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North Korean Human Rights and Refugee Resettlement in the United States: A Slow and Quiet Progress



By Jane Kim

I. INTRODUCTION

Shocking images of emaciated children, gruesome stories of dead bodies floating down rivers, and disturbing facts about secret gulags or prison camps have captured the world's attention as increasing numbers of people begin to decry the atrocious situation inside the Democratic People's Republic of Korea (DPRK or North Korea). Humanitarian workers and human rights activists are leading concerted efforts to raise awareness about North Korea within a non-security framework while acknowledging the implications of a potentially nuclear country.

The campaign to shed light on the human rights atrocities both within North Korea as well as against North Koreans abroad, has won small victories over the past few years. Governments are now not only conscious of and include human rights in their dialogue with North Korea but also debate concrete solutions for the safety and security of North Korean refugees who risk great punishment if caught leaving their country. Thus, a large portion of today's debate regarding North Korean refugees centers on their resettlement in other countries. Although the Republic of Korea (ROK or South Korea) is the country of choice for most defectors, the North Korean Human Rights Act passed by the U.S. Congress in 2004 opened new opportunities for North Korean defectors to resettle in the

United States.

This paper looks into the North Korean refugee resettlement issue, particularly in the United States. More specifically, it examines the North Korean Human Rights Act of 2004; its significance and shortcomings. It also examines events that occurred in 2008 that have impacted North Korean refugee resettlement.

II. BACKGROUND

The egregious human rights conditions in North Korea have prompted various individuals and entities including grassroots organizations, nongovernmental organizations (NGOs) and governments to take action. Individuals such as Reverend Tim Peters and German doctor Norbert Vollertsen have dedicated their lives to North Korean human rights; grassroots efforts created Liberty in North Korea (LiNK), an organization with more than forty chapters on college campuses across the United States promoting freedom and justice for North Koreans; NGOs working in China and other transit countries have created a modern-day “underground railroad” to assist the passage of North Koreans to destinations where they are able to apply for asylum; governments such as the European Union are proactively educating themselves through witness testimonies; the United Nations High Commissioner for Refugees (UNHCR) and the UN Human Rights Council passed a resolution on April 15, 2004, to appoint a special rapporteur on the situation of human rights in North Korea, who later that year emphasized the “necessity for approving a refugee status, protecting the [North Korean] defectors and prohibiting deportation” during a UN General Assembly.

Efforts to shed light on the human rights violations committed against North Koreans by the North Korean government, have also revealed the violations against the possibly hundreds of thousands of North Korean defectors who currently reside outside the DPRK. In 2007, Vitit Muntarbhorn, UN Special Rapporteur on the Situation of Human Rights in the Democratic People’s Republic of Korea, found that many are in horrific circumstances; many are subjected to such atrocities as extortion, human trafficking, forced marriage, prostitution and forced labor. Although defectors are also in transit in countries such as Russia, Mongolia and Thailand, China remains the main country of focus since the vast

majority of defectors who escape from North Korea enter China first.

Despite having accepted the 1951 UN Convention on the Status of Refugees and the 1967 Protocol, China views North Korean defectors as illegal economic migrants, forcibly repatriating them when caught, denying the UNHCR access to such persons, and thus preventing them the opportunity to apply for or be legally granted refugee status. The Refugee Convention and Protocol designate as a refugee “any person who, owing to a 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, unwilling to avail himself of the protection of that country.” The Chinese currently turn a blind eye to the fact that repatriated defectors qualify as *refugees sur place* because they face harsh punishment upon repatriation. Despite credible findings by organizations such as the UNHCR, International Crisis Group, and the U.S.-based Congressional Research Service, China continues to categorize North Korean defectors as economic migrants.

However, despite harsh criticism of China’s treatment of North Koreans, the UN also denies North Korean defectors official refugee status for two main reasons. First, some North Koreans have fled from the DPRK “to seek food and other basic necessities of life they have found increasingly difficult to obtain at home” as a result of the period of famine during the 1990s. To some, this means that these North Koreans are not people “leaving or remaining outside their country on account of a well-founded fear of being persecuted for the five reasons specified in international refugee law,” but rather, are economic migrants. Despite this technicality, the UNHCR recognizes the fact that the very act of leaving the country subjects defectors to possible refoulement (the forced repatriation of persons who have the right to be recognized as refugees), or persecution upon return, and makes the defectors eligible for status as *refugees sur place*. Therefore, as was reemphasized by UNHCR South Korea Representative Janice L. Marshall in 2007, the UNHCR believes each application for refugee status should be examined on a case-by-case basis. This approach is further supported by research from UN Special Rapporteur Vitit Muntarbhorn, who found that there may be differences in the degree of punishment received by the returned defector depending on the perceived reasons for defection. Intent for defection was often determined by the affiliations or relationships refugees had formed once outside the DPRK. Those

who had engaged with political and religious groups upon defection, regardless of original motives for defecting, were treated more harshly than those whose intent of defection was concluded as hunger. The punishment varied as greatly as questioning by authorities, incarceration or execution.

Second, the UN withholds refugee status from North Korean defectors based on Article 1 A(2) of the 1951 Convention, which excludes those with dual nationality who have the ability to seek protection from the other nationality. According to South Korea's Constitution, any person born of Korean parents or born on the territory of the Republic of Korea (which, according to the Constitution, includes the entire Korean peninsula and its adjacent islands) is a South Korean citizen at birth, technically including North Koreans. The UNHCR is aware that in reality, it is incredibly difficult for most North Koreans to receive tangible protection from South Korea while in China because of political and diplomatic reasons. Therefore, the UNHCR generally strives to help North Koreans better access South Korean support and protection, albeit "behind the scenes," according to Representative Marshall.

Although there is no internationally-accepted legal status for North Korean defectors outside the DPRK, some countries have taken strong stances on providing permanent opportunities for refugee protection and safety via resettlement. One such country, and the main country in which North Korean defectors seek resettlement, is South Korea, a logical destination for legal, cultural and linguistic reasons. According to the Ministry of Unification (MOU), as of September 2008, South Korea had reached a total defector population of 14,428. As such, it is reported that South Korea has relatively easy screening and resettlement processes tailored specifically to North Koreans. The resettlement support offered by MOU includes two months of training at a government-run education camp known as Hanawon, a financial package that includes a maximum cash stipend of 1.9 million won per year for basic resettlement funds, housing and living expenses, further education, and possible employment opportunities. Despite easy entry and generous financial assistance, many North Korean defectors resettled in South Korea face hardship and discrimination. Cognizant of this situation, MOU stated that they are preparing South Korea for a "Community for Happiness" by examining the lessons of the German reunification, expanding facilities, avoiding a mass influx of North Koreans to South Korea, and sponsoring public campaigns to

help South Koreans adjust and open up to the presence of North Koreans.

III. THE NORTH KOREAN HUMAN RIGHTS ACT OF 2004

After the terrorist attacks of September 11, 2001, the United States actively began an ideological war against all that endangered American freedoms. Such a policy shift was reflected in President George W. Bush's State of the Union Address on January 29, 2002, in which he reiterated U.S. commitment to freedom at home and abroad. This commitment to freedom was partly manifested in efforts to elevate the priority of human rights and refugee protection in U.S. foreign policy. In this regard, policy toward North Korea was not exempt. One piece of legislation that symbolizes this prioritization is the North Korean Human Rights Act (NKHRA) of 2004 (H.R. 4011, P.L. 108-333, and 22 U.S.C. 7801).

Passed on October 18, 2004, the NKHRA had three main objectives: to promote the human rights of North Koreans, to assist North Koreans in need and to protect North Korean refugees. Title I authorized an annual budget of \$2 million to promote human rights and democracy in North Korea and another \$2 million to promote freedom of information inside North Korea. It also required the president to appoint a Special Envoy on Human Rights in North Korea. Title II clarified that assistance would be given on a needs basis, "not as a political reward or tool of coercion," and it authorized up to \$20 million for each fiscal year from 2005-2008 for assistance to North Koreans outside North Korea. Title III declared North Koreans eligible for refugee status in the United States and instructed the State Department to facilitate the application process.

Significance

The NKHRA was significant, first, because the overall tone and purpose of the bill signaled a clear divergence from the previously proposed North Korea Freedom Act of 2003. The NKHRA did not promote human rights as a vehicle for regime change as the previous act (however tacitly) had been alleged to do, and it removed *quid pro quo* stipulations for humanitarian aid. The NKHRA in effect, articulated a subtle change in U.S. intentions toward North Korea, countering the

appearance of what was previously seen as a willingness to “sell out” the displaced in deference to broader geopolitical security concerns. The State Department reiterated this position in a statement regarding the refugee aspects of the NKHRA released by the Bureau of Population, Refugees, and Migration on January 2007, stating that the U.S government was “committed to resettling North Korean refugees regardless of the status of the [Six-Party] Talks.”

In addition to signaling a new approach to tackling the North Korean human rights issue, the NKHRA also gave the State Department an official mandate to resettle North Korean refugees in the U.S. without changing existing laws. Although it did not provide an end-all solution, as the screening process for getting North Korean refugees into the U.S. still requires more legislative changes, it did provide official and specific guidelines for the State Department in its overall approach to this issue.

Another important facet of the NKHRA was that it gave clear direction as to how the issue of dual nationality of North Korean defectors was to be addressed. The NKHRA specified that “for purposes of eligibility for refugee status under section 207 of the Immigration and Nationality Act, or for asylum under section 208 of such Act, a national of the Democratic People’s Republic of Korea shall not be considered a national of the Republic of Korea.” In addition, North Koreans were not to be barred from consideration of refugee or asylum eligibility simply “on accounts of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea.”

Problems with the Act

Given these important implications, many activists and defectors themselves thought there would be immediate implementation of the various components of the NKHRA, especially regarding funding and resettlement. However, it soon became apparent that there were substantial impediments to implementation, limiting the overall effectiveness of the Act. As early as 2005, the U.S. government acknowledged some evidence that “North Koreans and some of their advocates may have unrealistic expectations of our ability to assist them directly.” That same year, the *Wall Street Journal* identified one of the shortcomings of the NKHRA’s ability to help North Koreans, reporting that around 100 North Koreans had

clandestinely arrived in the United States after the passage of the NKHRA, but were bound to be denied asylum if they were caught or even if they officially applied for asylum. This was because the NKHRA offers U.S. asylum only to those who had not yet gone to and been processed in South Korea, of which, these 100 North Koreans had done. Frustration over the U.S. government's inaction mounted, and incidents such as the "Shenyang 6" as reported by the *Wall Street Journal* - where six North Korean escapees attempted to storm a U.S. Consulate in Shenyang and were turned back by officials, ultimately leading to their capture - occurred in 2006. Harsh as it may be, it is U.S. policy that any illegal intrusions are "presumptively regarded as hostile ... For the safety of all persons involved, the Department of State strongly discourages attempts by unauthorized persons to enter U.S. facilities illegally." Although the Shenyang 6 were eventually freed and avoided repatriation, they were resettled in South Korea despite their desire to go to the United States.

Around this time, more and more criticism began to surface regarding the NKHRA, specifically about the required reporting which was belated and incomplete, the appropriation of funds, the details of the resettlement process, and the special envoy.

As aforementioned, NKHRA authorized \$24 million annually for the improvement of North Korean human rights and refugee resettlement programs beginning immediately in 2005. However, as of fiscal year 2007, no funds had been requested by the administration. It was only after a bipartisan letter drafted by members of Congress brought this to the attention of the Secretary of State that the first \$2 million of authorized funds were requested. However, the lack of authorized funding requests did not necessarily mean that the administration had turned a deaf ear to or were negligent concerning the cause of North Korean human rights. In fact, North Korean human rights - related funding was issued during that period, but was appropriated from different accounts, as had been the situation prior to the NKHRA's passage. It was not until 2007 that government officials canceled such funding practices that usurped the need for requesting NKHRA funding. This administrative oversight, however, caused critics such as Shizue Morita, Japanese Ministry of Defense official and Visiting Fellow at the Henry L. Stimson Center, to claim that the failure to release authorized funds reflected a lack of the administration's commitment to the act itself.

Much of the dissatisfaction with NKHRA implementation was focused on the resettlement process, largely because the Act provided concrete solutions to ease the plight of overseas North Korean defectors. The specificity of these provisions made resettlement highly susceptible to criticism, especially when tangible results could not be seen. A year after its passage, the U.S. House of Representatives Committee on International Relations convened to evaluate the issues and implementation of the NKHRA. At that hearing, the screening of applicants for refugee status was identified as a major challenge in resettling North Korean defectors. It was explained that in the absence of official diplomatic relations with North Korea, verifying the identities of the North Korean applicants was a difficult task, one that had serious security implications as these applicants were technically nationals of a terror-sponsoring state. Without verification, there was no way to guarantee the entry or infiltration of North Korean criminals and spies to the United States as had been reported to have happened in South Korea. United States Assistant Secretary of the Bureau of Population, Refugees, and Migration, Arthur Dewey, stated that the key to a “successful resettlement program in the U.S. would be a reliable mechanism to enable U.S. agencies to complete required security background checks.”

According to the Bureau of Population, Migration, and Refugees at the State Department, the current refugee processing procedure for North Koreans is the same as those undergone by all other refugees seeking asylum in the United States, the country that accepts the most number of refugees and asylees in the world each year. Overseas applicants are interviewed by a worker from a U.S. overseas processing entity (OPE) to document the individual’s biographical data and persecution claim. Each applicant is given a priority status of one to three. North Korean refugees are currently eligible for both a Priority One (P1) referral by the UNHCR, an NGO or a U.S. embassy, and a Priority Three (P3) referral, which is for family reunification cases. The information obtained at the OPE is sent to a refugee processing center (RPC) in Washington, D.C., which then undergoes a security check; once that is complete, the applicant is allowed to interview with the Department of Homeland Security/Citizenship Immigration Services (DHS/CIS). If DHS/CIS deems the applicant a legitimate refugee, the applicant must go through a medical screening, after which the OPE will submit a request to the RPC for one of ten resettlement agencies in the U.S. participating in the reception and placement (R&P) program to sponsor the case. At this point, the

refugee may receive cultural orientation about the basics of life in America. Once all steps are complete, the OPE arranges a travel packet allowing the refugee to enter the country.

Once the refugee has entered the United States, the refugee’s sponsoring resettlement agency is responsible for the placement of the individual and for providing initial services, including housing, essential furnishings, food, clothing, community orientation, and referrals to other social and employment services for the refugee’s first 30-90 days. During this time, each refugee receives at least \$400 in cash or material goods, while being encouraged to become economically self-sufficient and to not depend on other longer-term assistance available through state welfare programs. These programs are thought to be temporary until refugees secure employment.

Table 1 shows the number of North Korean refugees accepted into the U.S. from 2003 through September 2008. Even after the passage of NKHRA in 2004, no North Korean refugees were accepted into the United States until 2006, and even then it was a meager nine people, a negligible number compared to the 41,053 total refugees that were accepted that year. In 2007, the number of North Korean refugees accepted more than doubled to 22, and by September 2008, had increased again to 33, bringing the total of North Korean refugees accepted into the United States to 64.

Table 1: Number of North Korean Refugees Accepted into the United States (2003-2008)

	2003	2004	2005	2006	2007	2008*
North Korean refugees accepted	0	0	0	9	22	33
Total number of North Korean refugees in the U.S.	0	0	0	9	31	64
Total number of refugees accepted into the U.S.	39201	73851	53738	41053	48281	-
Yearly percentage of North Korean refugees	0%	0%	0%	0.0219%	0.0456%	-

*as of Sept. 08

Source: Refugee Arrival Data, November 2008. Office of Refugee Resettlement.

<http://www.acf.hhs.gov/programs/orr/data/refugee_arrival_data.htm>

Another significant provision in the NKHRA was the presidential appointment of

a special envoy. The special envoy's function was to "coordinate and promote efforts to improve respect for the fundamental human rights of the people of North Korea." It was assumed that this would be an immediate appointment since the special envoy was required to submit the first report within six months of the NKHRA's passage. However, the administration did not appoint Jay Lefkowitz into this position until ten months after the Act's passing, causing some to question whether or not the administration viewed this appointment as a priority at all. In addition, during a congressional hearing reevaluating the progress of North Korean human rights in 2007, Lefkowitz was questioned by Congressman Royce as to whether he could satisfactorily fulfill his duties given his part-time status. In 2008, well into his term as envoy, Lefkowitz's authority and effectiveness were further called into question. After Lefkowitz made a call for a "new approach" toward North Korea, Secretary of State Condoleezza Rice publicly clashed with him and dismissed his opinions of American policy. Downplaying his importance within the State Department was a clear sign of institutional tension.

It seems that the political nature of the NKHRA itself posed a number of practical challenges to the implementation thereof. First, the implications of the Act created high expectations of the federal government amongst potential beneficiaries without the proper procedures and system in place to realize the Act's mandates. Without concerted effort from the government to accurately inform people about the realities of the Act, it was only a matter of time before inflated expectations rooted from misinterpretation and misinformation led to disappointment. Anticipating the passage of the law by the president, in October 2004, Karin J. Lee, former senior associate at the East Asia Policy Education Project at the Friends Committee on National Legislation Education Fund warned against this very situation and urged the government to transmit accurate information to refugees through varied channels. Despite State Department efforts to get the truth about the Act through fact sheets and other materials, it was found that some defectors indeed had false expectations, such as large cash stipends upon their arrival to the United States. Though there wasn't a significant change, an expert claimed that the dissemination of accurate information seemed to negatively affect the initial interest for refugee status in the United States based on the changes in the number of applications.

Second, a number of funding issues arose. As mentioned previously, funding for such purposes as human rights and democracy programming was previously issued from multiple sources. As these sources were allowed to continue appropriating funds for existing projects, there was little incentive to switch funders and apply for NKHRA appropriations. Another problem that arose was that many organizations seeking funding did not actually have the capacity to absorb the large amounts available, thus requiring the government to recruit new organizations to enter the funding pool. There were additional problems among organizations interested in NKHRA appropriations as some groups sought funds for ineligible programs such as the illegal migration of refugees across national borders.

The third reason practical implementation was and remains difficult, is the sensitivity and cooperation necessary when dealing with other countries hosting North Korean refugees. Many countries, especially those that host North Korean refugees within its borders, are hesitant about openly cooperating with the United States and South Korea regarding refugees because they understand the potential tension this could cause with North Korea. Hesitation remains regardless of UN clarification of this specific problem as being of a purely “social and humanitarian nature,” as stated in the Geneva Conventions. In January 2008, the U.S. Secretary of State was quoted in the report, *North Korean Refugees in China and Human Rights Issues: International Response and U.S. Policy Options*, stressing the importance of cooperation from such governments in U.S. efforts to resettle North Korean refugees found in those regions. Not only could this potentially cause problems with North Korea, but as reported in the *Christian Science Monitor* on September 2006, government officials in countries like Thailand were concerned that their tolerance and leniency would create a dumping ground for refugees.

Lastly, the implementation of NKHRA was hindered by the political nature of the process itself. Congressional members often had their own political motivations for supporting the legislation, including garnering the administration’s compliance to their own U.S.-North Korea priorities. After all, it is uncommon for the government to earmark funds for a specific refugee population, especially such a large sum which realistically, would not be fully appropriated. Thus, there were hints that the NKHRA was being advocated by some politicians - such as Senator Sam Brownback (R-KS), the original sponsor of the bill - in order to sway the

United States approach to dialogue with North Korea away from heavy emphasis on nuclear disarmament and toward human rights. In addition, Katherine Moon, associate fellow at the Asia Society and political science professor at Wellesley College points out in her *Washington Post* article on July 10, 2007 that other politicians intended to use the Act as a means to attack other countries, such as China, on their human rights records.

The overall effect of these problems for the federal government, specifically the Bush administration, was a loss of credibility and accusations of hypocrisy, leading many to question the government's resolve to defend human rights. Slow implementation led people like Shizue Morita to believe that ultimately, the administration did not "attach high priority to the issues of democracy and human rights in North Korea." Though the NKHRA was an important impetus for movement on the issue within the federal government, its desultory implementation did somewhat tarnish the credibility and integrity of the Bush administration.

IV. 2008 HAPPENINGS

In 2008, there were no significant changes in the resettlement processes of North Korean refugees in the United States. This was partly because the refugee process in the United States is universal for all applicants, and has been in existence long enough that it is a well established program. Despite the lack of major refugee resettlement milestones this past year, there were some notable happenings regarding North Korean human rights and refugees.

On May 13, 2008, the U.S. House of Representatives amended the NKHRA via the North Korean Human Rights Reauthorization Act (110th Congress, H.R. 5834); Congress ratified it into Public Law 110-346 on September 26 and it was then signed by the President on October 7. The new bill renews funding and adjusts the original 2004 provisions for the Special Envoy and the U.S. resettlement of North Korean refugees while criticizing the slow implementation of the original bill. Although the Reauthorization Act fails to address some of the major criticisms of the 2004 Act, the reality is that many of the problems involved multiple agencies and actors beyond the scope of what one piece of legislation can truly account for.

Despite these limitations, there are some noteworthy changes in the new bill. First, the Special Envoy on North Korean Human Rights was made into a full-time ambassadorial position, requiring Senate confirmation. This change allows the Special Envoy the ability to focus on investigating North Korean human rights conditions and elevating the issues in the international community without the distraction of other career responsibilities, as had been the case in previous years. A second amendment eliminated the conditioning of U.S. non-humanitarian aid to North Korea on “substantial progress” of specific human rights issues and the conditioning of U.S. humanitarian assistance on “substantial improvements” in transparency, monitoring and access. This modification further distanced the bill from some lawmakers’ preference to associate it with regime change.

In September, the first instance of a North Korean refugee resettled in the United States receiving permanent residency without interview occurred. Moreover, other North Korean defectors in the United States have also applied for permanent residency. Though the granting of permanent residency without interview was reported in the *Korea Times* as a condition of the NKHRA, and thus seemed to have had great significance, its actual importance was inflated. U.S. refugee policy permits all refugees, regardless of original nationality, to apply for permanent residency one year after entry into the country. Therefore, this North Korean case was not unique among refugees in America. However, this case was still important because it showed that North Koreans in the United States were following through with the refugee resettlement program and actively pursuing opportunities provided by the government.

On October 12, President Bush delisted North Korea from the list of state sponsors of terrorism. While this had no direct effect on the resettlement program, it did have implications for refugee processing. The argument that North Korean refugees required cautious screening due to their origins from a terror-sponsoring state was then moot, a measure that should ultimately expedite the application process.

The election of Democratic candidate Barack Obama as the forty-fourth President of the United States on November 4, 2008, marked a shift in the nation, one centered on the idea of “change.” Whether or not this will materialize, North Korea appears receptive to President Obama, in particular because of his

willingness to consider bilateral talks with leaders of terrorist nations. With high potential for improved relations between the two countries, it will be interesting to see if Democratic executive and legislative branches will lead to a stronger emphasis on human rights as Democrats tend to emphasize human rights more so than their Republican counterparts. Although it seems unlikely that human rights will take priority over the nuclear issue, President Obama's appointees for positions related to this topic will be of great interest for those following North Korean human rights.

South Korea also had its share of colorful events in 2008 in regards to North Korean defectors. The inauguration of new conservative President Lee Myung-bak in February 2008 marked the end of a ten-year period of South Korea's Sunshine Policy towards the DPRK. President Lee's promise to take a tougher stance on North Korea spurred immediate action: the ROK did not abstain, but instead voted for a UN resolution calling for human rights improvements in the DPRK and for aid to the DPRK to be conditioned on verifiable procedures of transparency. Upon President Lee's investiture to power, the government structure was reorganized, almost resulting in the dissolution of the Ministry of Unification (MOU). Though the MOU was not disbanded, it was severely downsized and experienced major budget cuts.

In late August, South Korean society was thrown into a red scare when Yonhap News reported that a woman who had resettled in South Korea as a North Korean defector was actually a spy for North Korea's National Security Agency. Won Jeong-hwa was arrested for extracting classified military information to transfer to the North by engaging in sexual relations with multiple South Korean military officials. The British Broadcasting Company found that this case of espionage was the first since the Inter-Korea Summit meeting in 2000, and raised fears among South Koreans and resettled North Koreans alike; South Koreans feared the potential for more spies, and North Koreans feared the potential backlash. However, despite the initial scare, there was no major counterattack on North Korean defectors in South Korea. In the United States, the discovery of this breach in refugee applicant security screening in South Korea did not stir any serious concerns, though it initially received interest from government officials.

V. CONCLUSION

Both the 2004 North Korean Human Rights Act and its subsequent North Korean Human Rights Reauthorization Act of 2008 were significant in advancing North Korean human rights and refugees, despite the fact that the latter did not much change the former. Though Congress intended to alleviate the plight of North Korean defectors in transit through the funding of democracy and human rights initiatives, the appointment of a special envoy and the acceptance of refugees, such mandates will remain just that unless further changes can eliminate some of the restrictions government agencies face.

For now, improvements can still be made even within the limitations of this complex situation. One such way is to continue to work tactfully behind the scenes with countries in which refugees are in transit so that they will not be placed in difficult diplomatic positions. American personnel at overseas OPEs should take more proactive measures, however discreetly, to engage North Korean refugees in transit. To aid this process, government personnel must formulate new methods of contacting North Korean escapees safely and securely. Although the number of North Koreans successfully reaching the United States is rising, it is a slow growth. New means of contact with potential applicants should accelerate this growth.

Second, greater agency coordination could help expedite the processing of North Korean refugees. The way it stands now and according to general refugee processing protocol, refugee applications, including North Koreans, are assigned to one of ten resettlement agencies through a lottery system. Although it may not be possible for the government to regulate which agencies resettle the North Koreans, the creation of a network of agencies with experience resettling North Korean refugees would help increase communication, awareness, and efficiency of how to resettle this relatively new and miniscule, yet growing population.

Third, a more concerted effort by the full-time Special Envoy to spread awareness about the current North Korean human rights situation is necessary. This can be achieved through further personal engagement and the planning and hosting of conferences, participation in fact-finding missions, and the timely submission of reports. Also, the envoy should work to further increase coordination among the

various departments and bureaus within the federal government that deal with this matter, to create a more uniform and structured interagency stance and approach to North Korean human rights and refugees. This would also help people within the government system better understand the role of the special envoy and know his work, which could be beneficial in building the envoy's credibility.

Such efforts, even within the current limitations, would lead to improvements in the overall refugee resettlement program and human rights advocacy, but not to an extent that would cause wide rifts in U.S.-DPRK relations. As verified by the House of Representatives, the current U.S. policy towards the resettlement of North Korean defectors has not elicited much reaction from the DPRK government, and this trend is likely to continue. The lack of response from the DPRK government can probably be attributed to the fact that it does not believe North Korean refugees will see U.S. resettlement as a durable solution to their problems. Instead, refugees will likely continue to enter into South Korea, where it is thought to be easier to adjust culturally and to receive aid.

The outlook for U.S. efforts to improve North Korean human rights and refugee resettlement programs looks to be positive, albeit slow. The same quiet work that has been done by the government is expected to continue and to improve through the application of hard-learned lessons from the past. Such work will result in increased North Korean refugee resettlement in the United States, though not in large numbers. Given a new incoming U.S. administration, the level of focus and commitment it will have towards this issue will determine its fruit. One can be hopeful that the new Obama administration will deliver on its slogan of change, even for North Koreans.

CHRONOLOGY

- February 25, 2008* Lee Myung-bak assumes office as the tenth President of South Korea.
- May 13* The U.S. House of Representatives amends the NKHRA via the North Korean Human Rights Reauthorization Act (H.R. 5834).
- August 27* A North Korean defector resettled in the ROK is arrested for espionage on behalf of North Korea's National Security Agency.
- September 16* The first North Korean defector receives permanent residency status in the United States.
- September 26* The U.S. Congress passes the North Korean Human Rights Reauthorization Act (H.R. 5834) into Public Law.
- October 7* President George W. Bush signs the Reauthorization Act.
- October 11* The United States removes the DPRK from the list of state sponsors of terrorism.
- November 4* Democratic candidate Barack Obama is elected as the forty-fourth president of the United States of America.