



# **North Korean Refugee Resettlement in the United States: History, Challenges and Prospects**

**Presentation to the Korea Club  
by  
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## Agenda

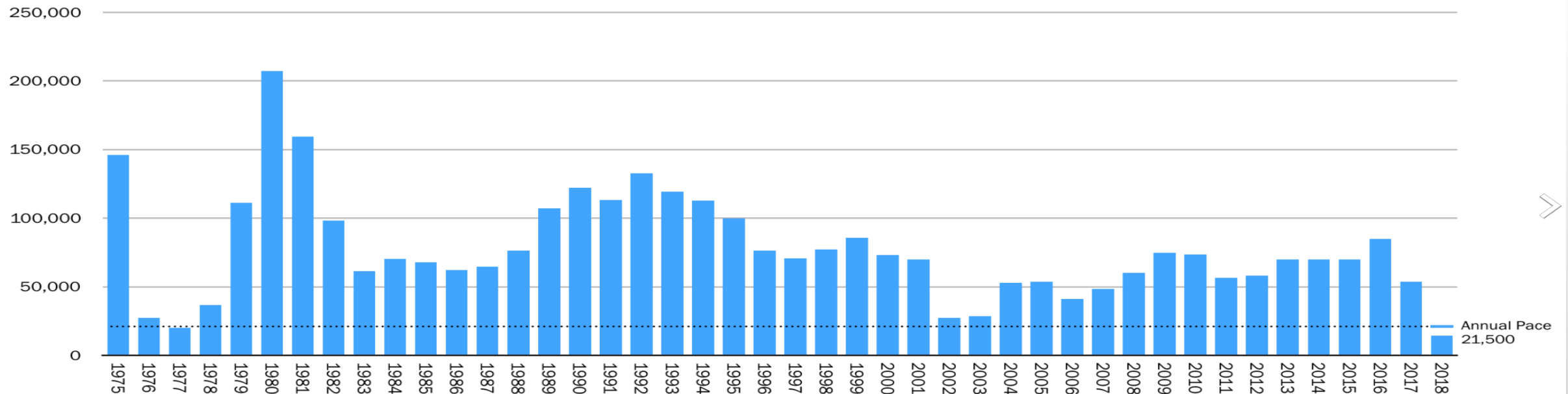
- **The Beginning: The North Korean Human Rights Act of 2004**
- **North Korean refugee resettlement in the U.S. since the enactment of the Human Rights Act**
- **The typical process: refugee arrival to U.S. citizenship**
- **Other pathways to lawful status in the U.S. for North Korean refugees**
- **Challenges and hopes for the future**



# North Korean Human Rights Act of 2004

- U.S. refugee policy has been historically generous, reaching a high of over 200,000 refugee admissions in 1980
- Lows of 20,000-25,000 in 1976 - 78, 2002 - 03 and in 2018.

Refugee Admissions to the United States, 1975–May 31, 2018



**Source:** Refugee Processing Center, US Department of State, "Historical Arrivals Broken Down by Region (1975 - Present)," <http://www.wrapsnet.org/admissions-and-arrivals/> **Fiscal Year-To-Date 2018** covers October 1, 2017 - May 31, 2018.



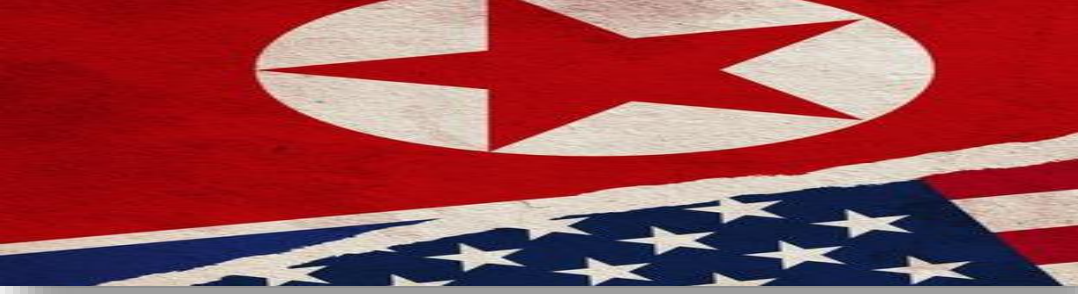
## North Korean Human Rights Act of 2004

- **Despite generous refugee policy and relatively large number of refugee admissions over the past four decades, the U.S. historically admitted very few North Korean nationals.**
- **This is true for multiple reasons, but the most significant is the concept of “firm resettlement” in U.S. immigration law.**
- **The North Korean Human Rights Act changed this, and the change gradually opened the doors to new North Korean refugees.**



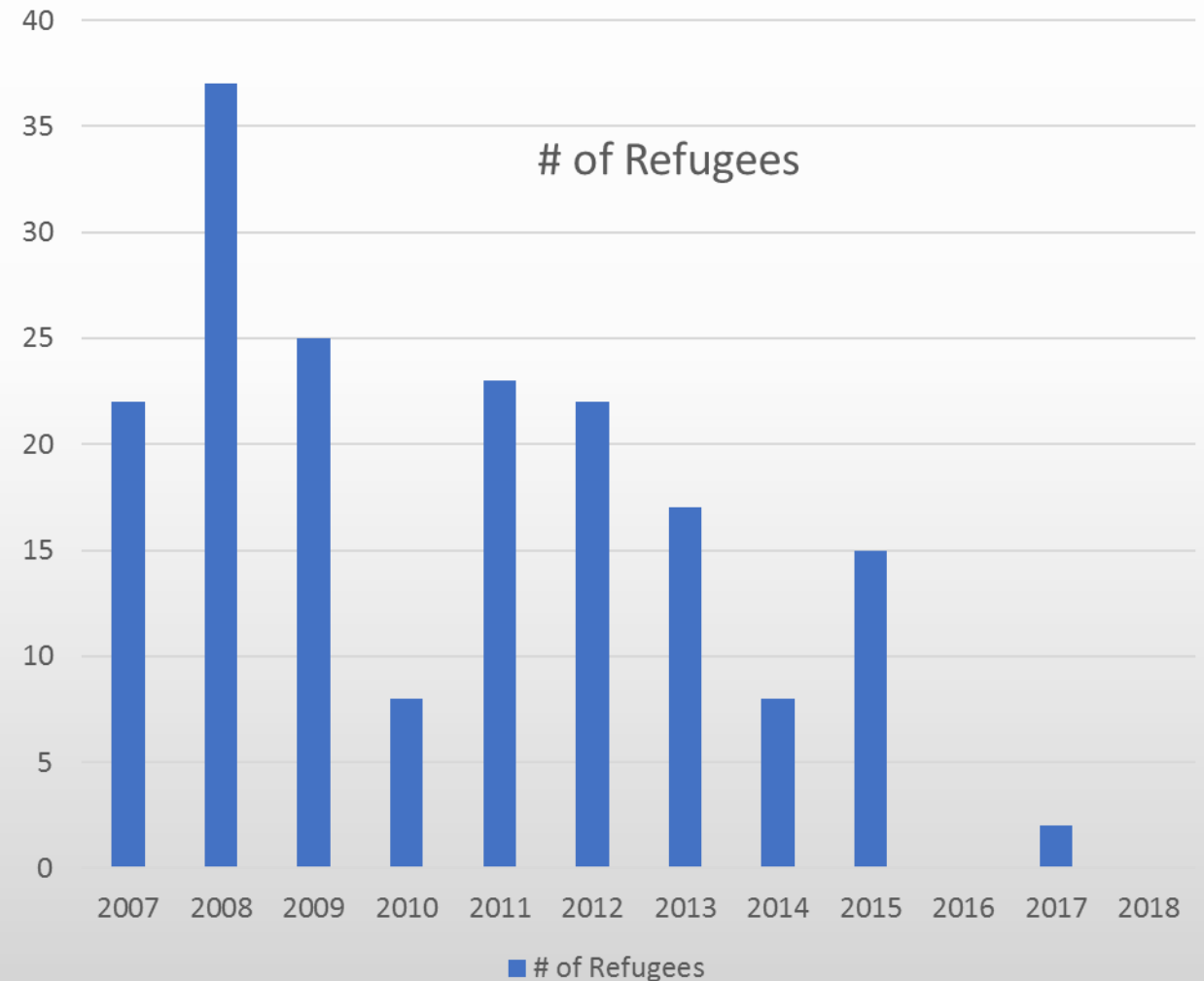
## North Korean Human Rights Act of 2004

- **In general, under U.S. immigration law, an individual cannot qualify for refugee status if they have been “firmly resettled” in another country prior to arrival in the US.**
  - Because North Koreans are, under the South Korean Constitution, considered South Korean citizens, U.S. immigration law created a presumption that North Korean refugees had been firmly resettled, and therefore had no basis to claim refugee status in the U.S.
- **This changed in the NKHRA. Section 302(b) of that Act expressly states that for purposes of determining refugee or asylum status, a national of North Korea “shall not be considered a national of the Republic of Korea.”**



# North Korean Refugee Resettlement in the U.S. Since Enactment of the NKHRA

- **President George W. Bush signed the North Korean Human Rights Act on October 18, 2004. Within a couple of years, admission of North Korean refugees began to slowly tick up**
- **As of October 24, there have been 222 North Korean refugees admitted to the U.S. since 2004.**





## Pathway From Arrival to U.S. Citizenship

- **Once a North Korean national is granted refugee status by the UNHCR they can select admission to the U.S., and after a vetting process, can come here.**
- **A refugee must show that they are:**
  - Outside of their country of nationality and unwilling to return there
  - Due to a well-founded fear of persecution
  - Based on race, religion, nationality, political opinion, membership in a particular social group
- **Once arriving in the U.S., a refugee is resettled in a community, but is free to travel within the U.S.**



## Pathway From Arrival to U.S. Citizenship

- **Refugees qualify for work authorization immediately**
- **After one year, refugees can apply to adjust status and become a permanent resident (Green Card holder).**
  - Time from application to adjust status to approval is nine months – one year
  - At this point, the refugee can apply for travel authorization to depart from the U.S. (no U.S. passport until naturalization)
- **After five years, refugees can apply to naturalize as a U.S. citizen**
  - Time from application to naturalize to oath ceremony is 6 – 9 months
  - Involves in-person interview, test of English language proficiency and understanding of U.S. history/civics
  - Upon naturalization, eligible to apply for U.S. passport, register to vote





## My Own Experiences

- **Assisted 35 North Korean refugees with immigration matters;**
- **Helped 16 North Korean refugees to become U.S. citizens;**
- **Helped 6 North Korean refugees to obtain green cards;**
- **Currently advising 8 North Korean refugees who have applied for citizenship or green cards; and**
- **Currently representing 5 North Korean defectors who have claimed asylum and whose cases are pending in Immigration Court or administrative proceedings.**



# Pathway From Arrival to U.S. Citizenship

- **Some anecdotes ...**

- Verb tenses and the reluctant Communist....
- Did you really want to leave North Korea ....
- The 27<sup>th</sup> Amendment to the U.S. Constitution ....
- The North Korean Goo Goo Dolls fan ....
- The Korean judge and the North Korean refugee ....



## Other Pathways to Lawful Status for North Korean Refugees

- **Asylum claim based on ability to leave North Korea**
  - Likely only available to high-ranking officials in Kim regime
- **Asylum claim based on current situation in South Korea**
- **Marriage to a U.S. citizen**
- **Sponsorship through employment**



# Challenges and Hopes for the Future

- **North Korean refugees face enormous challenges coming to the U.S.**
  - Language
  - Economic challenges
  - Access to health care
  - Inability to come to the U.S. (travel ban)
  - Culture
  - Understanding the "American way"
- **That said ...**
  - Organizations exist to help ease the transition (ENoK)
  - Bush Center scholarships
  - Instinctive desire of North Korean refugees to want to succeed, achieve



## Concluding Thoughts

“Dear Mr. Thomas Barker:

“I went to Chicago Downtown yesterday to attend the ceremony. I was there with [my new wife]. Today, I became U.S. citizen now. I am exciting to let you know that I registered for vote. I am really appreciate your help. I will work hard and help others. It was one of my unforgettable moment in my life. Thank You so much Mr. Barker. I am so happy in this moment.”