

## **The Geopolitics of Citizenship: Evidence from North Korean Claims to Membership in the South**

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### **Abstract:**

North Koreans have a constitutionally-guaranteed right to citizenship in the Republic of Korea, and high co-ethnic communitarian affinity; as such, they are often described as having “automatic citizenship” in South Korea. This article demonstrates that portrayals of automatic citizenship are problematic. North Koreans have often struggled to acquire state recognition when making claims to citizenship from abroad, and acquisition of ROK citizenship remains an incremental and contingent process, one that requires a high degree of agency from North Koreans seeking resettlement. To illustrate its arguments, the article draws on analysis of approximately 120 North Korean memoirs published in Korean and English, as well as a range of other documentary and interview evidence. This evidence suggests that although citizenship is typically thought of as membership within a political community, it is also an identity practiced, claimed, and negotiated externally. Moreover, extraterritorial negotiations over citizenship recognition can be strongly influenced by state geopolitical and security considerations.

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What makes a citizen? What factors influence when and how states recognize claims to membership? Current conceptions of citizenship focus mostly on membership and rights contestation within the political community. In Korean Studies, a robust body of scholarly work analyzes hierarchies of membership—both within the South Korean polity and transnationally, with respect to diasporic membership. Much of this literature, however, focuses on variation across different groups – an insight that, while valuable, cannot explain variations in state treatment of individuals that all belong to the same group.

This article probes the nature of citizenship in modern Korea by examining one such group: North Koreans who resettle in South Korea (the Republic of Korea, ROK). Scholars and journalists often describe North Koreans as having “automatic citizenship” in the South, especially in comparison to other groups (Korean-Americans, Korean-Chinese, etc). Indeed, North Koreans have strong claims to membership on both contractual and communitarian grounds: they have a constitutional right to legal citizenship, and high co-ethnic affinity. As the article demonstrates, however, “automatic citizenship” is problematic in three ways. ROK recognition of North Korean membership is highly *contingent*: it has varied across individuals according to political context. State recognition is also *incremental*: it accumulates over the course of migration and resettlement, first outside and then within the polity. Finally, despite some policy changes over time, the South Korean state still requires migrants to demonstrate a high degree of *agency* in navigating migration and resettlement before a claim to membership can be successfully and fully recognized. This contingent, incremental, and agency-based acquisition of citizenship therefore presents a puzzle, both for scholars of Korean citizenship and for discussions of the foundations of citizenship more broadly.

Framing citizenship as an identity that is negotiated externally as well as internally helps resolve some of these puzzles. Outside the physical boundaries of the polity, states' conceptions of security and geopolitical interest impact contestation over citizenship in significant ways, and explain much of the variation in individuals' experiences described above.<sup>1</sup> To substantiate this argument, the article analyzes how the South Korean state treats citizenship claims made by North Koreans during migration to and resettlement in South Korea. It analyzes over 120 narratives of migration and resettlement published by North Korean defectors in Korean and English, and also draws on evidence from immigration court documents, ROK citizenship curricula, interviews with officials and migrants, and participant observation in South Korea and North Korean refugee communities in the United States.<sup>2</sup> It finds evidence of significant intra-group variation that is shaped by ROK geopolitical and security logics. These logics, repeatedly invoked by state agents throughout the processes of citizenship acquisition, render North Koreans' 'automatic' citizenship much more fragmented, incremental, and contingent than classic approaches predict.

A clarification on terminology is necessary before proceeding. Different groups use different terms—in both Korean and English—to describe North Koreans who leave the DPRK. Nomenclature in both languages can carry political, causal, legal, and moral connotations; for example, although the term refugee is widely used abroad to describe North Koreans who escape the DPRK, the South Korean government rejects the use of the term because it claims North

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<sup>1</sup> Matthew Longo, *The Politics of Borders: Sovereignty, Security, and the Citizen After 9-11* (Cambridge, 2018); Michael Mann, "Ruling Class Strategies and Citizenship," *Sociology* 21/3(1987), 339-354; Peter Andreas, "Mexicanization of the US-Canada Border: Asymmetrical Interdependence in a Changing Security Context," *International Journal* 60/2 (2008), 229-62; Brown 2010.

<sup>2</sup> University of Missouri Institutional Review Board Approvals #2004769, 2002674.

Koreans as citizens. This article uses *migrant* to describe North Koreans during the migration process, and *resettler* afterward, without intended political or normative connotation.

The article proceeds as follows. The first section situates the puzzle of North Korean membership in the context of Korean citizenship and citizenship more broadly. The second section introduces the data and methodological approach employed in the article. The third section analyzes variation in ROK recognition of North Korean claims to membership across four stages of migration and resettlement, linking patterns of variation to state geopolitical aspirations and security concerns. The final section explores the implications of the article's findings for policy and future research.

### **Theorizing Citizenship Through the Korean Case**

Citizenship, though a central concept in the study of political life, remains a contested, multivalent term. Often defined as membership in a political community, citizenship invokes rights (and obligations) such as welfare provision, participation, or protection.<sup>3</sup> In democracies, citizenship is a status that, mutually recognized, confers “the right to have rights”;<sup>4</sup> in autocracies, it outlines a relational set of expectations between the polity and its members, which may or may not include political rights.<sup>5</sup> Recent scholarship conceptualizes citizenship as either a “formal

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<sup>3</sup> T.H. Marshall, *Class, Citizenship, and Social Development* (Doubleday, 1964); Virginia, Leary, “Citizenship, Human Rights, and Diversity,” in Alan Cairns et al, eds., *Citizenship, Diversity and Pluralism: Canadian and Comparative Perspectives* (McGill-Queens, 2000): 247-64.

<sup>4</sup> Seyla Benhabib, “Transformation of Citizenship: Dilemmas of the Nation-State in the Era of Globalization,” Spinoza lecture (2001); Charles Tilly, *Regimes and Repertoires* (2006).

<sup>5</sup> Distelhorst and Fu 2019; Mann 1987; Perry 2008; Pedro Ramos Pinto, “‘Everyday Citizenship’ under Authoritarianism: Spain and Portugal,” in Francesco Cavatorta, ed., *Civil Society Activism under Authoritarian Rule: A Comparative Perspective* (London: Routledge, 2012); Deborah Yashar,

bundle of rights” secured via “contractual promises” between individual and polity (a liberal contractual concept, grounded in law/policy), or an affective “state of democratic belonging or inclusion” (an identity-based communitarian concept).<sup>6</sup>

Debates over citizenship as formal legal status versus affective state of belonging matter greatly in contexts like the Korean peninsula, where the two are not aligned—where patterns of colonialism, state formation, regime transition, and migration have generated ethnic-affinitive communities that span formal international boundaries, forcing states to grapple with and revise the meaning of membership, inclusion, and incorporation.<sup>7</sup> In these contexts, citizenship defines not just who is included and how inclusion occurs, but also the ‘who and how’ of exclusion; it is

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“Institutions and Citizenship: Reflections on the Illicit,” in *Shifting Frontiers of Citizenship: The Latin American Experience* (Leiden: Brill 2013), 431.

<sup>6</sup> Pamela Johnston Conover, Ivor Crewe, and Donald Searing, “The Nature of Citizenship in the United States and Great Britain,” *Journal of Politics* 53/3 (1991): 800-832; Saskia Sassen, “Citizenship Destabilized,” *Liberal Education* 89/2(2003):16; Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, 2006); Yashar 2005:31-53, 2013:431; Andrew Sobel, *Citizenship as Foundation of Rights* (Cambridge University Press, 2016).

<sup>7</sup> On Korea, see Kim Suk-young, *DMZ Crossing: Performing Emotional Citizenship Along the Korean Border* (Columbia University Press, 2014); Jaeun Kim, *Contested Embrace: Transnational Border Politics in Twentieth-Century Korea* (Stanford, 2016). Comparatively, see Yasemin Soysal, *Limits of Citizenship: Migrants and Post-National Membership in Europe* (University of Chicago, 1994); Rogers Brubaker, “Migrations of Ethnic Unmixing in the ‘New Europe’,” *International Migration Review* (1998); Grzegorz Ekiert, and Jan Kubik, *Rebellious Civil Society: Popular Protest and Democratic Consolidation in Poland* (University of Michigan, 1999); Moya Flynn, “Reconstructing ‘Home/lands’ in the Russian Federation: Migrant-Centered Perspectives of Displacement and Resettlement,” *Journal of Ethnic and Migration Studies* 33/3(2007), 461-81; Timothy Colton, *Transitional Citizens: Voters and What Influences Them in the New Russia* (Harvard University Press, 2000); Grigore Pop-Eleches and Joshua Tucker, *Communism’s Shadow: Historical Legacies and Contemporary Political Attitude* (Princeton, 2017); Jeffrey Herbst, “The Creation and Maintenance of Borders in Africa,” *International Organization* 43/4(1989), 673-92; Stelios Michalopoulos and Elias Papaioannou, “The Long-Run Effects of the Scramble for Africa,” *American Economic Review* 106/7(2016): 1802-48; Hong Liu & Els van Dongen, “China’s Diaspora Policies as Transnational Governance,” *Journal of Contemporary China* 25(2016), 805-21; Alan Gamlen, Michael Cummings, and Paul Vaaler, “Explaining the Rise of Diaspora Institutions,” *Journal of Ethnic and Migration Studies* 45/4(2017): 492-516.

a politics of rights denial alongside rights conferral.<sup>8</sup> To claim (or even contest) the rights accorded to citizens, individuals have to get the state to recognize their standing as citizens in the first place. Citizen standing is what enables them to occupy the political space where further contestation and rights-claiming occur.

The article examines how individuals make claims to citizen membership in Korea from a (primarily) extraterritorial context, and how the state chooses to recognize or deny these claims. In practical terms, a citizen's power to compel state recognition of membership is lower when he/she is based extraterritorially than when located within the polity, even if his/her formal status is identical across these two locations. 'Overseas' claiming and negotiation of membership is therefore useful for investigating citizenship as boundary-making: it tells us how states adjudicate "who is in and who is out" when they are unconstrained by citizens' physical geography, and what reasons they invoke to justify these decisions.<sup>9</sup> It also allows scholars to examine how inter-state interactions shape individual and collective identities, thereby reinforcing or undermining political communities.<sup>10</sup>

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<sup>8</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Harvard, 1992); Rogers Brubaker, "Reflections on Nationalism and Patriotism," *Citizenship Studies* 8/2(2004): 115–127; Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Harvard, 2004); Jeffrey Isaac, "Boundaries," *Perspectives on Politics* 9/4(2011): 779-82.

<sup>9</sup> Michael Walzer, "Exclusion, Injustice, and the Democratic State," *Dissent* (Winter 1993):55.

<sup>10</sup> Distinction borrowed from J. Kim 2016:11. Study-abroad participants will recognize this phenomenon: overseas experiences shape not just their individual identities, but understanding of what it means to be American, Canadian, Korean, or Chinese. Historically, diasporic nationalism during the colonial period not only contributed to construction of Korean ethnic identity, but also helped define Korea to the U.S.; the Chinese diaspora shaped not just overseas Chinese communities, but China itself. Turner 1990; Lisa Sun-hee Park, *Consuming Citizenship: Children of Asian Immigrant Entrepreneurs* (Stanford, 2005); Nadia Kim, *Imperial Citizens: Koreans and Race from Seoul to LA*. (Stanford, 2008); Richard Kim, *The Quest for Statehood: Korean Immigrant Nationalism and U.S. Sovereignty* (Oxford, 2011); Shelley Chan, *Diaspora's Homeland: Modern China in the Age of Global Migration* (Duke, 2018).

This treatment of citizenship also focuses on state practice and citizen experience of that practice, rather than on formal policy. It draws on and extends a literature treating citizenship less as legal, regulatory, or bureaucratic policy, and more a concept “experienced, negotiated, and enacted in everyday life”<sup>11</sup> and constituted through state-citizen interaction. This approach acknowledges the state’s distinctive power to “determine borders and terms of membership,”<sup>12</sup> without losing sight of citizens’ agency to navigate and sometimes challenge that power, and allows us to examine variations in citizenship acquisition and recognition, such as those that exist across individuals and over time, that can be otherwise overlooked.

### *Situating North Korean Claims to Citizenship*

North Koreans have strong claims to South Korean citizenship on both contractual-legal and ethnic-communitarian grounds. In contractual terms, Article III of the ROK Constitution states, “the entire Korean peninsula—both North and South—are deemed to fall under the sovereignty of the South Korean state.”<sup>13</sup> All persons born in the territory *claimed* by the ROK, not just territory

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<sup>11</sup> Peter Nyers, “Why Citizenship Studies,” *Citizenship Studies* 11(1): 1-11.

<sup>12</sup> Kim (2014:9) frames inter-Korean border-crossers in terms of “emotional citizenship” precisely to engage “diverse modes of relationship that an individual enters into with a wide range of communities, which may include but are not necessarily equated to the state.” On citizen agency vs. state power, see Conover et al 1991; Bryan Turner, “Outline of a Theory of Citizenship,” *Sociology*, 24/2(1990): 189-217; Irene Bloemraad, “Who Claims Dual Citizenship? The Limits of Post-Nationalism, the Possibilities of Transnationalism, and the Persistence of Traditional Citizenship,” *International Migration Review* 38 (2004): 389-442; Maurizio d’Entreves, “Hannah Arendt,” *Stanford Encyclopedia of Philosophy* (2006); Anna Korteweg, “Construction of Gendered Citizenship at the Welfare Office,” *Social Politics: International Studies in Gender, State, and Society* 13/3(2006): 314-40.

<sup>13</sup> Republic of Korea [ROK] National Assembly, *Constitution of the Republic of Korea* (1987), [http://korea.assembly.go.kr/res/low\\_01\\_read.jsp?boardid=1000000035](http://korea.assembly.go.kr/res/low_01_read.jsp?boardid=1000000035); Chulwoo Lee, “South Korea: Transformation of Citizenship and the State-Nation Nexus,” *Journal of Contemporary Asia* 40/2(2010): 230–251; Chulwoo Lee, “How Can You Say You’re Korean? Law, Governmentality and National Membership in South Korea,” *Citizenship Studies* 16/1(2012): 85–102.

presently controlled by it, are citizens. The 2010 Nationality Act affirms this standard,<sup>14</sup> and interviews with South Korean officials parallel academic and media discourse in describing North Koreans as having “automatic citizenship” based on ROK law.<sup>15</sup>

Legally defining individuals from North Korea as ROK citizens creates several expectations for external practice. First, it confers specific rights on individuals, and responsibilities upon the state—among them extraterritorial protection and free entry. The ROK Constitution’s Article 2(2) outlines a duty “to protect citizens residing abroad as prescribed by law”; Article 12(4) of the International Covenant on Civil and Political Rights (to which South Korea acceded in 1990) specifies the right to enter the country of one’s citizenship.<sup>16</sup> Moreover, in claiming North Koreans as citizens, the ROK removes their grounds for claiming asylum/refugee status in most other countries (the US excepted, by special legislation<sup>17</sup>). Under Article 1(A)(2) of the Refugee Convention, individuals with dual citizenship must fear persecution in *both* countries to be considered refugees, and Western courts have increasingly used this standard to deny asylum to North Korean escapees.<sup>18</sup> The ROK’s legal assertion of citizenship for

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<sup>14</sup> ROK Ministry of Justice, *Nationality Act* (2010), [http://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=18840&lang=ENG](http://elaw.klri.re.kr/eng_service/lawView.do?hseq=18840&lang=ENG)

<sup>15</sup> Author’s interviews with three officials at the Ministry of Unification/Institute for Unification Education, July 2013, May 2014, and May 2016.

<sup>16</sup> ROK National Assembly 1987; *International Covenant on Civil and Political Rights* (1966/76), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>17</sup> The North Korean Human Rights Act, first passed in 2004, allowed North Koreans who have not acquired South Korean citizenship to come to the U.S. as refugees. See <https://www.congress.gov/108/plaws/publ333/PLAW-108publ333.pdf>

<sup>18</sup> United Nations, *Convention and Protocol Relating to the Status of Refugees*, 2010, <http://www.unhcr.org/3b66c2aa10.pdf>; Andrew Wolman, “North Korean Asylum Seekers and Dual Nationality,” *International Journal of Refugee Law* 24/4(2013): 793-814; Andrew Wolman, “South Korean Citizenship of North Korean Escapees in Law and Practice,” *KLRI Journal of Law and Legislation* 4/2(2014): 225-253. For a contrasting view, see Netherlands Council of State, Pronunciation

North Koreans, therefore, makes them formal citizens of South Korea, *and* excludes them from membership elsewhere.

North Koreans also meet typical communitarian standards for political membership, wherein ethnicity figures prominently.<sup>19</sup> Ethnic nationalism is central to Korean citizenship: both states on the peninsula claim a singular Korean community defined by blood (*minjok*).<sup>20</sup> The state's sense of ethnic community extends beyond the peninsula; South Korea "selects by origin" in offering ethnic Koreans preferential basis for citizenship.<sup>21</sup> Recent scholarship on ROK incorporation of non-Koreans (marriage migrants, guest workers, multicultural families, etc.) implicitly affirms ethnicity's long-standing centrality in defining political community.<sup>22</sup> Even within South Korea's "hierarchical nationhood," where incorporation of co-ethnic migrants varies

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201404877/1/V2, <http://www.raadvanstate.nl/uitspraken/zoeken-in-uitspraken/tekst-uitspraak.html?id=80141>.

<sup>19</sup> Yashar 2005:44.

<sup>20</sup> Sheila Miyoshi-Jager, *Narratives of Nation-Building in Korea* (ME Sharpe, 2003); Shin Gi-Wook, *Ethnic Nationalism in Korea* (Stanford, 2006); Virginie Grzelczyk, "New Approaches to North Korean Politics after Reunification," *Communist and Post-Communist Studies* 47(2014): 170-190.

<sup>21</sup> Christian Joppke, *Selecting By Origin: Ethnic Migration in the Liberal State* (Harvard, 2005); Jung-Sun Park and Paul Chang, "Contention in the Construction of a Global Korean Community: The Overseas Korean Act," *Journal of Korean Studies* 10/1(2005): 1-27; Nora Hui-Jung Kim, "Flexible Yet Inflexible: Development of Dual Citizenship in Korea," *Journal of Korean Studies* 18/1(2013): 7-28.

<sup>22</sup> This literature treats citizenship in varying ways, from formal rights to informal communal inclusion to affective commitment. Shin 2006; Lim 2012; Ae-Lee Sohn and Nae-Young Lee, "A Study on the Attitude of South Koreans toward North Korean Defectors: National Identity and Multi-Cultural Acceptability," *Journal of Asia-Pacific Studies* 19/3(2012): 5–34; HaeYeon Choo, *Decentering Citizenship: Gender, Labor, and Migrant Rights in South Korea* (Stanford, 2016); Nora Hui-Jung Kim, "Naturalizing Korean Ethnicity and Making 'Ethnic' Difference: Comparison of North Korean Settlement and Foreign Bride Incorporation Policies in South Korea." *Asian Ethnicity* 17/2(2016): 185–198; Emma Campbell, *South Korea's New Nationalism: the end of 'One Korea'?* (Lynne Rienner, 2016); David Hundt, Jessica Walton, and Soo Jung Elisha Lee, "Politics of Conditional Citizenship in South Korea," *Journal of Contemporary Asia* 49/3(2018):434-451.

by class, gender, and other markers,<sup>23</sup> North Koreans are considered privileged—possessing an “automatic citizenship” not granted to groups like Soviet Koreans or *Chosonjok* (ethnic Koreans with PRC nationality).<sup>24</sup> In 2014, the Ministry of Unification explicitly rejected the idea of applying the multiculturalism framework used for immigrant incorporation (*damunhwa ju-ui*) to North Korean resettlers, citing their special ethnic and constitutional status.<sup>25</sup> North Koreans are therefore not “outside the state, but inside the people”;<sup>26</sup> conceptually, they reside within *both* state

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<sup>23</sup> Seung-sook Moon, *Militarized Modernity and Gendered Citizenship in South Korea* (Duke University Press, 2005):175; Judith Shklar, *American Citizenship: The Quest for Inclusion* (Harvard, 1991); Jiyong Song, “‘Smuggled Refugees’: Social Construction of North Korean Migration,” *International Migration* 51/4(2013):158–73; Eunyong Choi, “North Korean Women’s Narratives of Migration,” *Annals of Association of American Geographers* 104/2 (2014): 271–9; Hae Yeon Choo, “Gendered Modernity and Ethnicized Citizenship: North Korean Settlers in Contemporary South Korea,” *Gender & Society* 20/5(2006):576-604.

<sup>24</sup> Dong-hoon Seol and John Skrentny, “Why Is There So Little Migrant Settlement in East Asia?” *International Migration Review* 43/3(2009): 578–620; Eleana Kim, *Adopted Territory: Transnational Korean Adoptees and the Politics of Belonging* (Duke, 2010); Sohoon Lee and Yi-Chun Chien, “The making of ‘skilled’ overseas Koreans: transformation of visa policies for co-ethnic migrants in South Korea,” *Journal of Ethnic and Migration Studies* 43/10 (2017): 2193-2210; Aram Hur, “Adapting to Democracy: Identity and the Political Development of North Korean Defectors,” *Journal of East Asian Studies* 18 (2018): 97-115; Steven Denney, Christopher Green, and Peter Ward. 2019. “New Values, Old Orders: Where Do North Koreans Fit in the New South Korea,” *Leiden Asia Centre* (2019); c.f. Bumsoo Kim, “Are North Korean Compatriots ‘Korean’? Trifurcation of Ethnic Nationalism in South Korea during the Syngman Rhee Era,” *Journal of Korean Studies* 24/1(2019): 149-171.

For survey data, see Kim, Sang-uk et al. *Hanguk jonghap sahoe josa 2007 [Korean General Social Survey 2007]* (Seoul: Sungkyunkwan Univ., 2008); Kiseon Chung et al., *Hangugin-ui gungmin jeongcheseong-gwa imin gwallyeon taedo yeongu [Korean National Identity and Migration-Related Attitudes]* (Goyang: IOM Migration Research/Training Center, 2011); Byeong-jo Kim et al, *Hanguk-ui damunhwa sanghwang-gwa sahoe tonghap [Multicultural Situation and Social Integration in Korea]* (Seongnam: Academy of Korean Studies, 2011); Seol and Skrenty 2014.

<sup>25</sup> MOU argued that although [North Koreans] have lived in a different culture, “it is difficult to regard them as multicultural families” and they “need to be essentially distinguished.” Ministry of Unification, *Manual for Resettlement Support of North Korean Refugees (English)*, 28 November 2014, p. 6; see also Ministry of Unification [T’ongilbu], *Puk’anit’alchumin chōngch’akchiwōn shilmup’yōllam [Settlement Support Handbook for North Korean Refugees]* (Seoul: 2013, 2015).

<sup>26</sup> Yossi Shain and Aharon Barth, “Diasporas and International Relations Theory,” *International Organization* 57/4 (2003): 469.

and people. Classic theories, then, render the contingency and incrementality of their citizenship recognition all the more puzzling.

One additional explanation, advanced by scholars of ROK policies toward immigrants and overseas Koreans, is that a group's place in South Korea's hierarchical nationhood is determined by its ability to contribute to the state's developmental project.<sup>27</sup> What follows here does not contest the importance of developmental goals or the existence of class-based differentiation in state treatment of North Korean migrants; indeed, the state's preferential policies and augmented financial support for elite defectors provides corroboration for this argument. These arguments, however, primarily serve to distinguish North Koreans from Soviet Koreans, Korean-Americans, Chinese-Koreans, etc; they explain variation by group, rather than variation across individuals who all belong to a single category. Moreover, class distinctions alone cannot explain the range of variation exhibited in the state's treatment of non-elite North Korean individuals, who are the strong majority of migrants to South Korea since 1990. State geopolitical and security considerations, therefore, are an important complement to existing arguments.

This article's findings contribute to our understanding of Korean citizenship in four ways. First, the article shows that citizenship can be constituted through external as well as domestic interactions. State-citizen contestation over membership begins outside the border—an experience that may well shape migrants' post-resettlement conceptions of citizenship in ways overlooked by current literature. Second, during the extraterritorial negotiation of citizenship claims, state recognition varies not just across group, but within categories across individuals. Third, state

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<sup>27</sup> Seol and Skrenty 2009; Chang 2012; Darcie Draudt, "Multiculturalism as State Developmental Policy in Global Korea," in Gregg Brazinsky, ed., *Korea and the World: New Frontiers in Korean Studies* (Rowman & Littlefield, 2019).

recognition of citizen standing is incremental. North Korean migrants do not instantly acquire fully-formed, pre-existing South Korean citizenship; they participate in extended rights-claiming negotiations that begin extraterritorially, progress across borders, and gradually strive to bring their citizenship into existence. Fourth, state geopolitical and security considerations are as important as developmental objectives in determining how the state responds to particular individual claims. North Korean migrants' initial contacts with the South Korean state are with embassy personnel and agents of the national security apparatus; these agents treat their citizenship as a contingent status shaped not simply by state-society interaction, but a more complex interplay among the individual, country of citizenship (ROK), and the third/host-country where the claim to citizen standing occurs.

## **Data and Method**

As of late 2019, over 33,000 North Koreans had resettled in South Korea.<sup>28</sup> A “typical” migrant might cross the Tumen River, spend a few weeks to years in China, and travel through a third-country (Mongolia, Thailand, etc) before transiting to ROK territory--a harrowing journey that exposes migrants to dangers and risks ranging from trafficking, economic/sexual exploitation, and violence to the threat of repatriation to North Korea, where they and their families are subject to harsh punishment.<sup>29</sup> Upon entering ROK territory, migrant-resettlers are debriefed by a security team composed of military, police, and National Intelligence Service personnel, and spend three months at Hanawon, a government rehabilitation center, before entering South Korean society.

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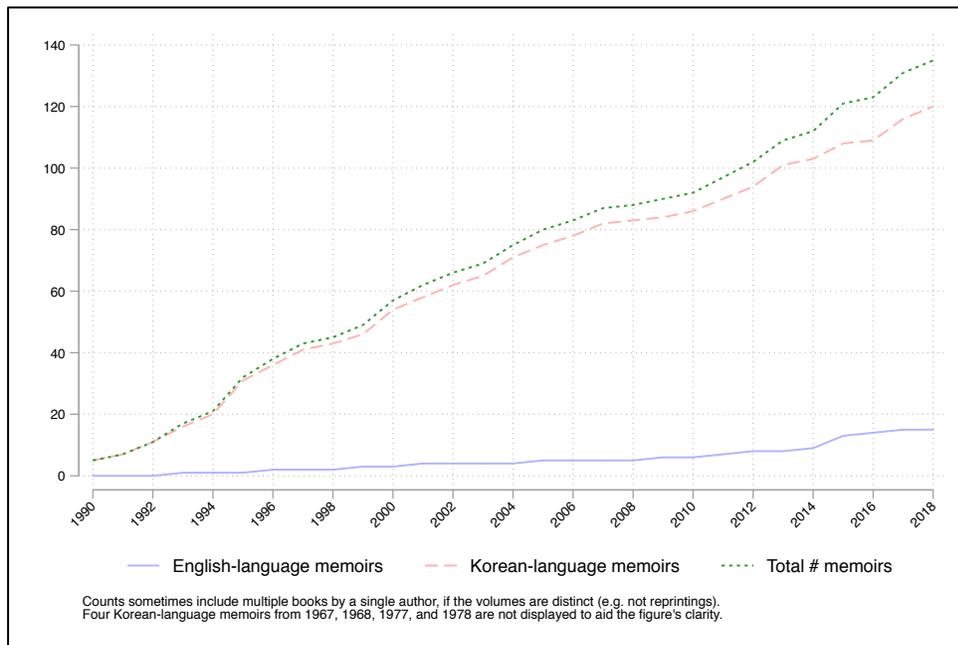
<sup>28</sup> ROK Ministry of Unification: [https://www.unikorea.go.kr/eng\\_unikorea/relations/statistics/defectors/](https://www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/)

<sup>29</sup> See, for example, Lee Hae Young, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China* (HRNK, 2009).

Thus North Koreans encounter their purported ROK citizenship first, and formatively, in its extraterritorial incarnation.

The analysis below draws on data from ~130 memoirs by North Korean defectors and refugees that have been published in Korean and English. A graph showing the growth of this genre over time is displayed below, and a list of titles appears in Appendix A (online).<sup>30</sup>

**Figure 1: Number of North Korean Memoirs Published (Cumulative)**



The sections below employ structured narrative analysis, which allows subjects to tell stories about their own journeys, thereby revealing the cultural-political frameworks that narrators consider relevant, relationships and events that they view as important, and meanings that they ascribe to particular choices and interactions.<sup>31</sup> It uses narratives in a systematic fashion to illustrate core

<sup>30</sup> Some memoirs have 1- and 2-volume editions; out-of-print/inaccessible memoirs are indicated.

<sup>31</sup> Molly Patterson and Kristen Renwick Monroe, “Narrative in Political Science,” *Annual Review of Political Science* (1998): 315-351. We exclude non-memoir texts by North Koreans (fiction, poetry, social commentary, etc), but note these in a separate list.

concepts—the incrementality of citizenship-acquisition and the importance of geopolitics and security therein—while retaining some of the richness and multivalence of lived experience.<sup>32</sup>

As Figures 1-2 (Appendix A) show, most of the published narratives appear after 1990. During this period, famine and social dislocation prompted increased out-migration from North Korea; unlike the Cold War’s elite defectors, most post-1990 escapees were not recruited by the South Korean state. Instead, they had to actively seek resettlement, often in the dangerous conditions described above and under threat of repatriation from China or other countries back to the DPRK.<sup>33</sup> For consistency’s sake, the analysis that follows restricts itself to memoirs from this post-1990 period; where possible, it quotes published texts so that readers can transparently evaluate the interpretation of these passages; quotations from interviews are identified separately.

The article focuses specifically on North Korean migrants’ claims to citizenship and the South Korean state’s recognition or denial of those claims. This focus differs from media/advocacy groups, who portray hardships inside North Korea, or dramatic stories of escape and rescue; it also differs from a growing body of interdisciplinary scholarship on North Korean resettlement,<sup>34</sup>

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<sup>32</sup> Matthew Miles and Michael Huberman, *Qualitative Data Analysis* (Sage, 1994); Donald Polkinghorne, “Narrative Configuration in Qualitative Research.” *International Journal of Qualitative Studies* 8 (1995): 10; Kim, Jeong-hee Kim, *Understanding Narrative Inquiry: Crafting and Analysis of Stories as Research* (Sage, 2016); Coralie McCormack, “Storying stories: A narrative approach to in-depth interview conversations,” *International Journal of Social Research Methodology* 7/3 (2004): 219–236.

<sup>33</sup> Chung separates North Koreans into six cohorts; we focus on cohorts 4-6. Appendix figures contain some pre-1990 accounts from “elite defectors,” who entered through very different resettlement processes, but these accounts do not appear in the qualitative analysis. Byung-ho Chung, “Between Defector and Migrant: Identities and Strategies of North Koreans in South Korea,” *Korean Studies* 32(2008): 1-27.

<sup>34</sup> Andrei Lankov, “Bitter Taste of Paradise: North Korean Refugees in South Korea,” *Journal of East Asian Studies* 6/1(2006): 105–137; Go Myong-Hyun, “Resettling in South Korea: Challenges for Young North Korean Refugees,” *Asan Institute for Policy Studies* (2014); Ahlam Lee, *North Korean Defectors in a New and Competitive Society* (Lexington, 2016). This literature is extensive; bibliography available upon request.

including social/political incorporation.<sup>35</sup> It focuses instead on the processes by which claims to citizenship are negotiated, first extraterritorially and then in the border-crossing procedures that extend temporally and spatially within the polity itself.<sup>36</sup> It examines four stages at which North Koreans who claim citizenship can have that claim recognized or rejected: 1) extraterritorially, in China and other third countries; 2) during the screening that occurs upon entering ROK territory; 3) at Hanawon's resettlement program; and 4) during initial resettlement in South Korean society.

The interactions analyzed here are performative in two senses: performative governance, in that both sides enact their understanding of roles of either citizen or state agent;<sup>37</sup> and performative because they are recounted in published memoirs that have an intended audience.<sup>38</sup> In this case, however, the performativity of these narratives is what makes them useful source material. They reveal how participants understand the meaning of citizenship, including expectations that citizens have of the state in which they claim membership, and the capacity and grounds upon which state agents believe they can recognize or deny those claims; they allow

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<sup>35</sup> Lee 2016; Hur 2018; Denney, Green, and Ward 2019; Kim Soo-Am et al, *Study on North Korean Defectors' Perceptions about Democracy and the Market* (KINU, 2017).

<sup>36</sup> Longo (2018:13) calls this a "deep border," in which border processes extend beyond and within the state.

<sup>37</sup> Tilly 2008; Distelhorst and Fu 2019; Egin Isin, "Performative Citizenship," in Ayelet Shachar, Rainer Bauböck, Irene Bloemraad and Maarten Vink, eds., *Oxford Handbook of Citizenship* (Oxford, 2017), 500-523; Lisa Wedeen, *Peripheral Visions: Publics, Power and Performance in Yemen* (Univ. of Chicago, 2008); Suk-young Kim, *Illusive Utopia: Theater, Film, and Everyday Performance in North Korea* (Univ. of Michigan, 2010).

<sup>38</sup> We analyzed both English and Korean-language memoirs to assess the effect of audience. We find relatively few differences, as it relates to citizenship, in texts that appear in both languages.

scholars to examine how facets of citizenship—status, identity, participation, rights—intersect in practice.<sup>39</sup>

Four additional sets of sources help to cross-check, contextualize, and interpret the narratives: 1) legal documents from North Korean asylum claims in third countries, which often explicitly consider ROK citizenship; 2) ROK government resettlement/citizenship curriculum materials; 3) interviews with ROK officials involved in resettlement; and 4) interviews and participant observation with North Korean defectors/refugees who resettled in South Korea and US.<sup>40</sup> Interview and ethnographic data were collected in South Korea and the U.S. from 2012 through 2019. Due to the importance of establishing trust with individuals from North Korea, this part of the project primarily employed snowball sampling and semi-structured interviewing, drawing on relationships established during the author’s previous research on North Korea.<sup>41</sup>

### **Geopolitical Citizenship: Textual Evidence from North Korean Narratives**

Analysis of North Korean narratives suggests two central arguments: that citizenship is constituted incrementally over the course of migration and resettlement, and that geopolitics and security significantly shape (and incrementalize) negotiations over citizenship acquisition during that process. Progression through four different stages of migration and resettlement illustrates the

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<sup>39</sup> Irene Bloemraad, “Theorising the Power of Citizenship as Claims-Making,” *Journal of Ethnic and Migration Studies*, 44/1(2018):4-26.

<sup>40</sup> Jay Song and Steven Denney, “Studying North Korea Through North Korean Migrants: Lessons from the Field,” *Critical Asian Studies* (2019); Edward Schatz, ed., *Political Ethnography: What Immersion Contributes to the Study of Power* (University of Chicago, 2009).

<sup>41</sup> On qualitative research with vulnerable populations and the importance of trust, see Raul Pacheco-Vega and Kate Parizeau, “Doubly-Engaged Ethnography: Opportunities and Challenges When Working with Vulnerable Communities,” *International Journal of Qualitative Methods* 17/1 (2018): 1–13; Pranee Liamputtong, *Researching the Vulnerable* (Sage, 2006).

incrementality and contingency of state recognition of citizenship. The first and fourth stages most strongly emphasize the importance of geopolitics and inter-state relations, while the second and third stages highlight the importance of state security considerations at the border, where migrants transition from extraterritorial to domestic citizen.

North Koreans begin their journeys in North Korea, where the Republic of Korea claims but does not exercise sovereignty over territory or people, and the future claimant is therefore in a location and polity that is both inside and outside of membership.<sup>42</sup> Migrants often exit North Korea without an active intent to claim ROK citizenship; many are unaware that they have this right, and it would be extremely dangerous to make such a claim inside North Korea itself, because doing so would challenge the legitimacy of the DPRK and of the Kim family's rule. The article's framework therefore treats DPRK residents as beginning with a de-activated form of South Korean citizenship: neither actively claimed by citizens nor recognized in practice by the state.<sup>43</sup>

### *Contingent Citizens: North Koreans in Third Countries*

Many North Koreans first encounter the South Korean state when they seek to enter the ROK from a country like China, Mongolia, or Thailand. In those third countries, their claims to citizenship and right of entry have sometimes been denied, and state response has varied according to diplomatic relations with the country in which the claim is made. Extraterritorially, then, North

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<sup>42</sup> Some human rights activists, including defectors, believe the ROK should advocate more for its North Korean constituents. Interviews with two individuals from North Korea, Seoul, May 2016; interview with two human rights activists, Washington, spring 2018; Brian Padden, "North Korean Defectors Worried Nuclear Deal Will Overlook Atrocities," *Voice of America*, 29 March 2018, <https://www.voanews.com/a/north-korean-defectors-worry-nuclear-deal-overlook-atrocities/4322015.html>.

<sup>43</sup> On variations in state unification policies and their impact on defectors, see Danielle Chubb, *Contentious Activism and Inter-Korean Relations* (Cambridge, 2014).

Korean defectors often learn that their citizenship is incomplete and contingent on geopolitical factors.

North Korea-born individuals seeking entry to South Korea from China—at the ROK consulate in Shenyang, in China’s northeast, or the ROK embassy in Beijing—have commonly been rebuffed. Multiple narratives and interviewees describe seeking assistance from South Korean diplomatic facilities via phone, intermediary, or in person, and being rejected.<sup>44</sup>

I had hoped that the consulate would be willing to hide and protect us, but that, it turned out, was out of the question. The diplomat gave us a bit of pocket money, wished us luck, and bid us to come see him in a couple of weeks. In the meantime, he would see what he could do.... Returning two weeks later, we were once again counseled to have patience. I felt more and more alone, and realized that my life shouldn't depend on anyone, *not even a representative of the country I wished to join.*<sup>45</sup>

I stayed in [city redacted] for several months. I could survive by eating food that Chinese people threw away. I waited outside the [South Korean] consulate, and I would try to follow the staff home and ask them to help me. Eventually I gave up.... When I got to Thailand, then, I decided to come to the US. (Interview)<sup>46</sup>

Note that the narrator in the first quotation understands himself as seeking to *join* South Korea, rather than already belonging to it. He does not know, nor does the state communicate, that any membership or associated rights already exist. Interview evidence also indicates that the non-availability of assistance from ROK personnel or facilities in China is now taken for granted among defectors, brokers, and NGOs that assist with escape.<sup>47</sup>

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<sup>44</sup> KY09:137-45; JJS14:220-21; KHD97:54-55.

<sup>45</sup> Emphasis added. KCH01:206.

<sup>46</sup> Author’s interview, United States, 2019.

<sup>47</sup> Interviews with two North Korea-born individuals and two NGO employees, Seoul, June 2013/May 2014. Two narratives describe encounters with people that they think are—or who present themselves as—agents of ROK intelligence. The assistance offered is covert rather than consular, and it isn’t clear that the interlocutors are representing themselves accurately. HK05:172-74; KY09:126-27.

Data from both narratives and interviews suggests that at the extraterritorial stage, migrants seldom frame their claims in terms of constitutional rights. More often, they express communitarian expectations: that shared ethnicity generates an obligation for other Koreans to help.<sup>48</sup> Migrants who receive assistance often explain it in their writings with reference to *minjok* (shared ethnicity/bloodline) or *dong'po* (“compatriots,” but connoting sibling-ness/ethnic brotherhood).<sup>49</sup> One woman writes, “I was Korean and so were they. In China, however fluent my Mandarin, however official my ID, I would always be, at heart, a foreigner...South Korea is at least Korean.”<sup>50</sup> In other narratives, when migrants are rejected—by Korean businesses, individuals, churches, or officials—it is rejection by fellow *Koreans* that evokes an intense response.<sup>51</sup> One writes of his rejection, “But we were both Koreans, he and I!...Surely the man I had spoken to was a South Korean consulate employee, speaking our language”; he compares the feeling to the impact of a bullet.<sup>52</sup> Another writes, “These were my people, and yet they were filled with contempt for me. I retreated to a couch, my emotions—resentment, anger, confusion—released in quiet tears.”<sup>53</sup> Another memoir blames the embassy for not helping fellow Koreans (*dongjok*).<sup>54</sup> Migrants, therefore, often do not differentiate between co-ethnics and state agents: in

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<sup>48</sup> In one notable exception, a DPRK diplomat-defector convinces the ROK embassy to accept him by reminding counterparts of their constitutional commitment. Melanie Kirkpatrick, *Escape from North Korea: The Untold Story of Asia's Underground Railroad* (Encounter Books, 2012), 223.

<sup>49</sup> JHA11:333, LCM18:42; LYP00:108; KCH06:178; JHN04:221.

<sup>50</sup> HSL15:174/185.

<sup>51</sup> JJS14:194-96; JK15:224; SDH12:155-57; JHN04:206/210.

<sup>52</sup> JJS14:220-21.

<sup>53</sup> JK:224.

<sup>54</sup> KHD97:54-55.

their minds, at this point in their journeys, it is shared ethnicity, not state policy, that generates the obligation to assist -- and the rejection they perceive is not an invalidation of a legal status to which they are entitled, but an experience of exclusion from a community defined by shared ethnicity.

The South Korean state, by contrast, has tended to frame rejection of North Korean claims in geopolitical terms. Since normalization, both the ROK government and the South Korean public have seen Beijing's support as necessary for unification, an approach that President Roh Tae-woo called "opening the North Korean door by opening the Chinese door."<sup>55</sup> PRC-ROK normalization talks do not appear to have addressed DPRK defectors, who were rare at the time, and seldom defected via China. As a result, with a few high-profile exceptions,<sup>56</sup> the South Korean government has believed that the geopolitical realities of the PRC's role compel them to treat North Koreans in China as something less than full ROK citizens, even when North Koreans explicitly appeal for that standing. As one memoir recounts:

In Seoul, many years later, I ran into the same diplomat who had treated me so coldly. 'You must realize,' he began by way of apology, 'that establishing our burgeoning diplomatic relations with China had taken us a very long time and required enormous efforts. We simply could not allow ourselves to act in a manner that would place China in an embarrassing situation vis-à-vis its ally in the North...'<sup>57</sup>

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<sup>55</sup> Roh believed that normalization would lead other socialist countries to follow, paving the way for inter-Korean dialogue and unification. Hakjoon Kim, "Establishment of South Korean-Chinese Diplomatic Relations: A South Korean Perspective," *Journal of Northeast Asian Studies* (1994): 34; Ellen Kim, and Victor Cha, "Between a Rock and a Hard Place: South Korea's Strategic Dilemmas with China and the United States." *Asia Policy* (2016). On public opinion, see "Half of S. Koreans Pick China as Key Help in Unification," *Yonhap*, 5 February 2014, <https://en.yna.co.kr/view/AEN20140205007200315>

<sup>56</sup> Joohee Cho, "9-year-old girl who fled North Korea faces repatriation after arrest in China," *ABC News*, 3 May 2019, <https://abcnews.go.com/International/year-girl-fled-north-korea-faces-repatriation-arrest/story?id=62798702>; <http://en.nknet.org/writings/nk-vision/no49/south-korea-challenge-protecting-north-korean-refugees-abroad/>

<sup>57</sup> KCH01:207; see also KHD97:54-55.

Over time, South Korea's stance became common social knowledge among networks that assist with escape and resettlement, and migration pathways adjusted accordingly. Missionaries and brokers advised escapees that South Korea "wanted to avoid anything that might cause conflict with China," and avoided ROK diplomatic facilities in China;<sup>58</sup> instead, migrants embarked on long, arduous, often dangerous journeys via Central or Southeast Asia. South Korea's geopolitical imperatives vis-à-vis the PRC overrode both ethnic affinity and constitutional-legal rights, resulting in frequent denial of extraterritorial citizen status to North Korea-born escapees in China.

Other third countries reveal similar patterns. Escapees in Mongolia speak and write positively of their treatment by ROK representatives in Mongolia, recalling their time with phrases like "our brethren from the South [took care]" of us.<sup>59</sup> At the same time, narrators express disbelief that "the same South Korean government could behave so differently in Beijing and here,"<sup>60</sup> and write of their belief that Mongolia calibrated its treatment of North Korean refugees "to reflect the relative importance of each relationship [with North Korea, South Korea, the US, and China] at any given moment."<sup>61</sup> Even in cases when state recognition has been granted, North Korean narratives often perceive it as geopolitically contingent.

In Southeast Asia, North Korean migrants' experiences with the South Korean government have varied by country. Narrative evidence shows that ROK facilities in Vietnam and Laos have

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<sup>58</sup> KY09:137/45; for similar findings in academic work: Lankov 2006; Wolman 2014; Adam Cathcart, "Evaded States: Security and Control in the Sino-North Korean Border Region," *Handbook of Asian Borderlands* (Routledge, 2018), 430.

<sup>59</sup> ESK15:166-170; LJ14:273.

<sup>60</sup> The author notes that he receives more protection than his female companions, and credits this to his higher intelligence value. KY09:152-53.

<sup>61</sup> YMP15E:204.

commonly rejected North Koreans seeking resettlement; both countries maintain strong relations with Pyongyang and have repatriated escapees and asylum-seekers back to North Korea. In 2009, the ROK Vice Consul in Hanoi explained the state's logic in the presence of a reporter, saying, "It is the policy of Korean consulates not to antagonize host countries with actions contrary to their interests"; he cited a need to avoid diplomatic embarrassment before President-elect Lee Myung-bak's visit.<sup>62</sup> By contrast, ROK personnel in Cambodia and Thailand are often described as more helpful.<sup>63</sup>

North Korean narratives express both comprehension and criticism of the geopolitical reality that shapes their reception by the South Korean state.<sup>64</sup> Hyeonseo Lee, who sought consular assistance when her mother and brother were imprisoned and her ROK passport confiscated by Laotian authorities, writes critically of the ROK on both moral and legal grounds: "when I later learned that embassies have an obligation under international law to protect and support their citizens, I found the attitude of the South Korean embassy in Vientiane very hard to understand."<sup>65</sup>

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<sup>62</sup> Kirkpatrick 2012:230; see also KHD97:67; Hark Joon Lee, *Crossing Heaven's Border* (Stanford/Shorenstein, 2014), 258-59.

<sup>63</sup> Both countries have diplomatic relations with Pyongyang but strong economic ties to the ROK. Thailand has an immigration detention center where North Koreans have contact with UNHCR and ROK government staff while they await screening/resettlement. Today it is the largest transit point for North Koreans, and the majority choose to resettle in South Korea. The ROK's overseas preliminary investigation, outlined in the Protection and Resettlement Act, is usually done by MOFA, but can involve an inter-agency Coordinating Council with representatives from the Ministries of Justice and Unification, NIS, and National Police Agency. HK05:178-188; HSL15 246, 257-58, 268-71; CGH07:200; KINU Human Rights White Paper 2013; Wolman 2014:239; Anna Fifield, "She Fled North Korea and Turned to Online Sex Work," *Washington Post*, 18 October 2016.

<sup>64</sup> Some learn to use these dynamics: SDH12:157-58 and JJS14:298-307 enter ROK diplomatic facilities in China by leveraging their stories' appeal to journalists first.

<sup>65</sup> HSL15:270-71.

Others express a more communitarian sense of failure, lamenting a geopolitically impotent South Korea unable to care for its own:

Impoverished North Korea, surviving on Chinese aid, could afford to send its agents on the rampage with the cooperation of the Chinese authorities. But South Korea, an economic ally of China that invested in Chinese reform, seemed to have no will or authority to rescue one of its own. Did I have a homeland at all?<sup>66</sup>

Following complaints about inconsistent policy, and public controversy over the repatriation of nine North Koreans from Laos in 2013, the ROK shifted towards providing earlier, consistent, and more substantial assistance to North Koreans seeking to enter South Korea. The Ministry of Foreign Affairs issued new protocols and established a “National Community Overseas Cooperation Team” within the ministry to “unify the protection and transfer of North Korean defectors.”<sup>67</sup> By this time, however, brokers, NGOs, and defector networks had already redirected migrants toward Thailand, which does not formally recognize North Koreans as

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<sup>66</sup> JJS14:222.

<sup>67</sup> “Regulation on the Establishment and Operation of the National Community Overseas Team,” ROK Ministry of Foreign Affairs (2013); see also Young Hwan Park, “Ministry of Foreign Affairs has established an ‘International Cooperation Team for the Ethnic Community,’ which will be dedicated to defectors,” *Newsis*, 29 August 2013, [http://www.newsis.com/view?id=NISX20130828\\_0012317130](http://www.newsis.com/view?id=NISX20130828_0012317130)

Protections for North Koreans seeking resettlement from third countries were further strengthened in January 2019 through revisions to the Resettlement and Protection Act. The changes specified a) that the ROK NIS Director must report to the Minister of Unification after taking necessary actions for North Koreans who register or notify the state of their intention to resettle; and b) that the NIS Director must establish and operate temporary protection facilities for North Koreans. (The amendment doesn’t specify whether these facilities will be in South Korea, abroad, or both.) See Article 7, Republic of Korea, *North Korean Refugees Protection and Settlement Support Act*, 2019, <http://www.law.go.kr/LSW/lsLinkProc.do?&lsNm=%EB%B6%81%ED%95%9C%EC%9D%B4%ED%83%88%EC%A3%BC%EB%AF%BC%EC%9D%98+%EB%B3%B4%ED%98%B8+%EB%B0%8F+%EC%A0%95%EC%B0%A9%EC%A7%80%EC%9B%90%EC%97%90+%EA%B4%80%ED%95%9C+%EB%B2%95%EB%A5%A0&chrClsCd=010202&mode=20#>

refugees, but maintains good relations with the ROK and uses migrants' ostensible ROK citizenship as justification to send them onward to South Korea.<sup>68</sup>

Finally, ROK recognition of North Koreans as citizens remains incomplete during their time abroad, even when the state provides protection and transfer to South Korea. North Koreans awaiting resettlement in extraterritorial detention are not provided regular state-issued identification, and their right of entry depends on first passing an interim security screening, as well as on the ROK's ability to negotiate exit paperwork with the third-country's government. (Once entry is approved, they fly to South Korea under escort with specialized paperwork.) Combined, these factors render a right theoretically guaranteed under international law, the right to enter the country of one's citizenship, tenuous.<sup>69</sup> Throughout extraterritorial negotiations for citizenship, therefore, ROK state recognition of North Korean claims is incomplete, and contingent on the geopolitical context where migrants make their initial claim.

#### *"Pre-Citizens": Security Screening*

Upon arrival on South Korean soil, North Koreans are typically met by teams composed of ROK security and intelligence personnel, and detained for a 90-day screening at an interrogation and protection center.<sup>70</sup> A group dormitory stay is typically followed by individual investigation

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<sup>68</sup> Jung-A Yang, "South Korea's Challenge: Protecting North Korean Refugees Abroad," *NKNet*, 26 August. 2013, <http://en.nknet.org/writings/nk-vision/no49/south-korea-challenge-protecting-north-korean-refugees-abroad/>; interview, Ministry of Unification, May 2014; interviews with two North Korean defectors, Seoul, May 2014; interview with a U.S.-based North Korean refugee, 2017;

<sup>69</sup> Lee 2004; Chung et al 2010; Wolman 2014.

<sup>70</sup> In 2014, the Joint Interrogation Center became the Defector Protection Center. Pre-2010, screening lengths were unspecified; from 2010-18 it was <180 days; in 2018, it was reduced to 90 days. Information found in extraterritorial investigation can lengthen or expedite screening. "S. Korea Reforming N. Korean Defector Interrogation System," *Yonhap*, 28 July 2014,

in solitary confinement; applicants for resettlement are asked to draw a map of their hometown and asked detailed questions (often repeatedly, to identify any inconsistencies). Most narratives describe interrogation as intense, though some taper toward cordiality as investigators gain confidence in interviewees' truthfulness.<sup>71</sup>

Although this stage of resettlement has received relatively little scholarly attention, narrative evidence confirms that government recognition of claimants' ROK citizenship remains incomplete, and that the state explains and justifies its policies during this part of the process by reference to the security threat North Korea poses in terms of terrorism, espionage, and infiltration. Screening procedures are led by the NIS, the descendant organization of the KCIA, which managed domestic and foreign intelligence (including counter-intelligence and counter-infiltration) throughout the ROK's military-authoritarian period (1961-87).<sup>72</sup> The screening's stated purpose is to identify two groups: spies or infiltrators sent by the DPRK, and ethnically Korean PRC citizens who are not entitled to ROK citizenship (*Chosonjok*; *Chaoxianzu* in Mandarin).<sup>73</sup>

During interrogation, rights provided to full ROK citizens are circumscribed or withheld (freedom of movement, the right to have counsel, etc).<sup>74</sup> The stakes are high: suspected spies face

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[https://en.yna.co.kr/view/AEN20140728007800315;\\_ROK](https://en.yna.co.kr/view/AEN20140728007800315;_ROK) MOU statement, 13 February 2018, [https://unikorea.go.kr/unikorea/news/release/?boardId=bbs\\_0000000000000004&mode=view&cntId=54384&category=&pageIdx](https://unikorea.go.kr/unikorea/news/release/?boardId=bbs_0000000000000004&mode=view&cntId=54384&category=&pageIdx).

<sup>71</sup> One recounts an intense week plus another six months (KCH01:220-222); another says "about a month" (SDH:159); a third describes just 24 hours (JK15:295-99).

<sup>72</sup> Sheena Chestnut Greitens, *Dictators and Their Secret Police* (Cambridge, 2016), Ch. 5/8.

<sup>73</sup> Interview with a South Korean official, Seoul, May 2014. For interrogation of an admitted North Korean agent, see KHH93:141-171.

<sup>74</sup> Following mistreatment claims and advocacy group scrutiny, closed-door interrogations ended and female attorneys were provided. Yonhap 2014.

trial and imprisonment, and a Korean-Chinese individual who the authorities decide has misrepresented him/herself as North Korean can be deported to China.<sup>75</sup> Moreover, in November 2019 the South Korean government took the unusual step of repatriating North Koreans back to the DPRK itself; the Ministry of Unification called them “serious criminals” (allegedly for killing their fellow fishermen before fleeing to the South) and said it could not trust their “intention of defection.”<sup>76</sup> The case made it clear that not all North Koreans who arrive in the South are automatically granted citizenship, entry, and residency.

The South Korean state can therefore withhold or grant citizenship and its attendant rights of entry and protection depending on the state’s assessment of an individual claimant’s background. Theorists note that the need to prove one’s identity -- as North Koreans entering South Korea must -- raises thorny questions about democratic citizenship, because it strips citizens of natural rights prior to that proof, “invert[ing] government by consent of the people into a regime of citizens’ praying for privileges to be granted by permission of the government.”<sup>77</sup> Indeed, scholars highlight the risk that uncoupling territory from jurisdiction, as has occurred on Korea’s divided peninsula, will lead to rights disaggregation and withdrawal of protections to which

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<sup>75</sup> Moreover, PRC authorities may conduct their own investigation of an individual repatriated to Chinese territory; if PRC authorities decide that the individual in question originally came from North Korea, that individual could be repatriated to the DPRK itself.

<sup>76</sup> “North Korean fishermen ‘killed 16 colleagues’ before fleeing to South,” *BBC*, 7 November 2019, <https://www.bbc.com/news/world-asia-50329588>

<sup>77</sup> Sobel 2016:8; see also work on “undocumented citizenship” and “evidentiary statelessness” in which administrative process rather than law denies individuals effective proof of nationality. Wendy Hunter, *Undocumented Nationals: Between Statelessness and Citizenship* (Cambridge Elements, 2019).

citizens should be entitled—the outcome faced by North Koreans, whose citizenship and protection are in abeyance until the territorial/jurisdictional discrepancy is resolved.<sup>78</sup>

One narrative in particular articulates this discomfort plainly. The author recounts protesting to a South Korean official, “If I don’t have my identification papers, will I be denied asylum? I’m speaking Korean right now. Is that not proof enough that I’m one of you? If we don’t have our papers, do we all have to die like [my friend]?”<sup>79</sup> In this passage, the narrator articulates a sense of unfairness and outrage that his protection and membership depend on someone else’s determination of his citizen status; he feels keenly the vulnerability of being what scholars have termed (in other contexts) an “undocumented citizen” who is “evidentiarily stateless.”<sup>80</sup>

Even if an applicant proves North Korean identity, and permission to enter and resettle is granted, the state (via a 23-agency, MOU-led Consultative Council on Residents Escaping from North Korea) can opt to withhold protection and support benefits, which at present include housing, education, and settlement subsidies; vocational training; and eligibility for other support programs, including community-based counseling and police protection programs.<sup>81</sup> The 2019 North Korean Refugees Protection and Settlement Support Act specifies conditions under which

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<sup>78</sup> Seyla Benhabib, “Borders, Boundaries, and Citizenship,” *PS* 38/4(2005):673-677; Robert Glover, “Radically Rethinking Citizenship: Disaggregation, Agonistic Pluralism, and the Politics of Immigration in the US,” *Political Studies* 59/2(2011): 209-229.

<sup>79</sup> JJS14:305.

<sup>80</sup> Hunter 2019.

<sup>81</sup> These benefits are summarized in English at the following Ministry of Unification webpage: [https://www.unikorea.go.kr/eng\\_unikorea/whatwedo/support/](https://www.unikorea.go.kr/eng_unikorea/whatwedo/support/). See also Choe Sang-hun, “A North Korean Defector is Spurned, for Decades, by South Korea,” *New York Times*, 9 December 2017, <https://www.nytimes.com/2017/12/09/world/asia/north-korean-defector-south-korea-kim-seok-cheol.html>

claims to protection/support may be withheld, denied, or revoked.<sup>82</sup> Articles 9 and 27, for example, list offenses including drug trafficking (common along the DPRK-PRC border), murder, terrorism, “disguised escape,” intentional provision of “false information contrary to the interests of the State,” and attempts to return to the DPRK; Article 9 also contains a provision, rarely applied, in which extended third-country residence can render one ineligible.<sup>83</sup>

As of 2019, there were approximately 280 “non-protected” North Koreans resettled in South Korea (around 1.5%). Around three-quarters of these were denied protection and support because they applied after having been in South Korea for over a year, rather than declaring their status and applying for resettlement before/upon entry; in 2019, the deadline for declaring and applying for protection was extended to three years after arrival.<sup>84</sup> Until early 2017, children born in third countries to a North Korean parent, though typically admitted to the ROK, were also ineligible for financial support; in 2016, this included 1,317 of 2,517 DPRK-heritage refugee youth (52%).<sup>85</sup>

The ROK government has provided inconsistent information on whether individuals denied protection/support benefits will still be granted *citizenship*. In 2010-2011, the ROK stated

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<sup>82</sup> ROK, *North Korean Refugees Protection and Settlement Support Act*, 2019.

<sup>83</sup> Government of the United Kingdom, *KK and Others* (Nationality: North Korea), Korea CG, UKUT 92 (2011), <https://tribunalsdecisions.service.gov.uk/utiac/37601>, p. 19; see also Wolman 2014:243.

<sup>84</sup> Article 7 of the Resettlement and Protection Act states that North Koreans who wish to make their way into South Korea must “register (신청)” their intention directly to either South Korean embassies and consulates or other official establishments (such as customs/border personnel). Lee Jin-Seo, “Piboho t'albukcha, 3nyonnae chajinshin'go haeya [Unprotected North Koreans must voluntarily report within 3 years,” *Radio Free Asia*, 26 August 2019, [https://www.rfa.org/korean/weekly\\_program/ad81ae08c99d-d480c5b4c90db2c8b2e4/ne-js-08232019155504.html](https://www.rfa.org/korean/weekly_program/ad81ae08c99d-d480c5b4c90db2c8b2e4/ne-js-08232019155504.html)

<sup>85</sup> “Tto tarūn t'ongirūi shijak, che3kuk ch'ulsaeng ch'ōngsonyōn [Start of another unification, youth born in third countries],” *UniKorea Blog*, 13 March 2017, <https://unikoreablog.tistory.com/6913>

to Canadian and UK courts that the government could deny nationality on Article 9 grounds, but told an Australian court both that citizenship was “automatically and immediately granted” pending identity confirmation, and that citizenship procedures were “more difficult” in Article 9 cases.<sup>86</sup> In 2015, a UK court found that DPRK spies are prosecuted, but not repatriated; that failing the protection procedure did not condemn individuals to repatriation; and that Article 9 appeared to provide grounds for withholding resettlement benefits rather than denying citizenship.<sup>87</sup> These rulings suggested that “failed” screening was more likely to compromise rights typically accorded with citizenship than to nullify citizenship itself, but the November 2019 repatriation raises the more serious possibility of citizenship status being denied altogether.

North Korean narratives consistently and clearly interpret screening as a process in which the state has discretion to grant or withhold citizenship. One narrator wrote, “I was not yet a South Korean citizen; to become one, I had to go through the screening process.”<sup>88</sup> Two others describe hearing that their right of entry is conditional on “passing,” and that they can be deported if they fail.<sup>89</sup> Still another describes this stage as “the last test, a test to decide my future,” adding, “*if I passed, I would be eligible for South Korean citizenship.*”<sup>90</sup> Narratives describe this stage with

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<sup>86</sup> Government of Australia, *Refugee Review Tribunal 0909449*, RRTA 763, 7 September 2010, para 80; Government of Canada, *Kim v Canada*, 2010 FC 720, 30 June 2010, para 15; Government of the United Kingdom 2011: para 15.

<sup>87</sup> Government of the United Kingdom, *GP and Others (South Korean citizenship)*, Korea CG, UKUT 391 (2014), <https://tribunalsdecisions.service.gov.uk/utiac/2014-ukut-391>, pp. 2,21-23,28,66.

<sup>88</sup> KSY00:99.

<sup>89</sup> YMP15E:209. Guards at the screening center warn one group that “physical fighting was a criminal offense and would hinder progress toward South Korean citizenship.” HSL15:199/203.

<sup>90</sup> ESK15:173-75. She also recounts her belief that if she and her mother had been KWP members, “the interrogators would have been suspicious that we were spies sent by the north.”

varied emotions: excitement, relief, exhaustion, terror, anxiety, nervousness, confidence.<sup>91</sup> Interview evidence reveals similar perceptions of the process: citizenship is not “automatic” or taken-for-granted, and resettlement in South Korea is likely, but not guaranteed.<sup>92</sup> Many defectors also perceive the state’s security rationale as legitimate, but objecting to specific procedures; female narrators are more likely to describe the process as dehumanizing.<sup>93</sup> Throughout screening, therefore, although North Koreans possess formal juridical citizenship, the state’s security concerns render recognition of their citizenship claims incomplete; North Koreans’ success in claiming citizen status is fundamentally contingent on resolving the state’s security concerns.

### *Citizens-in-Training: Hanawon*

After screening, North Koreans move to *Hanawon* (House of Unity): a secure, isolated facility established in the late 1990s to prepare defector-refugees for life in South Korea. Hanawon classes teach practical logistics and social norms, offer transitional education and vocational training, and (re)-teach Korean history. Published narratives describe its 90-day program as a “crash course” and “halfway house between the two Koreas,” preparation for a society that narrators describe by turns as capitalist, “modern,” and democratic.<sup>94</sup> At Hanawon, North Koreans are citizens-in-training, working toward formal ROK recognition of their citizenship at the end of

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<sup>91</sup> KY09:157; JK15: 296-99; KCH01: 222; ESK15:173-75.

<sup>92</sup> Interviews with two North Korean-born individuals, Seoul, May 2016.

<sup>93</sup> On security justification, see ESK15:166. On dehumanizing procedures, see Jin-hee Park, quoted in Markus Bell, “Manufacturing Kinship in a Nation Divided,” *Asia-Pacific Journal of Anthropology* 14/3(2013), 241; YMP15E:208-11; CGH07:207-8.

<sup>94</sup> HSL15:208-10; YMP15E:213; ESK15:178. Memoirs by those who arrived before Hanawon was established don’t address it, but only one post-2000 account (ESK15:194) mentions bypassing Hanawon.

their stay. The citizenship taught at Hanawon, however, is very different from the citizenship that North Koreans have experienced thus far in the resettlement process.

Alongside other courses, Hanawon focuses explicitly on teaching residents “democratic citizenship” (*minju shimin*)—a term not used in North Korea.<sup>95</sup> South Korea’s name also differs: North Koreans call it *Nam Choson*, while South Koreans use *Hanguk*. At Hanawon, therefore, North Koreans must accomplish two politically-significant tasks: rename the country they belong to, and redefine their role as members in its political community. The curriculum focuses on both formal participation and informal social membership: the constitution, government structure, democratic procedure (elections, rule of law, etc), and tolerance and diversity (of age, income inequality, religion, culture); it also warns of social challenges that can ensnare resettled North Koreans, such as bribery, financial scams, and domestic/other violence. Follow-up classes taught by Hana Centers—regional facilities that support post-Hanawon resettlement—emphasize local integration and “democratic civic-mindedness,” including etiquette in public facilities, standards of neighborliness, and potential responses to discrimination/prejudice.<sup>96</sup>

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<sup>95</sup> While both North and South use *minjok* to refer to Koreans as an ethnic people, DPRK residents use *inmin* (Chinese cognate *renmin*) for public/collective reference, and comrade/friend (*dongmu*, or Sino-Korean *dongji*) interpersonally. The ROK constitution refers to *gukmin* (nationals) and *ingan* (human beings); other rhetoric uses *gongmin/kungmin* (public/collective “the people”), and Hanawon uses *shimin* (originally “city-dweller, as “citizen” is in English). Interview with Hanawon instructor, Seoul, July 2014; Dong Wun Cho and Yong Tae Kim, “Study on Settlement Services for North Korean Defectors,” *Journal of Korean Public Police and Security Studies* 8/2(2011): 25-50.

<sup>96</sup> Instructors are coached to focus more on civic obligations and civic responsibility than democratic formalities. Hana Foundation of South Korea [Nambuk'anajaedan], *Himnaera! chōngch'aksōnggong: puk'anit'alchumin sahoejōkūng p'ūrogūraem maenyuō* [Go for successful settlement! Program Manual to Support North Korean Refugees in South Korean Society] (Seoul, 2015), 18-19; Hana Foundation, *Himnaera! ch'wiōpsōnggong: puk'anit'alchumin ch'wiōpchiwōn p'ūrogūraem maenyuōl* [Go for jobs!: Program Manual to Support North Korean Refugees on the Job Market] (Seoul, 2015).

The South Korean state's pedagogical approach to citizenship suggests that it views North Koreans as incompletely developed *shimin*, or citizens-in-training: curricular study and mastery is necessary to qualify for full membership. The state's teaching about citizenship also emphasizes legal-contractual conceptions and socio-cultural belonging – with little attention to the geopolitical factors that have shaped state treatment of North Korean “citizens” thus far in their journey.

Although Hanawon emphasizes ethnic unity, it is also a stage during which North Koreans experience “differential exclusion,” wherein legal citizen-status fails to confer full social membership.<sup>97</sup> One instructor observed, for example, that disease-fearing South Korean staff used separate bathrooms from North Korean residents, creating *de facto* segregation among a Korean community that they were simultaneously attempting to portray as unified.<sup>98</sup> Other signals of incomplete social membership are more subtle; in both interviews and published accounts, Hanawon graduates interpret instructors' attempts to realistically portray the competitiveness of South Korean society as lack of confidence in North Koreans' abilities to become valued members.<sup>99</sup> Some residents describe experiencing bitterness, disillusionment, or discouragement at the magnitude of the transition and array of choices they face.<sup>100</sup> Others use rhetoric learned at Hanawon to assert claims to membership; one boy told his teacher “I am also originally a Korean

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<sup>97</sup> Stephan Castles, “How Nation-States Respond to Immigration and Ethnic Diversity,” *New Community* 21/3(1995):298-308; Aihwa Ong, “Cultural Citizenship as Subject-Making,” *Current Anthropology* 37/5(1996):737-62; James Holston and Arjun Appadurai, “Cities and Citizenship,” *Public Culture* 8 (1996):187-204.

<sup>98</sup> Kim 2009:184-85; see also KY97:310.

<sup>99</sup> Interviews with two North Korean defectors, Seoul, July 2013/May 2014. In memoirs, this reaction to the presentation of South Korean competitiveness appears in HSL15:211; YMP15E:217.

<sup>100</sup> Interview with a North Korean defector, Seoul, July 2013; see also HSL15:211; YMP15E:217.

person,” using the South Korean term *Hanguk saram* rather than North Korea’s *Choson saram* to stake his claim to belonging.<sup>101</sup>

Finally, formal recognition of citizenship through the provision of documentation (typically the Resident Registration Card, RRC, *jumin dǔngnokchǔng*) is delayed until the end of an individual’s time at Hanawon.<sup>102</sup> Practically, RRCs provide access to welfare benefits, government services, and other components of Marshall’s ‘social citizenship’—but to most North Koreans, their deeper significance is symbolic. Documents certifying membership matter greatly to individuals who were previously undocumented and vulnerable. One narrator described this condition as being “unable to breathe”; another explained wanting to go to South Korea “not because of the government’s settlement funds, but because I wanted my ID card... an ID with the three syllables of my name, the most wanted thing in the world.”<sup>103</sup> A third writer recalled that taking her ID photo, “finally felt like I was really going to become a citizen...[it] was an important milestone.”<sup>104</sup> Other narrators recalled:

For the first time, I no longer had to live in hiding! It was such a burden lifted off my shoulders. Even if, in the moment, I didn’t quite realize everything it represented.<sup>105</sup>

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<sup>101</sup> Quoted in Kim 2009:170-71.

<sup>102</sup> Interviews with three officials at the Ministry of Unification Resettlement Support Division/Institute for Unification Education, July 2012/May 2016; interviews with two defectors, South Korea, May 2016. See also ESK15:179-81; HSL15:212.

<sup>103</sup> HEM15:216; YMP15E:220.

<sup>104</sup> ESK15:179-81.

<sup>105</sup> Song 2012:113; ESK15:179-81. ESK15:169 was provided a “green booklet” to travel from Mongolia to South Korea, but did not realize it was a passport; only later did she learn “the significance of what I was given that day.” See also KSJ17:29, KSK2015.

My heart felt like bursting, because I had been recognized as one among a nation of equals, rather than a subject.<sup>106</sup>

After getting the ID, I felt that I finally became a citizen (*kungmin*) of the ROK.<sup>107</sup>

In an interview, one recalled the moment when she got her (U.S.) driver's license, saying "when I held the card with my photo on it—it was the first time I felt like a country was telling me I belonged."<sup>108</sup> Indeed, documentation carries such significance for many North Koreans that some do not believe they are citizens until they have it physically, permanently in their possession.

Both state practice and migrant understanding, therefore, converge on the interpretation that North Koreans' ROK citizenship is incomplete while they are at Hanawon. Although that citizenship has existed in theory/law from birth, and they have been on ROK soil for as much as six months by the time they leave the resettlement facility, Hanawon graduation is when the state formally recognizes North Koreans as citizens and allows them to claim standard citizen rights. Until June 2007, RRCs listed Hanawon as the birthplace of all North Korean resettlers—literally suggesting that North Koreans are born as citizens from the Hanawon process.<sup>109</sup>

### *Resettled Citizens of South Korea*

The external and geopolitical dimensions of citizenship come back to the fore soon after North Korean resettlers leave Hanawon, in two ways. First, North Koreans interpret ongoing

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<sup>106</sup> JJS14:309.

<sup>107</sup> LHY04:305.

<sup>108</sup> Interview with a U.S.-based North Korean refugee, February 2017.

<sup>109</sup> Under the Family Registration Act, most cards list one's paternal hometown. Kim 2009:140-41; Song Gae Hee, *North Korean Migrant Integration into South Korean Society* (PhD dissertation, Syracuse University, 2012), 133.

experiences of differential exclusion by reflecting not just on their place in South Korean society, but in a global environment. Second, the empowerment that ROK citizenship provides abroad becomes highly salient, especially if family members remain outside South Korea.

North Koreans' emphasis on communitarian aspects of membership can lead them to weight ethnic and identity-based dimensions of incorporation heavily in their self-assessments of integration in South Korean society. Many feel strong disillusionment when formal citizen status does not produce social equality with other South Koreans.<sup>110</sup> "Because of the single brotherhood shared between North and South Koreans," one scholar explains, North Koreans feel "betrayal at their blood brothers' discrimination."<sup>111</sup> Some also feel that Korean ethnicity makes them more deserving of assistance and membership than non-Korean immigrants.<sup>112</sup> Narrative evidence reflects individuals' grappling with what qualities—legal, communal, behavioral—make someone a member of a polity, often employing global frames of reference:

Am I North Korean? That's where I was born and raised...Or am I South Korean? I have the same blood as people here, the same ethnicity. But how does my South Korean ID make me South Korean? People here treat North Koreans as servants, as inferiors.... There was no country I could say was mine.<sup>113</sup>

Some South Koreans don't like that we, the defectors, benefit from the system, thanks to government aid. And yet I have a South Korean and I have the right to vote. I am just as much a citizen as everyone else here. But some people, both young and old, don't think

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<sup>110</sup> Communitarian identification socialized in North Korea has been found to remain important to North Koreans after resettlement in the South. Aram Hur, "Refugee Perceptions toward Democratic Citizenship," *Comparative Politics* (forthcoming); Mary Nasr, *(Ethnic) Nationalism in North Korean Political Ideology and Culture* (PhD dissertation, University of Sydney, 2014).

<sup>111</sup> Song 2012:141.

<sup>112</sup> This appears to be a minority view. ROK officials explain it as a lingering effect of DPRK socialization; defectors are more likely to refer to the importance of Korean bloodline in entitling them to citizenship in the first place. Interview with a Hana Center employee, Seoul area, May 2014; interview with the head of a resettlement NGO, May 2016; Denney, Green, and Ward 2019.

<sup>113</sup> HSL15:216-17; see also YMP15E:224; JJS14:309.

of me as an equal. They treat me like they treat immigrants from Southeast Asia, the Philippines, or Cambodia; the “poor people” they despise so much.<sup>114</sup>

Although I am a citizen (*kungmin*) of the ROK, the North Korean refugee (*talbukja*) label follows me all the time.<sup>115</sup>

For some, the domestic context heightens North-South cleavages, whereas a global context reduces them: “If we were in China, we would become emotionally attached to the granting of South Korean citizenship. Here, we’re all Korean...so I don’t have a strong feeling about South Korean citizenship.”<sup>116</sup> Another interviewee explained coming to the US in similar terms: “In South Korea I would be a *North* Korean; here I can just be Korean-American.”<sup>117</sup> Others use provinces or hometowns to describe their origins, which allows them to situate their distinctiveness inside a pan-Korean sense of communal inclusion: “like Busan or Seoul people, I am a Hamgyongbuk-do person,” or a “Pyongyang *shimin*” or a “Seoul *shimin*.”<sup>118</sup>

Leaving Hanawon also brings geopolitical contestation over citizenship back to the forefront -- on new terms. Travelling abroad as a ‘normal’ citizen is the last step in progressing to full citizenship, and ROK policy on this has evolved over time. Originally, the ROK did not allow North Korean migrants to obtain a passport until 6 months after they left Hanawon; it then granted single-use rather than five-year, multiple-entry passports.<sup>119</sup> For a period, then, the South Korean

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<sup>114</sup> ESK15:198; see also CGH07:213.

<sup>115</sup> LCM18:198.

<sup>116</sup> Quoted in Song 2012:140

<sup>117</sup> Interview, April 2017.

<sup>118</sup> CGH07:237; LI17:66/118; LI05:232; interviews with three North Korean defectors, Seoul, May 2014.

<sup>119</sup> *Hankyoreh* 2004, <http://legacy.www.hani.co.kr/section-003000000/2004/03/003000000200403301918576.html>; see also KMD17:100.

state limited resettlers' ability to project their ROK citizen identity extraterritorially and to act as ROK citizens abroad, even though they were recognized as full citizens when based inside the polity itself. After resettled North Koreans petitioned to end the policy on anti-discrimination grounds, the restrictions were lifted; today, there are no time limits or differences in the passport issued to resettled North Koreans who have become ROK citizens.<sup>120</sup>

Once travel abroad becomes possible, narrative evidence reveals that individuals both embrace their new citizen status, and question whether it will actually be recognized beyond ROK borders. For many, travel abroad indicates that one is a "true South Korean," as one narrator describes honeymooning in Europe as an ROK citizen (*Daehanminguk gukmin*).<sup>121</sup> For others, the freedom and value of citizenship rests in the ability to return safely to China to visit loved ones, with the protection conferred by an ROK passport. One narrator's mother, for example, tells a friend living illegally in China that once she resettles and obtains a South Korean passport, "You can travel anywhere without fear! You'll be free."<sup>122</sup> In the minds of many former North Koreans, ROK citizenship means freedom not just at home, but abroad.

Other narratives and interview evidence express worry that third-countries will not honor their ROK citizenship, and fear for physical safety if they travel, especially to China. In the mid-2000s, the PRC embassy in Seoul indicated that it could identify ROK citizens of North Korean origin using the RRN listed on passports; the PRC embassy threatened to deny former North Koreans a visa to enter China, but many feared that even if the embassy granted them a visa, travel

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<sup>120</sup> Author's interview with two South Korean officials, January/February 2020.

<sup>121</sup> LI17:66/118; LI09:184.

<sup>122</sup> YMP15E:228; ESK15:191.

to China risked involuntary repatriation to the DPRK.<sup>123</sup> Afterward, South Korea changed the RRN process, making it harder to identify citizens of North Korean origin.<sup>124</sup>

This episode highlights the continued impact of geopolitics (particularly Sino-Korean relations), including on domestic negotiations over citizenship between the South Korean state and its North Korea-born members. North Korean resettlers advocated for and obtained changes to citizenship procedures because of these procedures' *external* ramifications. This episode also emphasizes the ongoing salience of the geopolitical nature of citizenship for North Koreans, even after resettlement. For those whose citizenship has been brought into being through transnational migration and repeated border-crossing, the ability to have one's citizen status recognized and validated externally by other countries, and to cross their borders legally and safely, is a significant, and often foundational, component of political membership.

## **Conclusion**

North Koreans who migrate to South Korea progress incrementally and unevenly into full ROK citizenship. Despite possessing a shared communitarian identity and strong constitutional-legal basis for claims to membership, individual North Korean migrants' claims to citizen-status have historically received widely varying recognition by the ROK state, and their citizenship has accumulated gradually and asynchronously as a result. This process of citizenship-claiming and recognition is geopolitical in its origins, constitution, and meaning: the external and inter-state

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<sup>123</sup> Interviews with three North Korean defectors, Seoul, May 2014; Kim 2009:140-41; YMP15E:227. One relatively high-profile narrative, that of Hyeonsoo Lee, recounts that for this reason, she uses her PRC ID in China; though this places her back in illegal status, she perceives it as less risky than identifying herself as a North Korea-born ROK citizen. In Southeast Asia, however, she uses her ROK passport to obtain consular assistance from the ROK government. HSL15:225/47.

<sup>124</sup> In 2007, RRNs began using a numerical code based on resettlers' first place of residence, rather than Hanawon. This ameliorated, but did not remove, defectors' fears. Kim 2009:140-41; Song 2012:133.

constitution of citizenship is most apparent when citizens are located or can travel extraterritorially, while the state's security imperatives appear especially prominently in the border-crossing stages during which migrants move from extraterritorial claimants to domestically-based citizens. Approaching citizenship as a geopolitical identity helps to excavate intra-group variation in hierarchies of membership; demonstrate that citizenship as negotiated practice appears internationally as well as domestically; and outline how changing configurations in the international system can shape state recognition and treatment of citizens, creating ripple effects in the relationship between state and society.

These findings have policy implications for South Korean resettlement and reunification policy, and suggest important areas for future research. In Korea, North Korean integration is seen as a vital component of future unification, but state focus has remained largely on improving domestic resettlement processes and assistance programs.<sup>125</sup> If, however, resettled North Koreans' perceptions of membership are shaped by pre-arrival experiences abroad, then the ROK's foreign and unification policies must more fully and carefully account for this.

Moving beyond specific questions of Korean citizenship, the experiences of North Korean migrants suggest that citizenship is a status shaped not just by internal state-citizen contracts or a polity's internal communal identity, but one that is also generated by the shifting contours of world politics and a particular country and people's place in a global context. By systematically incorporating geopolitical and security factors, scholars of citizenship may be able to shed

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<sup>125</sup> Kim et al 2017. Ironically, state policies intended to increase chances of future unification can deter and compromise today's "small unifications" of individual resettlement and integration.

additional light not only on the meaning of citizenship, but the importance of how it is contested and constructed, on the Korean peninsula and around the world.