

(A) be delivered, distributed, and monitored according to internationally recognized humanitarian standards;

(B) be provided on a needs basis, and not used as a political reward or tool of coercion;

(C) reach the intended beneficiaries, who should be informed of the source of the assistance; and

(D) be made available to all vulnerable groups in North Korea, no matter where in the country they may be located; and

(2) United States nonhumanitarian assistance to North Korea shall be contingent on North Korea's substantial progress toward—

(A) respect for the basic human rights of the people of North Korea, including freedom of religion;

(B) providing for family reunification between North Koreans and their descendants and relatives in the United States;

(C) fully disclosing all information regarding citizens of Japan and the Republic of Korea abducted by the Government of North Korea;

(D) allowing such abductees, along with their families, complete and genuine freedom to leave North Korea and return to the abductees' original home countries;

(E) reforming the North Korean prison and labor camp system, and subjecting such reforms to independent international monitoring; and

(F) decriminalizing political expression and activity.

(c) Report

Not later than 180 days after October 18, 2004, the Administrator of the Agency for International Development shall submit to the appropriate congressional committees a report describing compliance with this section.

(Pub. L. 108-333, title II, §202, Oct. 18, 2004, 118 Stat. 1293.)

§ 7833. Assistance provided outside of North Korea

(a) Assistance

The President is authorized to provide assistance to support organizations or persons that provide humanitarian assistance to North Koreans who are outside of North Korea without the permission of the Government of North Korea.

(b) Types of assistance

Assistance provided under subsection (a) should be used to provide—

(1) humanitarian assistance to North Korean refugees, defectors, migrants, and orphans outside of North Korea, which may include support for refugee camps or temporary settlements; and

(2) humanitarian assistance to North Korean women outside of North Korea who are victims of trafficking, as defined in section 7102(14) of this title, or are in danger of being trafficked.

(c) Authorization of appropriations

(1) In general

In addition to funds otherwise available for such purposes, there are authorized to be ap-

propriated to the President \$5,000,000 for each of the fiscal years 2013 through 2017 to carry out this section.

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(Pub. L. 108-333, title II, §203, Oct. 18, 2004, 118 Stat. 1294; Pub. L. 110-346, §10, Oct. 7, 2008, 122 Stat. 3942; Pub. L. 112-172, §9, Aug. 16, 2012, 126 Stat. 1309.)

AMENDMENTS

2012—Subsec. (c)(1). Pub. L. 112-172 substituted “\$5,000,000” for “\$20,000,000” and “2013 through 2017” for “2005 through 2012”.

2008—Subsec. (c)(1). Pub. L. 110-346 substituted “2012” for “2008”.

§ 7834. Briefings on the welfare of North Korean children

(a) In general

The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) Contents

The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(Pub. L. 112-264, § 4, Jan. 14, 2013, 126 Stat. 2432.)

CODIFICATION

This section was enacted as part of the North Korean Child Welfare Act of 2012, and not as part of the North Korean Human Rights Act of 2004 which comprises this chapter.

DEFINITIONS

Pub. L. 112-264, § 3, Jan. 14, 2013, 126 Stat. 2432, provided that: “In this Act [enacting this section and provisions set out as a note under section 7801 of this title]:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(2) HAGUE COUNTRY.—The term ‘Hague country’ means a country where the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

“(3) NON-HAGUE COUNTRY.—The term ‘non-Hague country’ means a country where the Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption, done at The Hague May 29, 1993, has not entered into force.”

SUBCHAPTER III—PROTECTING NORTH KOREAN REFUGEES

§ 7841. United States policy toward refugees and defectors

(a) Report

Not later than 120 days after October 18, 2004, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall submit to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate a report that describes the situation of North Korean refugees and explains United States Government policy toward North Korean nationals outside of North Korea.

(b) Contents

The report shall include—

(1) an assessment of the circumstances facing North Korean refugees and migrants in hiding, particularly in China, and of the circumstances they face if forcibly returned to North Korea;

(2) an assessment of whether North Koreans in China have effective access to personnel of the United Nations High Commissioner for 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—