

Refugees, and of whether the Government of China is fulfilling its obligations under the 1951 Convention Relating to the Status of Refugees, particularly Articles 31, 32, and 33 of such Convention;

(3) an assessment of whether North Koreans presently have unobstructed access to United States refugee and asylum processing, and of United States policy toward North Koreans who may present themselves at United States embassies or consulates and request protection as refugees or asylum seekers and resettlement in the United States;

(4) the total number of North Koreans who have been admitted into the United States as refugees or asylees in each of the past 5 years;

(5) an estimate of the number of North Koreans with family connections to United States citizens; and

(6) a description of the measures that the Secretary of State is taking to carry out section 7843 of this title.

(c) Form

The information required by paragraphs (1) through (5) of subsection (b) shall be provided in unclassified form. All or part of the information required by subsection (b)(6) may be provided in classified form, if necessary.

(Pub. L. 108-333, title III, §301, Oct. 18, 2004, 118 Stat. 1295.)

§ 7842. Eligibility for refugee or asylum consideration

(a) Purpose

The purpose of this section is to clarify that North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the Constitution of the Republic of Korea. It is not intended in any way to prejudice whatever rights to citizenship North Koreans may enjoy under the Constitution of the Republic of Korea, or to apply to former North Korean nationals who have availed themselves of those rights.

(b) Treatment of nationals of North Korea

For purposes of eligibility for refugee status under section 1157 of title 8, or for asylum under section 1158 of title 8, a national of the Democratic People's Republic of Korea shall not be considered a national of the Republic of Korea.

(Pub. L. 108-333, title III, §302, Oct. 18, 2004, 118 Stat. 1295.)

§ 7843. Facilitating submission of applications for admission as a refugee

The Secretary of State shall undertake to facilitate the submission of applications under section 1157 of title 8 by citizens of North Korea seeking protection as refugees (as defined in section 1101(a)(42) of title 8).

(Pub. L. 108-333, title III, §303, Oct. 18, 2004, 118 Stat. 1296.)

§ 7844. United Nations High Commissioner for Refugees

(a) Actions in China

It is the sense of Congress that—

(1) the Government of China has obligated itself to provide the United Nations High Commissioner for Refugees (UNHCR) with unimpeded access to North Koreans inside its borders to enable the UNHCR to determine whether they are refugees and whether they require assistance, pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and Article III, paragraph 5 of the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China (referred to in this section as the "UNHCR Mission Agreement");

(2) the United States, other UNHCR donor governments, and UNHCR should persistently and at the highest levels continue to urge the Government of China to abide by its previous commitments to allow UNHCR unimpeded access to North Korean refugees inside China;

(3) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally employ as professionals or Experts on Mission persons with significant experience in humanitarian assistance work among displaced North Koreans in China;

(4) the UNHCR, in order to effectively carry out its mandate to protect refugees, should liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective "first asylum" policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) Arbitration proceedings

It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

(Pub. L. 108-333, title III, §304, Oct. 18, 2004, 118 Stat. 1296.)

§ 7845. Annual reports

(a) Immigration and refugee information

Not later than 1 year after October 18, 2004, and every 12 months thereafter through 2012, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the

appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this subchapter during the previous year, which shall include the following:

(1) The number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum.

(2) The number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(3) A detailed description of the measures undertaken by the Secretary of State to carry out section 7843 of this title, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required under this paragraph shall be provided in unclassified form, with a classified annex, if necessary.

(b) Countries of particular concern

The President shall include in each annual report on proposed refugee admission pursuant to section 1157(d) of title 8, information about specific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 6442(b) of this title. The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

(Pub. L. 108-333, title III, §305, Oct. 18, 2004, 118 Stat. 1297; Pub. L. 110-346, §11, Oct. 7, 2008, 122 Stat. 3942.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-346, §11(1), (2), inserted “and refugee” before “information” in heading, and, in introductory provisions, substituted “through 2012” for “for each of the following 5 years” and “which shall include the following:” for “which shall include—”.

Pub. L. 110-346, §11(3)–(5), substituted “The number of aliens” for “the number of aliens” in pars. (1) and (2) and a period for “; and” in par. (1) and added par. (3).

CHAPTER 86—CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

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§ 7901. Definitions

In this chapter:

(1) Carbon sequestration

The term “carbon sequestration” means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

(2) Greenhouse gas

The term “greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(3) Greenhouse gas intensity

The term “greenhouse gas intensity” means the ratio of greenhouse gas emissions to economic output.

(Pub. L. 101-240, title VII, §731, as added Pub. L. 109-58, title XVI, §1611, Aug. 8, 2005, 119 Stat. 1113.)

EFFECTIVE DATE

Pub. L. 101-240, title VII, §739, as added Pub. L. 109-58, title XVI, §1611, Aug. 8, 2005, 119 Stat. 1117, provided that: “Except as otherwise provided in this part [part C (§§731-739) of title VII of Pub. L. 101-240, enacting this chapter], this part takes effect on October 1, 2005.”

§ 7902. Reduction of greenhouse gas intensity

(a) Lead agency

(1) In general

The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

(2) Reports

(A) Initial report

Not later than 180 days after August 8, 2005, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the largest greenhouse gas emitters, including for each country—

(i) an estimate of the quantity and types of energy used;

(ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;

(iii) a description¹ the progress of any significant projects undertaken to reduce greenhouse gas intensity;

(iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;

(v) a description of any obstacles to the reduction of greenhouse gas intensity; and

¹ So in original. Probably should be “description of”.