

NORTH KOREA/SOUTH KOREA:CISQUEST No. KOR 9562; Risk to family members in DPRK

CX222139: NORTH KOREA/SOUTH KOREA:CISQUEST No. KOR 9562; Risk to family members in DPRK, Australia: Department of Foreign Affairs and Trade (DFAT), 6 March, 2009, Added: 6/03/2009

COUNTRY INFORMATION REPORT NO. 09/23

TITLE: CISQUEST No. KOR 9562; Risk to family members in DPRK

SOURCE: DFAT

CIR Preparation Date: 6 March 2009

Notes:

1 This Report was prepared by the Country Information Service (CIS) and included in CISNET (the network of CIS country information databases which are available to all refugee/protection visa decision-makers in the Department of Immigration and Citizenship [DIAC] and the Refugee Review Tribunal [RRT]).

2 The information and/or answers in this Report are derived entirely from the source document (s). No interpretation of the information has been made, or comment included, by CIS.

3 The information in this Report is cleared for release to applicants and/or their agent as part of the process of "procedural fairness" ("Procedural fairness" includes and requires that applicants have the opportunity to know what information a decision-maker relies upon, and to comment on any adverse inferences that the decision-maker may draw from the information).

4 Where a request for this Report has been made under the Freedom of Information Act 1982, it may be released to applicants or their agent, in accordance with the Act, without further reference to CIS.

BACKGROUND:

Case Manager who has recently taken over this case, seeks additional information concerning the relative likelihood of risk for the family of a North Korean national seeking protection in Australia, or another country, rather than South Korea. The applicant in this case claims that his family remaining in North Korea would be at less risk if he availed himself of protection in Australia rather than in South Korea.

QUESTION: [13/02/2009]

Q.1. Is it possible that the post might have any information concerning whether the applicant's family in North Korea would be at less risk if he was granted refugee status in Australia or another country rather than South Korea?

RESPONSES: [06/03/09]:

R.1. (a) There is no doubt that the family members of North Koreans who leave the DPRK to seek protection in other countries can be and often are punished if their departure from the country comes to the attention of DPRK authorities. Accordingly, many North Korean defectors/refugees in the South choose to maintain a low public profile in order to protect their remaining family members.

(b) If DPRK citizens are reported as merely missing without confirmation that they have left the country, there would normally not be adverse implications for the family. Consequences for the family would arise only after DPRK authorities had information that they were in another country.

(c) It cannot be said with any certainty whether the level of persecution of remaining family members would be greater if a DPRK citizen sought protection in South Korea rather than in another country, such as Australia. Owing to the highly secretive nature of the DPRK system of government and its arbitrary approach to the administration of justice, particularly in connection with political crimes, it is not possible to know whether the country of destination of defectors/refugees would be a significant factor in determining the nature and degree of consequences for family members. There is not enough information available to make an informed and reliable judgment on this point. Two NGOs which focus on human rights in the DPRK expressed the view that the final country of destination was unlikely to be a significant factor.

(d) There is evidence that the consequences for family members would be more serious if the defector/refugee assumed a high public profile as an anti-DPRK activist in his or her new country of residence, as some do in South Korea. But this is unrelated to the question of country of destination.

(e) There is evidence that North Koreans who leave the DPRK illegally and then return or are returned are subjected to more serious punishment if they have had contact with South Koreans while abroad than with foreigners of other nationalities, such as Chinese. But this was a separate issue from that of how families of deportees who remain in the DPRK might be treated.

END

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Country: North Korea

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Via:

Categories: **Background**

- ✦ Asylum and Migration
- ✦ North-South relations
- ✦ Returnees

Other Human Rights Conventions

- ✦ Other Non-Refoulement Obligations (non-Refugee Convention)
- ✦ Other Human Rights Information
 - ✦ General Human Rights