Proceedings of 2022 Asian Conference on Crisisonomy
(20 ~ 23 July, 2022; Jeju National University; Asian Association for Crisisonomy)

A Challenge to International Law on Human Security:

Does every individual can enjoy his or her human rights wherever he or she lives?

Seunghye Shin

Department of Public Administration, Chungbuk National University, 1 Chungdae-ro, Seowon-Gu, Cheongju, Chungbuk, Korea

A B S T R A C T

The objective of this research is to assess the current legal framework of human rights for the stateless in the Republic of Korea by reviewing two cases of marriage migration that address the issue of statelessness. The research will contextualize the actions taken by the Korean government within the international movement for the stateless led by the United Nations and other international organizations in East Asia. This study will include reviews of other research done on statelessness in international law and policy. To date, little is written on how to resolve this problem in a harmonious way. The research will not be limited to the analysis of the existing loopholes in the legal system of Korea, where statelessness resulted as part of the Sino-Korean population interactions: The study intends to shed light on the possible ways of improvement by reflecting on the free movement of stateless people. The research will argue that enhanced recognition of the issue of statelessness will help resolve this problem. The problem of statelessness - losing the citizenship and its aftermath - has been a topic of concern since the early twentieth century. While there are no easy solutions that will reverse what is increasingly becoming a common phenomenon, there are options that could help reverse the trend. The international legal framework such as universal human rights treaties can play a crucial and complementary role in enforcing the member states to resolve the issue of statelessness.

Key words: statelessness, marriage migrants, nationality law, universal human rights treaty

1. Introduction

The migration policies of nation-states can influence migration flows and help determine the conditions for and consequences of international migration. Currently, international migration creates challenges and opportunities for many states, both developed and less developed, which affects communities in their economic, social, and political aspects, all of which can have secondary effects that influence legislative processes. For example, it can influence employment competition within the recipient states, fiscal costs related to social services for migrants, as well as national security and national identity.

Particularly when comparing Asia to Western states, it can be assumed that Asia lags behind international standards on immigration policies. Ideological factors as well as public policies, domestic laws, and culture can hinder Asia from reaching international standards. For example, according to a report by Korea's Ministry of Justice, the number of foreign marriage migrants and multicultural groups in South Korea has increased from 148,498 in 2012 to 168,594 in 2020 (Table 1).[1] According to this trend, an era of 1,000,000 multicultural families is expected. In China, due to its open foreign policy, there has been an increase in Chinese marriage migrants acquiring citizenship abroad in developed countries such as s, Japan, the United State, as well as Korea (Table 2).[2]

Therefore, trends in globalization play an important role as many Asian states consider whether free movement is a necessary requirement to cooperate with different states. Within East Asia, the Korean peninsula is located in a strategic position and could serve as a model example. Free movement would enable the region to catch up with demographic and social transitions. Increased employment opportunities, international marriage migration trends, and other short-term visit programs

[1] Annual Report by the Korea Ministry of Justice in December 2011

[2] KIS Statistics of Korea Immigration Service. http://www.immigration.go.kr/HP/IMM80/index.do

all contribute to the increase in the scope of migrants in recipient states, which can account for social transformation across territorial borders.

Despite these benefits, immigration policy, in practice, is closely related to nationality. As such, it can cause potential conflicts with domestic legislation and nationality law, in both the recipient and sending states. Due to this potential risk, states have cooperated on nationality issues since the nineteenth century.

[Table 1] Gender-Based Marriage Migrants in South Korea

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total	148,498	150,865	150,994	151,608	152,374	155,457	159,206	166,025	168,594
Male	20,958	22,039	22,801	23,272	23,856	25,230	26,815	28,931	30,716
Female	127,540	128,826	128,193	128,336	128,518	130,227	132,391	137,094	137,878

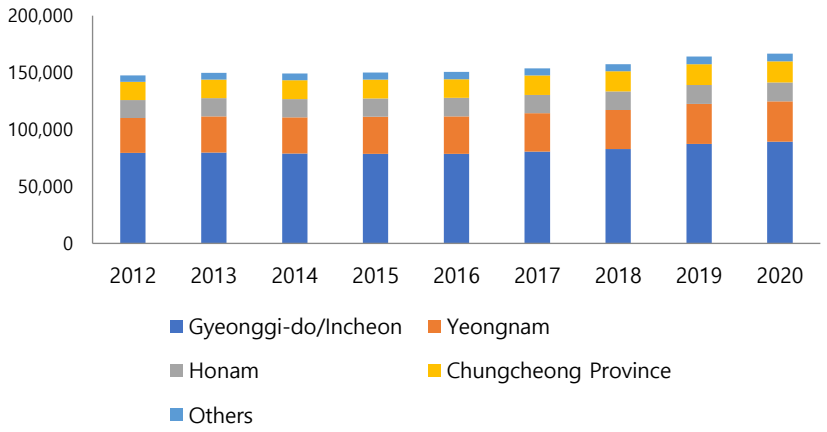
Source: Korea Immigration Service. https://www.index.go.kr

[Table 2] Immigration by International Marriage by Nationality and Year in South Korea

Year	2012	2013	2014	2015	2016	2017	2018	2019	2020
(Non) Korean Chinese	63,035	62,400	60,663	58,788	56,930	57,644	58,706	60,324	60,072
Vietnamese	39,352	39,854	39,725	40,847	41,803	42,205	42,460	44,172	44,058
Japanes	11,746	12,220	12,603	12,861	13,110	13,400	13,738	14,184	14,595
Filipino	9,611	10,383	11,052	11,367	11,606	11,783	11,836	12,030	12,002
Others	24,754	26,008	26,951	27,745	28,925	30,425	32,466	35,315	37,867

Source: KIS Statistics of Korea Immigration Service. https://www.index.go.kr

[Graph 1] Marriage Migrants Based on Location in South Korea



According to statistics provided by the Korea Immigration Service, the number of marriage migrants in Korea from the People's Republic of China (hereinafter China) among (Non) Korean-Chinese has been steadily maintaing. With the increasing influx of new Chinese migrants, rational questions arise. This paper seeks to examine the following questions: 1) how does Korean society respond to this trend and consistently stay connected with Chinese marriage migrants; and 2) what factors have evolved with the growth of international and domestic migration patterns in this region?

II. Literature Review and International Treaties on Statelessness

The "Dual Labor Market Theory" is defined as a phenomenon that promotes the compensation of international labor migrant workers through investments into their working conditions from both the sending and recipient countries.[3] Moreover, prior transient networks foster global binds through kinship, friendship, and community origin. It is assumed that network connections are comprised of a different form of social capital, which can provide an additional channel to draw upon access to foreign employment and family unification. Therefore, "Network Theory"[4]could be applicable as well.

With these theories in mind, are there any problems that could arise as a result of obtaining nationality with respect to the modes of acquisition, loss of nationality, or dual nationality? Are there particular factors that could emerge as a result of social changes that affect the states' behavior in the recipient country? Among other contributing factors that impact nationality, this study will review cases of stateless persons, particularly in regard to Chinese marriage migration into Korea.

In 1948, the passage of the Universal Declaration of Human Rights laid down the groundwork that humans should enjoy fundamental rights and freedoms without discrimination and, according to Article 15, the right to a nationality was recognized.

Article 15,

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.[5]

Soon after in 1951, the United Nations General Assembly convened a Conference of Plenipotentiaries to draft an international treaty on refugees and stateless persons.[6] Since then, the treaty articles relating to refugees have been adopted, while issues regarding the protection of stateless persons have remained.

Since the 1954 Convention and the 1961 Convention on the Reduction of Statelessness went into force, there has been a progression of General Assembly Resolutions that have been introduced. Furthermore, conclusions received by the Executive Committee of the High Commissioner's Program and the "Convention Relating to the Status of Stateless Persons," have given the United Nations High Commissioner for Refugees (UNHCR) an influential position to support non-refugee stateless persons who have become a population of concern.[7]

Together, with the "Convention of the Reduction of Statelessness" adopted in August 1961 pursuant to UN General Assembly Resolution 896,[8] these two international treaties form the legal framework to highlight stateless persons, who continue to influence the lives of large populations around the world.

On the basis of Article 8 (1) and (2) of the 1961 Convention,

1. A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless

2. Notwithstanding the provisions of paragraph 1 of this article, a person may be deprived of the nationality of a Contracting State:

(a) In the circumstances in which, under paragraphs 4 and 5 of article 7, it is permissible that a person should lose his nationality;

(b) Where the nationality has been obtained by misrepresentation or fraud.[9]

In Korea, the 1951 "Convention on the Status of Stateless Persons" was signed on September of 1954 and became effective in August 1962.[10]

China became a party to the "Convention Relating to the Status of Refugees" (1951) and its Protocol (1967) in 1982. China, however, is a state party to neither the 1954 "Convention Relating to the Status of Stateless Persons" nor the 1961 "Convention on the Reduction of Statelessness" as well.[11]

Controversy is escalating at present. In fact, statelessness can be found in all regions and the causes can be quite diverse. In this study, two cases will be examined to bring specific attention to the reduction of stateless persons living in South Korea with the hope of identifying issues that could help prevent cases of stateless persons from arising.

III. Who is Stateless? and Why?

[3] Massey, Douglas S., Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor. 1993. "Theories of International Migration: A Review and Appraisal." Population and Development Review, 1993. pp. 441.

[4] Ibid. pp. 448.

[5] "Universal Declaration of Human Rights," United Nations.

[6] UNHCR, "Convention Relating to the Status of Stateless Persons."

[7] United Nations High Commissioner for Refugees. "Convention Relating to the Status of Stateless Persons." UNHCR.

[8] "Convention on the Reduction of Statelessness," http://treaties.un.org

[9] Ibid.

[10] Fact Sheet of the Republic of Korea by UNHCR

[11] "Permanent Mission of the People's Republic of China to the UN," Multilateral Treaties to Which China is a Party or Which China has signed.

What are stateless persons, and who is covered by the convention? The first step is to define the term "stateless person." This can be addressed by Article 1(1) from the 1954 Convention relating to the Status of Stateless Persons, which describes the term by utilizing the concept of "*de jure* stateless." In other words, it states that the term a "stateless person," as per application of the Convention, is an individual "who is not considered as a national by any State under operation of its law."[12] Such *de jure* stateless persons are those who have not received citizenship, neither automatically nor by separate decisions, under the laws of any nation.[13][14] The controversy surrounding the drafting of the Convention was focused on whether the Convention should protect *de facto* stateless individuals or not, as opposed to defining the scope of *de jure* stateless persons.

In the case of *de facto* statelessness, if a person's country of birth refuses to provide protection or assistance to them, or if a person intentionally forfeits such protection and assistance, then that individual is not considered stateless. Therefore, *de facto* stateless persons were excluded from application of the Convention. The suggestion in the Convention is relevant only to individuals who have forfeited the protection of their home countries and is not applicable to cases in which the home countries have refused protection and assistance.

There have been recent efforts by both the UN and the UNHCR to broaden the scope of protected stateless persons, based on the reasoning that the Convention should include not only *de jure* stateless persons, but also individuals with undermined citizenship.

These individuals are not able to prove their citizenship and therefore cannot execute their rights as nationals. The UN General Assembly has advised that the scope defining stateless persons be extended beyond *de jure* stateless persons by mentioning *de facto* stateless persons who have become so as a result of not being able to provide clear evidence of their nationality.[15] [16]

IV. Two Cases of Loss and Acquisition of Korean Nationality

There are two cases of statelessness that have been highlighted in South Korea: in the first, the loss of Korean nationality for a woman due to international marriage fraud to a Korean spouse because of conflicting nationality laws between South Korea and China. The second case deals with a child who is born out-of-wedlock from a foreign mother.

A. Case 1: Loss of Korean Nationality due to International Marriage Fraud

This case refers to the Constitutional Court of Korea, November 26 of 2015, the Republic of Korea 26, Case No. 2015Hun-Ba304.

It begins with Kim Yong Yeon, a Chinese citizen who married a Korean man. In 1996, Mrs. Kim entered Korea and received a generalized naturalization permit from the Korea Ministry of Justice on February 28, 2011, under the name "Kim Yong Yeon." On July 5, 2011, the applicant, Mrs. Kim, changed her name to Kim Yong Hyeon with government approval.

After this, the government cancelled her Korean citizenship, because it was discovered that the marriage was fraudulent. Kim had used another person's name and illegally filed falsified identity paperwork. When she applied for a special naturalization permit for a child who had Chinese citizenship and a Chinese father, it was uncovered that her original name was actually Bo Young Ran rather than Kim Yong Yeon. Immediately, the Korea Ministry of Justice issued a cancellation of the naturalization permission to the woman now known as Mrs. Kim, since she had acquired Korean nationality by stealing another person's name and filling a false personal document with the immigration administration.

Although Mrs. Kim filed a lawsuit seeking the revocation of the decision to cancel the naturalization approval, the court quashed her claim (Seoul Administrative Court 2013GuHab6336). Again, Mrs. Kim appealed the final decision by the First Trial Court. In September 2015, however, her appeal was also rejected (Constitutional Court 2015 Hun-Ba304).

She argued that the Judge did not mention a period of the revocation by acquisition of Korean nationality, and that the court decision violated the flowing principle on the right to freedom of residence and the right to pursue happiness of Article 10 of the Constitution of Korea. Moreover, she

[12] United Nations High Commissioner for Refugees. "Convention Relating to the Status of Stateless Persons."

[13] United Nations High Commissioner for Refugees. "Handbook on Protection of Stateless Persons." UNHCR.

[14] United Nations High Commissioner for Refugees, "Expert Meeting - The Concept of Stateless Persons under International Law ("Prato Conclusions")," pp.5.

[15] "A/RES/50/152. Office of the United Nations High Commissioner for Refugees," United Nations, http://www.un.org/documents/ga/res/50/ares50-152.html.

[16] United Nations High Commissioner for Refugees. "Handbook on Protection of Stateless Persons." UNHCR. pp.88

claimed that Article 21 of the Korean Nationality Act violated the Constitution. The final decision by the Court, however, considered only the part of Mrs. Kim's nationality, not the violation on human rights issues, accordingly.

- Article 10 of the Constitution of Korea,
All citizens shall be assured of human dignity and worth and have the right to pursue happiness.
It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.

- Article 21 (revocation of permission, etc.) of the Nationality Act of Korea
(1) The Minister of Justice may revoke permission or adjudication of a person who has obtained of nationality by false or other wrongful means.
(2) Standards and procedures for revocation under paragraph (1), and other necessary matters shall be determined by Presidential Decree.

According to the judgement, it disadvantages the individual when the naturalization approval is canceled. However, the decision from the Court has much more impact, not only on the fundamentals of human rights, but also on the public interest in securing administrative legitimacy related to Korean nationality.

In the case of marriage fraud, two things must be considered when addressing this issue. The first is if the Convention is applicable to the above individuals, whether family based or others. The second is if an individual whose nationality has been nullified as a result of marriage fraud should be considered as a de jure stateless person, who would then be included in the Convention.

Initially, it is possible that the Chinese woman had attempted to enter into a marriage for the purpose of evading immigration laws whether family based or not. The question is whether persons who have committed marriage fraud should be included in the Convention. According to Article 1 (2) Clause 3 of the Convention Relating to the Status of Stateless Persons, "....individuals who have committed a serious non-political crime outside the country of their residence prior to their admission to that country" are not protected by this Convention.

Accordingly, a person must not have committed any serious non-political crime in a country outside of Korea, particularly China in this case, in order to be eligible to receive protection from the Convention as a stateless person. The process of committing marriage fraud also comes with the possibility of committing violations related to document fraud, and whether this could be included as a non-political crime or not should also be taken into consideration.

In this case, if there was convincing evidence in Mrs. Kim's primary purpose to obtain Korean nationality before determining marriage fraud or a certain period time before marriage, this conflict may have been solved easily. Unfortunately, Mrs. Kim is unable to claim protection under the 1954 Convention Relating to the Status of Stateless Persons and the Korea Nationality Act due to her act of marriage fraud. The argument is whether international negotiation in terms of the protection of stateless persons is truly protected or not even if the framework for the international protection of stateless persons were established since 1954.

Moreover, in terms of the second point, if a marriage is nullified, then the nationality obtained through the marriage is also nullified, which signifies that the individual must be reissued his or her previous nationality, which in most cases would be Chinese citizenship among the Korean-Chinses population in South Korea (Table 2). In most cases, many Chinese who obtain South Korean nationality would automatically lose their Chinese citizenship.

There are two questions that should be addressed regarding this process. The first is whether previously married Chinese who have undergone the revocation processes will want to recover their Chinese nationality in the event of a marriage's nullification. Moreover, it is also dependent on whether the Chinese government will restore citizenship or not.

According to the Nationality Law of China, Chinese nationals residing abroad who have voluntarily naturalized to obtain foreign citizenship automatically lose their Chinese nationality (Article 9). Simultaneously, foreigners who have previously obtained Chinese citizenship are able to file for the recovery of their Chinese citizenship with justifiable reasons (Article 13). Furthermore, in the case of applying for citizenship while abroad, agencies responsible for processing citizenship applications are the main Chinese diplomatic representative agencies and consular offices (Article 15), and the requests to restore citizenship are processed by the Chinese Ministry of Public Security (Article 16).

While the Nationality Law of China exists in relation to restoring citizenship, there still remains the question of whether there are "justified reasons" in accordance with Article 13 which may warrant approval of the application. Ultimately, individuals are faced with the fact that following the nullification of Korean citizenship, the Chinese government and the Chinese representative agencies have the power to decide whether an individual will be reissued their Chinese nationality or not in accordance with the Nationality Law of China. Since this is the case, could they be considered de jure stateless persons as stated in the Convention Relating to the Status of Stateless Persons?

Logically speaking, it would be more reasonable for the Chinese government to accept requests to restore nationality. This is because in the case of certainty of marriage fraud, both the marriage and the renouncement of citizenship are retroactively nullified, which signifies that the previous Chinese nationality must be restored. Similar to how a nationality cannot be revoked as a result of committing a violation, it is unjustified to make a renouncement of citizenship permanent as a result of an individual's falsified statement or fraud.

The Convention on the Reduction of Statelessness aims to suppress the number of stateless persons when circumstances allow them to minimize denationalization. However, according to Article 8 Section 2(b), it is possible to deprive citizenship that has been obtained through falsified statements or deceit, as in the case of marriage fraud Stateless persons resulting from such cases are judged as being different from general stateless persons.

Finding the answer to this question would not face any significant problems if the Chinese government decided to accept requests to restore nationality by persons who have committed marriage fraud. The problem lies in the fact that the Chinese government clearly does not acknowledge these types of persons as Chinese nationals and may not respond to requests to confirm nationality for an extended period of time. From the Chinese government's point of view, these individuals have made their decisions to acquire another country's citizenship and lose their Chinese citizenship, and with the high risk of having committed documentation-related violation in China as well, the country may be unwilling to easily restore their status. In this case, even when the South Korean government wishes to forcefully deport these individuals, China may not act as a willing partner.

Even in the case of individuals who have committed marriage fraud, placing them outside the scope of protection of the South Korean judicial system makes it so that they do not owe citizenship to any nation. While the South Korean and Chinese governments are not bound to grant citizenships to them all, both governments should try to act accordingly to the international regulations whether or not the governments have not signed or ratified the great majority of the international treaties. This is because the loss of nationality is strongly correlated with human rights issues that are related to the proper registration process. As a result of this, there is a need for active enforcement of proving and providing specific registration processes by the government authority.

This result goes against the aims of the international human rights norms, which work to acknowledge all human beings as subjects worthy of dignity and value. In particular, in the case of having to acknowledge a genuine and effective link to South Korea, in terms of reasons such as family related to entering the country, circumstances surrounding marriage fraud, duration of stay in South Korea, and changes in marital or familial status, the status of stateless person should be acknowledged.

B. Case 2 : Acquisition of Korean Nationality of a Child of Out-of-Wedlock Who Was Born in South Korea

Another pertinent case is that of a child born of out-of-wedlock to a Chinese mother and a Korean father in South Korea. If Korea had chosen to follow jus soli, then any child born in Korea would be given South Korean citizenship. If the country has chosen to follow jus sanguinis, the issue would have become a problem. Fortunately, Korean nationality can be acquired in a number of ways.

According to the Nationality Act of Korea:

Article 2 (Attainment of Nationality by Birth)

(1) A person falling under any of the following subparagraphs shall be a national of the ROK at a birth:

1. A person whose father of mother is a national of the ROK at the time of the person's birth;
2. A person whose father was a national of the ROK at the time of the father's death, if the person's father died before the person's birth;
3. A person who was born in the ROK, if both of the person's parents are unknown or have no nationality.

(2) An abandoned child found in the ROK shall be recognized as born in the ROK

In fact, in the case of a foreign woman officially and legally marrying a South Korean man and giving birth to a child, the child will not face any difficulties to obtain South Korean nationality. It is not doubtable that the case of de facto marriage in which a child born out-of-wedlock from a woman who is not legally married. Applying Article 21, as mentioned above, however, there is no possibility for the out-of-wedlock child to become a Korean national. Either a child lives together with parents or has maintained a child's single-parent status even if it is a child of a woman living in Korea without official marriage registration.

Furthermore, there is a need to check for international treaties with legal binding power that are pertinent in Korea. The "International Covenant on Civil and Political Rights" and "Convention on the Rights of the Child" are two international treaties that have been ratified by the Korean government and made the country a directly linked party on November 20, 1991. ,

According to Article 24 of the "International Covenant on Civil and Political Rights," all children are registered and given names immediately following birth and given the right to obtain appropriate citizenship in accordance with this registration.

Furthermore, according to Article 7 of the "Convention on the Rights of the Child," all children

must be registered immediately following birth, and are given the rights to be given names, to obtain citizenship, to know their parents, and to receive parenting from them. In addition, according to the Article 7, in the case of a child becoming a stateless person, the rights must be secured.

In regard to the issue of nationality, the two articles listed above hold important significance. First, they place emphasis on the fact that all children must be immediately documented and registered following birth. It has been continuously pointed out that the main cause of statelessness lies in the process of proving and registering birth, as opposed to the issue of international laws and regulations. The process of registering a birth proves a child's birthplace and parents. This allows the child to obtain legal status in a country that follows jus soli, and this then becomes an essential measure to prevent a child from becoming stateless no matter the parent's marital background or legal status.

Under the Nationality Act of Korea, it is clearly stated that discrimination between a child born out-of-wedlock and a legitimate child should not be made. To avoid the discrimination, it can be found the advice provided by UNHCR and the Council of Europe. On the principle, it is recommended that the 'contracting states are required to adopt every appropriate measure, both internally and in cooperation with other contracting states, to ensure that every child has a nationality when he/she is born in the territorial boundary'. All has the equal rights to obtain nationality without discrimination under international law.

V. Conclusion

Statelessness is not just a legitimate problem; it is a human rights matter.

Even though a significant international legal framework exists, universal human rights treaties play a crucial and complementary role to contracting states for stateless persons. Alongside this, the advance practice in implementing international guidelines gives a pragmatic process for state engagement to stateless persons.

In fact, people can be denied a formal identity, as well as excluded from their community without nationality. Clearly, those stateless persons may additionally be kept from marrying legally or registering the birth of child as with the case in South Korea. However, it should be examined how various discrimination in relation to nationality issues has emerged.

On the interpretation of statelessness as defined previously in Article 1(1) of the 1954 Convention, the treaty's purpose of protection and object for securing stateless persons should be emphasized. Also, it should be considered for the widest available enjoyment of their human rights when evaluating their status.

Laws and regulations related to international laws or immigration control laws do not include an institutional regulation or control system when it comes to cases involving statelessness. The Convention on Stateless Persons and Convention relating to the Status of Stateless Persons include more detailed information compared to domestic laws such as Nationality Act and handles various legal issues, including definition or welfare of stateless persons. This Convention's significance in South Korea lies in the fact that South Korea joined the Convention in 1962 and therefore is directly involved. Because it has joined this convention, South Korea has the duty and responsibility to act accordingly. In addition, there is a need for a detailed legislation in relation to defining the scope of stateless persons and how they should be treated legally.

On the one hand, organizing domestic cases of statelessness for this particular publication has evoked a few thoughts to consider. First, there are quite a number of cases where foreigners who have illegally stayed in South Korea without South Korean citizenship and were given status as stateless persons. (Graph 2)

[Graph 2] The Number of Total Statelessness Persons in South Korea

Source: Annual Report of Korea Immigration Service from 2010 to 2016

It is difficult to claim that individuals who have had their nationalities rejected as a result of committing marriage fraud are all uniformly given status as stateless persons as defined by the Convention. In the aforementioned first case of Mrs. Kim, where marriage fraud was the result of personal fault, there is a need to acknowledge a stateless person. There are also cases concerning states, mainly China, which have explicitly denied a person's status as a national or have not responded to requests for confirmation of nationality for an extended period of time. Another issue is children who are at risk of becoming stateless persons as mentioned in the second case. While the South Korean government is not bound to grant every child born out of wedlock South Korean citizenship, South Korea, as a signatory to the Convention on the Status of Stateless Persons, should still act accordingly to international regulations. Since the main cause of becoming stateless is related to not properly registering with the Nationality Act, there is a need for an active enforcement in the registering process.

Recent cases of stateless persons have been organized and roughly reviewed in this study. It is anticipated that there will be future full-scale research

on legislation in accordance with joining the Convention relating to the Status of Stateless Persons and varied studies on cases related to statelessness in South Korea.

References

Massey, Douglas S., Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor. 1993. "Theories of International Migration: A Review and Appraisal." *Population and Development Review*, 1993. 431. *JSTOR Journals*, EBSCO*host* (accessed June 20, 2022)

2005. Nationality and Statelessness: A Handbook for Parliamentarians. pp.38.

"A/RES/50/152. Office of the United Nations High Com missioner for Refugees." United Nations. Accessed June 10, 2022. http://www.un.org/documents/ga/res/50/ares50-152.htm.

"Convention on the Reduction of Statelessness, 1961." http://www.ohchr.org/Document. Accessed June 01, 2022.

Constitution Court of Korea. Accessed June 30, 2022. http://english.ccourt.go.kr/

Constitutional Court Information. Accessed June 30, 2022. http://www.law.go.kr/detcInfoP.do?mode=2&detcSeq=48404.

"ENFORCEMENT DECREE OF THE NATIONALITY ACT." Accessed June 01, 2022. http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=nationality+act&x=0&y=0#liBgcolor0

Korean Immigration Service, *http://www.immigration.go.kr*.

"Korean Laws in English - CONSTITUTION OF THE REPUBLIC OF KOREA." Korean. Accessed June 01, 2022. http://moleg.go.kr/english/korLawEng?pstSeq=54794.

"Ministry of Foreign Affairs of the Republic of Korea." Accessed June 01, 2022.

Nationality Law of the People's Republic of China. Accessed June 01, 2022. http://www.china-embassy.org/eng/

OHCHR | Convention on the Rights of the Child. Accessed June 28, 2022. http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx.

OHCHR | Home. Accessed June 28, 2022. http://www.ohchr.org/EN/pages/home.aspx.

"Permanent Mission of the People's Republic of China to the UN," Multilateral Treaties to Which China is a Party or Which China has signed. Accessed June 30, 2022. http://www.china-un.org/eng/zghlhg/flsw/t28583.html.

United Nations High Commissioner for Refugees. "Convention Relating to the Status of Stateless Persons." UNHCR. Accessed June 01, 2022http://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html.

United Nations High Commissioner for Refugees. "Expert Meeting - The Concept of Stateless Persons under International Law ("Prato Conclusions")." Accessed June 25, 2022. http://www.unhcr.org/protection/statelessness/4cb2fe326/expert-meeting-concept-stateless-persons-under-international-law-summary.html.

United Nations High Commissioner for Refugees. "Handbook on Protection of Stateless Persons." UNHCR. Accessed June 25, 2022. http://www.unhcr.org/protection/statelessness/53b698ab9/handbook-protection-stateless-persons.html.

United Nations. "Universal Declaration of Human Rights." Accessed June 30, 2022. http://www.un.org/en/universal-declaration-human-rights/index.html.

Profile

Seunghye Shin (seunghye.shin@yonsei.ac.kr / seunghye.shin@chungbuk.ac.kr)

She received the B.A on International Affairs from the University of Georgia, U.S.A. and Master of Global Affairs and Policy in International Law and Organizations / International Development Cooperation from the Graduate School of International Studies at Yonsei University. Currently, as a senior research fellow, she works at the International Development Institution (IDI) at Chungbuk National Universiy and Institute on Local Immigration Policy and Developmen t(ILID) in Seoul, Korea.