that ROK citizenship will be granted" (11 July 2013)

2. Restrictions on Resettlement Support Provided by South Korea

Information about restrictions on resettlement support was scarce among the sources consulted by the Research Directorate. According to the Executive Director of HanVoice, there are a variety of resettlement support programs for North Koreans provided by South Korea, which differ in length and eligibility, "and depend on criteria such as age, income, disability, presence of dependents, etc." (19 July 2013). In a report entitled *Strangers at Home: North Koreans in the South*, the

International Crisis Group provides details on the orientation received at Hanawon and additional long-term support for North Korean defectors (International Crisis Group 14 July 2011, 22-23). The Director of Research and Strategy at LiNK said that he was aware of some situations in which North Koreans were allowed to resettle in South Korea through the process but were not granted resettlement support because they were convicted of "serious" crimes in North Korea (7 July 2013). The same source said that he believed that residing in China for a long period, such as more than ten years, might affect the level of resettlement support granted by the South Korean government (LiNK 7 July 2013). This information could not be corroborated among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Whether Living in a Third Country Affects Eligibility

3.1 General Policy

Sources consulted by the Research Directorate agree that living in a third country does not officially affect eligibility for South Korean citizenship provided that the person did not obtain citizenship in the third country (Republic of Korea 16 July 2013; Professor 10 July 2013; HanVoice 19 July 2013; LiNK 7 July 2013). According to the HanVoice Executive Director, South Korean authorities interviewing North Korean defectors in Thailand and at Hanawon ask about the activities and location of the claimant from the time of defection until the time of the claim (19 July 2013). The same source indicated that the duration North Korean defectors spend in transit countries varies; some spend less than six months, while many spend more than three years (HanVoice 19 July 2013).

3.2 Living in China as a Transit Country

Several representatives of NGOs working with North Korean refugees were aware of cases in which North Koreans who spent several years in China prior to defecting were granted South Korean citizenship (LiNK 7 July 2013; HanVoice 19 July 2013; HRNK 11 July 2013). The HRNK Executive Director knew of a case in which a North Korean citizen who lived in China for eight years prior to defecting, obtained South Korean citizenship (ibid.). He said that he knew of "numerous such cases" (ibid.). Similarly, the HanVoice executive director said that some defectors had been granted citizenship after living in China for over ten years (19 July 2013).

While the LiNK Director of Research and Strategy was aware of cases in which defectors who had lived in China for ten years were granted South Korean citizenship, he also cited a case in which an old woman who had lived in China for approximately ten years was denied entry to South Korea because she had obtained "fake Chinese 'Hukou' household registration papers" (7 July 2013). He noted, though, that he does not know if this case reflects official policy (LiNK 7 July 2013).

The LiNK Director of Research and Strategy explained that "for some who leave North Korea by themselves at an early age and spend several years in China before arriving in South Korea, it may be hard for them to prove to the South Korean authorities that they were in fact born in North Korea" (ibid.). Similarly, the Executive Director of HanVoice said:

Given prior cases of ethnic Koreans living in China (namely from the Yanbian Korean Autonomous Prefecture) attempting to make claims as North Koreans, greater scrutiny of claimants who have spent longer times in China is likely. This may result in increased time in processing, interviewing, and assessment for these claimants. (19 July 2013)

For further information about the procedures for North Koreans to obtain South Korean citizenship and the methods of establishing North Korean identity, see Response to Information Request ZZZ104246 of 18 December 2012.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Committee for Human Rights in North Korea (HRNK). 11 July 2013. Correspondence from the Executive Director to the Research Directorate.

DailyNK [Seoul]. 26 October 2012. Cho Jong Ik. "Tough Life in a Hot, Cramped Safe Haven." [Accessed 2 Aug. 2013]

HanVoice Support Association. 19 July 2013. Correspondence from the Executive Director to the Research Directorate.

International Crisis Group. 14 July 2011. Strangers at Home: North Koreans in the South. Asia Report No. 208. [Accessed 29 July 2013]

Liberty in North Korea (LiNK). 7 July 2013. Correspondence from the Director of Research and Strategy to the Research Directorate.

Professor of Korean History, Columbia University. 10 July 2013. Correspondence with the Research Directorate.

Republic of Korea. 16 July 2013. Embassy of the Republic of Korea in Ottawa. Telephone interview.

_____. 1987. The Constitution of the Republic of Korea. [Accessed 29 July 2013]

Additional Sources Consulted

Oral sources: Attempts to contact representatives of the following organizations were unsuccessful: International Crisis Group; Institute for Peace and Unification Studies, Seoul National University; US Korea Institute at School of Advanced International Studies, Johns Hopkins University. Two professors who specialize in Korea were unable to provide information.

Internet sites, including: ecoi.net; Factiva; Korea Institute for National Unification; Republic of Korea - Korea.net, Ministry of Unification; US Korea Institute at School of Advanced International Studies, Johns Hopkins University; UN - Refworld.

Copyright notice: This document is published with the permission of the copyright holder and producer Immigration and Refugee Board of Canada (IRB). The original version of this document may be found on the official website of the IRB at <http://www.irb-cisr.gc.ca/en/>. Documents earlier than 2003 may be found only on Refworld.

Search Refworld

by keyword

and / or country ▼

[Advanced Search](#) | [Search Tips](#)

Countries

- [Korea, Democratic People's Republic of](#)
- [Korea, Republic of](#)

Topics

- [Citizenship / Nationality law](#)