



Testimony of Kennji Kizuka

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“South Korea’s Refugee Policy in the Yoon Administration: A New Openness to International Standards?”

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Co-Chairs Smith and McGovern and distinguished members of the Commission:

On behalf of Human Rights First, I thank you for the opportunity to testify.

For over forty years, Human Rights First has pressed the United States to take a leading role in upholding human rights. Today, my colleagues support Ukrainian human rights defenders documenting atrocities, advocate with partners in dozens of countries for targeted sanctions against human rights abusers, and provide pro bono legal representation to refugees seeking asylum in the United States.

With global displacement at record [levels](#), it is imperative that all countries meet international obligations to protect and welcome people forced from their homes – the vast majority of whom are hosted by [neighboring](#) countries. For example, nearly 3.8 million Syrian and other refugees are hosted by Türkiye, 1.8 million Venezuelans are displaced in Colombia, 1.5 million South Sudanese and other refugees are in Uganda, and the more than 150,000 Nicaraguan refugees in [Costa Rica](#) make up fully three percent of the country’s population.

As a norm of customary international law, all countries are bound to respect the fundamental principle of *non-refoulement*, which prohibits countries from returning people to persecution or torture. In addition, the 1951 Refugee Convention and its 1967 Protocol, the Convention against Torture, and the International Covenant on Civil and Political Rights enshrine this and other core protections for asylum

seekers, including the principle of non-discrimination and the prohibition against arbitrary detention. Yet today, many countries fail to live up to these obligations.

Dozens of countries have not ratified the [Refugee Convention](#) or its [Protocol](#), including India, Malaysia, Saudi Arabia, [Thailand](#), and Vietnam. Refugees in these countries, including Rohingya, Tibetan, and Uighur peoples, cannot apply for or receive refugee recognition from national authorities, leaving them vulnerable to [push-backs](#), [arrests](#), [detention](#), and [deportation](#). In recent years, Thailand and Vietnam have [deported](#) North Korean defectors at the request of the North Korean government.

At the same time, countries that have committed to uphold refugee protections by joining the Refugee Convention or its Protocol are flagrantly violating those obligations. They are [illegally pushing refugees away](#) at borders and forcibly returning them to grave danger. Chinese authorities have deported North Korean refugees back to North Korea where [Human Rights Watch](#) reported they face “torture, imprisonment, sexual violence, and forced labor.” Recent U.S. policies: barred refugees from countries including Cameroon, Cuba, El Salvador, Haiti, Nicaragua, and Venezuela from asylum because they crossed through third countries; return asylum seekers to wait in danger in Mexico for U.S. asylum proceedings; and use the pandemic as a pretext to block asylum at ports of entry and along the border. Human Rights First has tracked more than [10,300](#) reports of murder, kidnapping, rape and other violence against people blocked in or expelled to Mexico due to the Title 42 policy since January 2021 alone. In the European Union, [Italy](#) and other countries continue to return asylum seekers and migrants to Libya where a U.N. [investigation](#) documented evidence that authorities commit crimes against humanity, including against migrants.

Some countries’ refugee determination [systems](#) are not fairly extending protection to people unable to return home because of the persecution they face. Since 1982, when [Japan](#) enacted its refugee laws, only 915 people have been recognized as refugees out of nearly 90,000 requests – just one percent. Failures to [timely](#) and accurately decide cases leave refugees in legal and psychological limbo, facing potential deportation to their country of persecution.

Discrimination and disparate treatment of refugees based on nationality, race, religion, and other characteristics remain serious problems. For instance, the United States recently moved rapidly to receive [tens of thousands](#) of Ukrainians at the southern border and through an expedited parole [process](#). By comparison, people from third-countries fleeing Ukraine are not eligible for the program; more than [90 percent](#) of adjudicated requests from Afghans for U.S. humanitarian parole have been denied; and the United States has used Title 42 to expel tens of thousands of Haitians, including many asylum seekers, to [Haiti](#) despite escalating political violence. Similarly, the welcome reception in Poland of many people fleeing the Russian invasion of Ukraine stands in stark contrast to the [racist treatment](#) by some Polish officials of African, South Asian, and Middle Eastern nationals attempting to flee Ukraine and the [abuse](#) Kurdish, Syrian and other asylum seekers faced when crossing from Belarus in 2021. According to Amnesty International, these refugees were subjected to arbitrary detention, forcible sedation, and tasing as they were expelled from Poland.

Other countries, including [Australia](#) and the [United States](#), routinely subject people in search of refuge to prolonged and arbitrary detention often in abysmal conditions. Instead of penalizing and attempting to deter people from requesting refugee protection through the use of immigration detention, these and other governments should employ proven and effective community-based case support services.

As the United States encourages other countries to uphold international law and welcome people in search of refuge, it should push for an end to policies that deny refugees an opportunity to apply for asylum, return them to danger, subject them to mass detention, discriminate on the basis of nationality, race, or other factors, and unfairly reject their applications for asylum. To credibly and effectively call on other countries to continue to welcome and host the vast majority of the world's refugees – whether they are fleeing North Korea, China, Ukraine, Haiti, or Venezuela – and to push those countries to respect international law, including at their borders, the United States must do the same.

We urge Congress to ensure that the United States' treatment of people seeking asylum complies with longstanding domestic refugee laws and the fundamental international obligations we are here to discuss today.