

## &lt;論 文&gt;

# Should Korean Diaspora Evacuees from Ukraine be Considered “Refugees” or “Ethnic Returnees” in South Korea?

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This study examines the current status of migrants and their acceptance throughout South Korea (hereafter Korea), by analyzing the case of the Korean Diaspora in Ukraine who evacuated to South Korea due to the Russo-Ukrainian War. It addresses whether these individuals should be categorized as refugees or ethnic returnees in Korea by focusing on the existing migration categories. The study also examines how to integrate these immigrants into South Korean (hereafter Korean) society. First, we conducted a literature review of the historical origins and characteristics of the Korean diaspora in the former Soviet Union and Ukraine (which was once a Soviet state). Refugee and ethnic returnee regulations in Korea were also analyzed. Second, we conducted field studies focusing on the Koryo Saram ethnic group, who evacuated to Korea after the start of the Russo-Ukrainian War. These methods, when considered along with the discourse on social integration and acceptance of Korean refugees, have implications for the strategic decision-making of several countries.

**Keywords** : *Ukraine; refugee; ethnic returnee; South Korea; Koryo Saram*

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## Introduction

Russia's invasion of Ukraine, which began on February 24, 2022, shocked the world (Koizumi, 2022, p. 19). The outbreak of the Russo-Ukraine War created approximately six million domestic refugees. Besides, more than eight million people have fled to neighboring countries in the region, including Poland, Hungary, Moldova, and other countries across Europe. Poland has the largest number of Ukrainian refugees, accommodating nearly 60 percent. By 2023, due to the Russo-Ukraine War, approximately 17.6 million people have required humanitarian aid.<sup>1)</sup>

Meanwhile, some Ukrainian refugees chose to migrate to South Korea, which makes it difficult for the South Korean government to recognize them as refugees. They are mainly Korean diaspora from Ukraine, and when they entered Korea, the Korean media rushed to report this fact. Those who fled to neighboring countries after the outbreak of the war entered the country through the arrangement of the Koryoinmaeul<sup>2)</sup> in Gwangju, a provincial city in South Korea, where funds were raised through their own fundraising activities.<sup>3)</sup> After the war, more than 1,600 Koryo Saram<sup>4)</sup> entered Korea, and as of October 2022, 739 had entered Korea with airfare support from the Koryo Saram enclaves in Gwangju, and more than 400 people were waiting (Kim, 2022). Those who entered Korea were issued emergency relief visas as a humanitarian measure to simplify the visa issuance process, which took effect on March 8, 2022. Subsequently, they were introduced to the Koryo Saram enclaves in each region where they already had connections.<sup>5)</sup>

The Koryo Saram refugees from Ukraine receive humanitarian support through policy from many countries when they enter as refugees, but not from Korea. However, if they enter Korea, they are included not only in the Korean returnee category as the Korean diaspora but also in the category of refugees (independent of whether they can be legally recognized as refugees or compatriots). In addition, refugees or compatriots should have the nationality of the country of their origin as the minimum condition so that they can be accepted as refugees under the policy of the country they migrate to; however, many Koryo Saram from Ukraine are stateless owing to their special historical circumstances (Lee, 2012; Ko, 2019; Huh, 2022). Even if they wish to be issued an Overseas Korean visa like the Koryo Saram, who had already entered Korea as a returning compatriot, they will be denied an Overseas Korean visa if they fail to prove legally that they are Korean compatriots within the period of stay. Even if they wish to apply for refugee status, there are many practical restrictions in the recognition process and examination. Therefore, the

Koryo Saram from Ukraine who have become refugees in wartime and are also stateless due to their peculiar historical circumstances have no choice but to remain illegally if they have obtained temporary visas but cannot extend their stay within a limited period or have no alternative. Accordingly, the Korean government allows them to extend their stay by implementing another temporary measure without declaring them refugees or compatriots.

In addition, the extension application fee exemption ordinance has been in effect, providing a visa-free grace period for stay in Korea.<sup>6)</sup> Thus, the Korean government is using several temporary measures to deal with this issue. In choosing to go to Korea after the Russo-Ukraine War, Ukrainian Koryo Saram developed a dual status as refugees and compatriots, as mentioned above. For them, at least one option of becoming accepted as a refugee or compatriot must exist, and it is reasonable to have one status. Then, what legal status does the Korean government provide them? This study is to reviews the status and challenges regarding accepting refugees and compatriots in Korea in the context of the above question. The novelty of this study is that it serves as a starting point for comprehensively understanding how Korea, an early immigrant society with a relatively short historical origin of immigration acceptance, defines and accepts immigrants, refugees, and compatriots. Furthermore, it is expected to have implications for multicultural symbiosis research by examining how Korea's social integration and symbiosis are considered.

### Literature Review and the Significance of this Study

In this study, we review Korea's policies on refugees and overseas Koreans regarding accepting Koryo Saram. We intend to clarify the category under which the Korean government accepts Koryo Saram who fled to South Korea after the Russo-Ukraine War. Shortly after the war, the South Korean government announced in a press release from the Ministry of Foreign Affairs that it had decided to provide \$10 million in humanitarian aid to help the Ukrainian government, its people, and refugees.<sup>7)</sup> However, the government has not officially announced its position on accepting Ukrainian refugees and has said that there was no demand or request for allowing Ukrainian refugees to apply for refugee status or settle in South Korea after the war broke out.<sup>8)</sup> Under South Korea's refugee law, it is difficult to apply for the status of refugee from another country, and those willing to apply must come to the border of South Korea to make an application, which means that they can only apply in Korea. In other words, Ukrainian refugees who are residing in

South Korea or have been evacuated to a third country cannot apply. Since Asia's first refugee law was enacted and implemented in 2012, Korea's cumulative refugee recognition rate from 1994 to 2021 was 1.13%, the lowest among the G20 countries.<sup>9)</sup> What is the reason behind Korea's low refugee recognition rate, and why is it challenging to accept Ukrainian refugees due to the country's refugee regulations?

Immigration has developed based on policies implemented; the earlier the societies become immigrant societies, the more influential the influence of immigration policies (Kim, H., 2015). Considering the characteristics of this immigration phenomenon, Korea's refugee policy, which is in its early stages, is also the most influential factor in accepting refugees. Previous studies have identified the country's refugee system and policy as problematic due to Korea's low refugee recognition rate (Koh, 2011; Oh, 2012; Kuk, 2017). According to these studies, the number of actual refugees recognized as refugees has been extremely low since the enactment of the Refugee Act. In this context, strict qualifications, standards, and screening procedures for refugee recognition and refugee application in the country have been identified as problems. As such, refugee regulations and policies (about the legal status of refugees in Korea) have been identified as the cause of the low refugee recognition rate. The low refugee recognition rate is also related to the lack of awareness among refugees in Korea. To examine the limitations and challenges regarding Korean refugee regulations, we sought to analyze how the refugee regulations in the country affect the choices of refugees, using a relatively recent example of Ukrainian refugees of Korean origin.

Meanwhile, as refugees, they are included in the category of compatriots, as they belong to the Korean diaspora, that had been living in the former Soviet Union. However, the Korean government neither accepts them as refugees nor fully includes them in the category of compatriots. Why is it difficult (or not) to accept Ukrainian refugees as compatriots? Allowing the entry of Koryo Saram, who are Ukrainian refugees, into the country is a temporary measure by the Korean government. Such refugees are already moving to Koryo Saram's enclaves, where they find people with ties, making living there possible. The "enclaves where people with ties to such refugees live" include Gwangju, Ansan, Incheon, Chungnam, and others. In such enclaves, Koryo Saram have been living in significant numbers. Table 1 illustrates the status of different types of Koryo Saram in Korea by nationality and region.

Table 1. Status of Koryo Saram people in Korea by their nationality and region in 2023

Country of Origin	Gyeonggi Province	Ansan	Inchon	Chungcheong Province	Gyeongsang Province	Gwangju	Busan	Others	Total
Russia	12,135	6657	3972	6723	3372	1049	1068	2204	30,523
Uzbekistan	10,130	5104	2720	5697	2998	1659	206	1913	25,313
Kazakhstan	3,752	1405	1480	2965	1867	676	73	854	11,667
Kyrgyzstan	677	233	225	721	300	161	28	172	2,284
Ukraine	668	331	216	423	215	204	10	102	1,838
Turkmenistan	101	44	10	124	46	8	0	17	306
Tajikistan	145	87	41	40	41	8	2	21	298
Stateless	0	0	1	2	1	3	0	2	9

Source: Recreated using the 2023 Statistical Yearbook of the Ministry of Justice, <https://www.immigration.go.kr/immigration/1569/subview.do> (accessed on June 3, 2023).

After the revision of the Overseas Koreans Act in 2007, Chinese Koreans and Koryo Saram (the Korean diaspora in the former Soviet Union) were allowed to enter and work in Korea (Kim, K., 2015, 2018; Lee, 2023, forthcoming). The Koryo Saram enclaves were formed after 2007, when Koryo Saram immigrants moved into the areas mentioned in Table 1 in significant numbers, as it became possible for them to move to Korea (Park & Lee, 2021; Jang & Park, 2022;). In other words, Ukrainian Koryo Saram, with networks of similar people from post-Soviet Union states, moved into the areas through their connections with Koryo Saram who had already migrated to Korea. The areas mentioned in Table 1 are where Koryo Saram returnees who have been temporarily permitted to stay live in significant numbers. Most residents of these areas are Koryo Saram with overseas Koreans visa. Many of them have overseas Koreans (F-4) and visiting employment (H-2) visas, and in addition, they stay with the visas of visiting companions (F-1), companions (F-3), residences (F-2), and short-term visits (C-3). According to the Overseas Korean Act regulations, the visas they can obtain are within the category of “Korean compatriots.” For such visas to be issued, proof of the country of origin is required. In other words, only people with nationality can obtain the above visas. For Ukrainian refugees who have been moved to the Koryo Saram enclaves to lead a stable life, it is important to be legally recognized as “Korean compatriots” like many other Koryo Saram returnees. This may be one of the reasons why they chose Korea, where their families, relatives, and acquaintances live.

However, as mentioned earlier, some Ukrainian Koryo Saram are often stateless due to their circumstances; therefore, they do not have a “state” to get a visa to live in Korea. In

addition, even if they are Ukrainian nationals, they are refugees under wartime conditions; therefore, they cannot be issued a document to prove their status. Therefore, considering these facts, this study assumes that the reason it is difficult to accept Koryo Saram refugees from Ukraine as compatriots is not only due to the characteristics of these refugees but also because of the historical characteristics of Ukrainian Koryo Saram. In particular, we focus on the fact that there are many stateless Koryo Saram from Ukraine, clarify their ethnic and historical origins, and examine how they respond to Korea's acceptance policy. Furthermore, we examine Korea's current status and challenges in terms of accepting refugees, compatriots and multicultural symbiosis by analyzing how Korea treats those who are both refugees and compatriots, and who are difficult to accept based on any policy or regulation.

### Methodology and Sources

This study clarifies how the Korean government treats Koryo Saram refugees from Ukraine, especially given that they are both refugees and of Korean diaspora from Ukraine, which makes it difficult to accept them under a policy. For this objective, we used press and statistical data, literature surveys, and fieldwork studies to analyze the following two aspects.

First, it reveals where Korea's low refugee recognition rate stems from and why it is difficult to accept Ukrainian refugees due to the country's refugee regulations, and examines specific cases in which Ukrainian Koryo Saram are responding to Korea's refugee regulations. In this regard, by first reviewing the status of and historical changes in refugee regulations in Korea, this study clarifies the factors behind low refugee recognition in the country using related documents and statistical and press releases from the Korean government. For specific cases of Koryo Saram refugees from Ukraine, fieldwork studies were conducted twice from February 20 to March 3, 2023. This was followed by another fieldwork study conducted from March 5 to 12, 2023, in Ansan, Incheon, and Gwangju. The inputs received from these studies are analyzed based on the interviews with related organizations and non-governmental organizations (NGOs) involved in helping such people enter Korea.

Second, we examine why it is difficult for the Korean government to accept Koryo Saram refugees from Ukraine as compatriots and how Koryo Saram refugees from Ukraine accept that they are not accepted by the Korean government as compatriots. As mentioned above,

Koryo Saram refugees from Ukraine are refugees under wartime conditions; besides, there are many stateless people in their community, making it difficult to accept them as compatriots. In other words, in the case of stateless persons, it is difficult to obtain data by the country of origin for issuing visas to immigrants; even if they are Ukrainian nationals, refugees under wartime conditions cannot be issued evidence of their country of origin. Therefore, in this study, we first reveal the reasons why there are many stateless Koryo Saram from Ukraine and their status through a literature review. This is because they are considered an important category of refugees that cannot be treated under the category of Korean compatriots. Besides, it is important to analyze them because they significantly influence the current situation. This study also reviews the reasons for not defining them as compatriots even though they have a nationality. Mainly, we analyze the enactment and revision of laws related to the acceptance of Koryo Saram and the status of Koryo Saram based on related documents and statistical and press releases from the Korean government. In addition, based on the results obtained from the aforementioned fieldwork studies, we clarify how the Koryo Saram refugees from Ukraine responded to the acceptance of Koryo Saram by the Korean government.

## Discussion

### I. Koryo Saram evacuated from Ukraine as “Refugees”

After the Korean War, Korea changed from being a refugee outflow country to a refugee inflow country in a relatively short period. (Park et al., 2013, p. 222; Kim et al., 2020, p. 4118;). Refugee policies in Korea began to be officially implemented within the legal framework after Korea joined the Convention Relating to the Status of Refugees and Protocol Relating to the Status of Refugees in 1992, as illustrated in Table 2 below (Koh, 2011; Oh, 2012; Park et al., 2013; Kuk, 2017; Park, 2022).

**Table 2. Status of Refugee Recognition and Acceptance in Korea**

Year	Details
1992	Korea joined the Convention Relating to the Status of Refugees.
	Korea joined the Protocol Relating to the Status of Refugees.
1993	Amendment of the Immigration Act.
1994	Establishment and enforcement of refugee recognition provisions in the Enforcement Decree of the Immigration Act. Korea started accepting applications for the recognition of refugee status.
2000	Korea elected to the Executive Board of the UN Refugee Agency, United Nations High Commissioner for Refugees (UNHCR).
2001	Korea recognized refugees for the first time. The opening of the Seoul Office for Refugees under the UNHCR Tokyo Office. The Seoul Office became independent from the Tokyo office in 2005.
2008	Amendment of the Immigration Act. Addition of provisions on the obligation to treat refugees (deletion of the application of reciprocity to refugees). Establishment of the Employment Permit Regulations for Refugee Applicants. Korea permitted refugees to remain, if necessary, from a humanitarian point of view. New Regulations for the Establishment of Refugee Support Facilities.
2009	Submission of the legislation on the status and treatment of refugees.
2010	Korea provided the guarantee of the right to apply for refugee status.
2011	Passing the Refugee Bill at the plenary session of the National Assembly.
2012	Enactment of the Refugee Act.
2013	Enforcement of the Refugee Act. Korea's accession to the President of the UNHCR Executive Council (until 2014).
2015	Implementation of the Resettlement Act.

Source: Recreated using Koh (2011), Oh (2012), Park et al. (2013), Kuk (2017), Park (2022).

The Immigration Act took effect in 1994, increasing refugee acceptance (Nho et al., 2019, p.1). From 1994 to 2000, when the law began to take effect, there were 96 refugee applications, but some withdrew their applications, and most applicants were not recognized as refugees (Kuk, 2017, p. 96). A person was recognized as a refugee for the first time in 2001, and the number has since increased gradually (Oh, 2012, p. 92). In 2008, the Immigration Control Act was revised again, and provisions on refugee treatment efforts (exclusion of mutualism to refugees) and employment permit regulations were newly established during the qualification examination period for refugee applicants; this included the development of refugee support facilities. However, despite several revisions, the implementation was somewhat unclear and ambiguous, as the recognition of refugees is defined at the discretion of the Minister of Justice (Koh, 2011, p. 48-49). Accordingly, a bill on the status and treatment of refugees was submitted in 2009; it was passed by the



National Assembly in 2010, was enacted in 2012, and became effective in 2013. In the wake of serving as the chair of the UNHCR Executive Council from 2013 to 2014, Korea raised the need to lay a policy foundation suitable for the status of the international community. In addition, in the 2000s, the introduction of the resettlement refugee system—a permanent solution to the refugee problem—began to be actively discussed as a responsibility meant to be divided among the international community. Following Japan's implementation in 2010, Korea began implementing this system in 2015.

Meanwhile, according to the Ministry of Justice, the number of refugee recognition applications significantly increased since the implementation of the Refugee Act in 2013 (2,896 in 2014; 5,711 in 2015; 7,541 in 2016; 9,942 in 2017; and 16,173 in 2018). However, the COVID-19 pandemic caused a decrease from 2019 to 2021 (15,452 cases in 2019; 6,684 cases in 2020; and 2,341 cases in 2021).<sup>10)</sup>

From 1994 to 2021, the cumulative number of refugee recognition applications was 73,383, and of the 45,935 cases that completed the refugee recognition review, 831 were recognized, 1,947 were granted humanitarian residence permits, and 43,157 were not recognized. In 2022, there were 11,539 applications for refugee recognition, an increase of approximately 392.9% compared with the previous year. A total of 1,338 people were recognized as refugees from 1994 to 2022, and 175 were recognized as refugees in 2022. In addition, 2,485 people were granted humanitarian residency permits from 1994 to 2022, and 67 were granted such permits in 2022.<sup>11)</sup>

Despite the series of processes, Korea's refugee recognition rate is the lowest among the G20 countries, less than 1% on average over the past five years. Previous studies (Koh, 2011; Oh, 2012; Park et al., 2013; Kuk, 2017; Park, 2022) have identified policies and systems related to refugees in the country as problematic because of the low refugee recognition rate. Specifically, the international agreement on refugee status, the Minister of Justice's discretion in refugee recognition, the obligation to treat refugees, restrictions on the issuance of refugee travel certificates, and restrictions on reasons for deportation have been identified as the most significant factors for the low refugee recognition rate. Focusing on these factors, an urgent need to improve the Immigration Act in Korea has been emphasized.

Despite the low refugee recognition rate, refugee applications are on the rise, albeit insignificantly. Given the current situation, how many Koryo Saram people from Ukraine have applied for refugee status in Korea? The official statistics do not provide information about the status of refugee screening by nationality in 2022; therefore, only data classified

as “other” items can be checked. In 2022, the number of refugee applicants, those recognized as refugees, and humanitarian residence permits stood at 1358, 40, and 29, respectively. However, Ukrainian nationals have made no applications for obtaining refugee status.<sup>12)</sup> The refugees dealing with wartime circumstances and who chose Korea for evacuating did not apply for refugee status. For this reason, Korea’s complex refugee application process was mentioned as a problem based on interviews with Korean organizations and NGO officials. As some interviewees stated:

As it is a war, men cannot migrate even if their families move, and of course, some of them avoided it... That is how you evacuate. As a refugee, qualification is not important. In such circumstances, people rush to get a visa to stay in Korea like their acquaintances and relatives who have already come here. It is complex and difficult to apply as a refugee in Korea. Therefore, I do not think anyone applies to become a refugee in Korea.<sup>13)</sup>

The Koryo Saram people who lived in Ukraine were evacuated with their families. Initially, they came to stay for a short-time; however, they often ended up staying for a long period. They came in as refugees; however, from the beginning, they intended to get a visa to stay in Korea as a compatriot. Korea is a very difficult country to come in as a refugee.<sup>14)</sup>

Koryo Saram from Ukraine came to Korea in April 2022 for the first time immediately after the war, but they could not obtain a visa because Korea could not solve the administrative problems at first. To begin with, they were issued temporary visas. This was the most common in the first six months after the war. Such immigrants are still coming in, but not in significant numbers. The immigrants are now coming via Poland, Romania, and other countries. Mostly, people with ties to Korea come here. It’s rare for people who don’t have any connections to come to Korea.<sup>15)</sup>

According to the interviewees, the Koryo Saram refugees from Ukraine did not choose Korea to obtain the status of a refugee in the first place; instead, they hoped to enter Korea because they already had people here whom they knew. They also hoped to obtain visas for their compatriots. Their so-called “preliminary” compatriots entered Korea temporarily with short-term stay visas. The Koryoin Culture Center Numu’s representative stated:

The Koryo Saram refugees from Ukraine are approximately 3,000 people. A compatriot visa can only be issued if they prove that they are Korean; however, this is practically difficult. It was difficult to issue documents in Ukraine because of the wartime situation. Therefore, they urgently received a short-term visitor visa for compatriots, C-3-8. Moreover, some entered the country with a short-term visitor visa for C-3 foreigners for three months. The Ministry of Justice permits the issuance of visas to compatriots if they meet the requirements of F-4 and H-2. However, that is the case with immigrants who have a nationality, while there are many stateless people. They are still just staying in Korea.

According to a report on the residential status of foreign nationals in March 2023, there were 1,838 Koryo Saram from Ukraine in Korea.<sup>16)</sup> As they have a passport, they have a nationality. A stateless person can only stay under temporary permission without being recognized as a compatriot. To discuss why the Korean government does not include them in the category of refugees, a kind of precondition whether they applied for refugee status will be needed. However, it was already known that they could not be considered a category of refugees, whether they have a nationality or are stateless. None of the Koryo Saram refugees from Ukraine applied for refugee status. This was mainly due to the high legal entry barriers to making an application to be recognized as a refugee. Moreover, they likely chose Korea to search for a connection or their acquaintances who had already migrated to Korea. However, it is not likely that they chose Korea just to apply for refugee status.

## II. Koryo Saram evacuated from Ukraine as Korean “Ethnic Returnees”

Earlier, we assumed that the reason for not accepting Ukrainian refugees as compatriots was due to the characteristics of refugees and the historical characteristics of Ukrainian Koreans. Therefore, this section focuses on the fact that many stateless Koryo Saram are from Ukraine. It examines their national and historical origins and how these characteristics affect the acceptance of Korean compatriots.

According to the Ministry of Foreign Affairs, the “former Soviet Union” inhabited by Koryo Saram is classified as “Europe” among the categories of Northeast Asia, South Asia Pacific, North America, Latin America, Europe, Africa, and the Middle East, with 677,156 overseas Koreans living in Europe as of 2021. “Overseas Koreans” include overseas Koreans and foreign nationals. Of the Koryo Saram diaspora living in the former Soviet Union,

Uzbekistan has 175,865, Russia has 168,526, Kazakhstan has 109,495, and Ukraine has 13,524 in 2021. Table 3 provides more information in this regard.

**Table. 3. Number of Overseas Koreans in the post-Soviet Union**

	2015	2017	2019	2021	%
Europe	627,089	630,693	687,059	677,156	100
Russia	166,956	169,638	169,933	168,526	24.89
Ukraine	13,103	13,070	13,070	13,524	2.00
Uzbekistan	186,186	181,077	177,270	175,865	25.97
Kazakhstan	107,613	109,133	109,923	109,495	16.17
Others	153,231	157,775	216,863	209,746	30.97

Source: Recreated using Current Status of Overseas Korean (2021, pp. 14, 22-24)<sup>17)</sup>.

As of 2021, the number of foreign nationals (foreign citizens), excluding overseas Koreans, was 174,200 in Uzbekistan, 163,684 in Russia, 108,551 in Kazakhstan, and 12,711 in Ukraine.<sup>18)</sup> A foreign national or citizen of Ukraine means a Ukrainian national. It is difficult to grasp the exact numbers of stateless Koryo Saram, but estimates can be made. The existence of the stateless Koryo Saram in Ukraine was due to the history of their repeated migration and settlement (Lee, 2011; Ko, 2019; Huh, 2022). Those who entered Korea after the outbreak of the Russo-Ukraine War do not have any nationality and are, therefore, stateless. The Media Saram’s representative spoke about the statelessness of Koryo Saram refugees from Ukraine, stating:

There are approximately 3,000 Koryo Saram refugees from Ukraine in Korea. Korea does not have immigrants of many nationalities. There must be around 1,000 such people. This means that there are many stateless people of other nationalities in Korea. Other nationals enter Ukraine as well, and they have a visa period. Either they do not extend it within the stipulated period, or they apply for Ukrainian nationality and are on standby. They often wait indefinitely for the approval of the national waiver process to be granted. During this period, they are considered stateless. Most of them are like that. Therefore, many people are stateless. That is because we have been conducting seasonal agriculture for a long time, moving back and forth between Ukrainian farms and Central Asian settlements. Then, some people settled permanently in Ukraine. Koryo Saram people, who live in Ukraine, have their roots in Central Asia. The Soviet Union collapsed; therefore, such people moved to Ukraine for farming or business, but they

were all from Central Asia.

Additionally, it is estimated that approximately 30,000 overseas Koreans lived in Ukraine before the outbreak of the Crimean crisis in 2014. According to Ko (2019), the period when Koryo Saram lived in Ukraine could be divided into two phases.

The first period began after the Enforcement of the Act on the Elimination of Residence Restrictions for Compulsory Migrants by Nikita Khrushchev in 1956. The Koryo Saram people are a self-proclaimed Korean diaspora in the former Soviet Union; they followed a historical route to migrate from the Joseon Peninsula to the Primorsky region of Russia from 1863 onwards. Koreans who moved to Primorsky Krai formed and lived in communities, and in 1937, under Joseph Stalin's regime, they were forcibly moved to Central Asia. As a result, their lives were significantly affected. They could only live in areas designated by the Soviet Union and were not allowed freedom of movement. However, after Stalin died in 1953, residential restrictions were abolished, allowing them to move freely (Lee, 2021, pp. 110-113). Migration during this period is largely classified into three categories, depending on the target area. Under the first category, people moved to large cities such as Moscow, Saint Petersburg, Kyiv, and Ural Siberia. This mainly occurred when people migrated to enter college or find employment. Under the second category, people moved to southern Russia, Ukraine's Crimea, Odesa, Herson, and Harikov. This mainly occurred when people migrated for their unique agricultural methods. Finally, under the third category, people moved to Primorsky Krai, their residence, before being forced to migrate. The first and second categories mentioned above involved people migrating to Ukraine.

Second, after the dissolution of the Soviet Union in 1991, 15 states that declared independence faced the challenges of nation-building (Critchlow, 1991; Khalid, 2015). The former Soviet Union countries have been composed of various ethnic groups since the Soviet era; however, in their respective forms, they have been striving for national integration centered on the titular ethnic groups of each country. Minorities in the region have established themselves as minorities under the Russians, but the independence of former Soviet countries has forced them to respond to the phenomenon of "second minoritization" by becoming new ethnic minorities under each country's titular ethnic majority. Consequently, the Koryo Saram people, a minority in the Soviet Union, once again had to respond to each country's nation-building due to their position as a minority (Lee, 2023, forthcoming). There were three choices for them immediately after the

dissolution of the Soviet Union and the independence of each country. First, whether to remain in the new country where they had lived since the creation of the Soviet Union; second, whether to move to their historical homeland, Korea; and third, whether to move to another region of the former Soviet Union with better political and economic conditions (Lee, 2021). Ukrainian Koryo Saram moved to Ukraine under the third option. Most people chose Uzbekistan to move to under the third option. This is because of Uzbekistan's strong political and Uzbek-based key ethnocentrism and relatively unstable economic conditions compared to other Soviet countries (Roy, 2000; Luong, 2004; Khalid, 2021). Since the revision of the Overseas Koreans Act in 2007, the largest number of Koryo Saram who chose to return to Korea are from Uzbekistan (Kim, 2015). Therefore, as mentioned above, the influx of Ukrainian Koryo Saram into the places where their relatives live is based on the historical fact that they were forcibly relocated to Central Asia and then moved to Ukraine after obtaining freedom of movement after Stalin. This is also deeply related to the fact that the roots of those who had moved to Ukraine are in Central Asia.

Their statelessness can be said to be a special case in which the rights and obligations of their earlier country, the Soviet Union, which was a dominant entity, were transferred to newer countries like Ukraine and Russia due to the dissolution of the Soviet Union. After the dissolution of the Soviet Union, the nationality of the new state should have been granted to such Koryo Saram; however, in the case of the stateless Koryo Saram, these principles were not well implemented (Huh, 2022, p. 205). In titular ethnicity-centered countries, they became stateless as ethnic minorities. Additionally, they were unfamiliar with each country's immigration laws as migrants. During the Soviet era, they freely traveled to and from other regions with Soviet IDs and travel permits; however, after the collapse of the Soviet Union, they had to obtain a passport of a new country with their original residence identification. This identification was a common reason for becoming illegal residents. In addition, the loss of identification cards or the inability to physically and economically move during administrative processing were the causes of becoming illegal residents. In addition, there are various forms of statelessness (Lee, 2011; Ko, 2019; Huh, 2022). The Korean government worked with the Ukrainian government, where Koryo Saram resided, and the Uzbekistan government, which had a large number of Koryo Saram citizens of Uzbekistan in Ukraine, to carry out legal status recovery projects from 2006 to 2009. As a result of these efforts, a total of 462 people had acquired Ukrainian citizenship and permanent residency by 2016, and the legal status of more than 1,000 people was restored (Huh, 2022, pp. 209-225). However, compared with the number of Koryo

Saram people with guaranteed legal status, the number of Koryo Saram people who are still stateless is much larger. In 2022, the South Korean government issued a three-month temporary visa to Koryo Saram refugees from Ukraine who were entering South Korea and took measures to allow stateless people who had entered the country with travel certificates to extend their stay even without a passport. The following year, in March 2023, the government announced that it had decided to exempt the Koryo Saram people from paying fees for getting permission to extend their stay until the end of the war.<sup>19)</sup>

The Korean government previously sought to restore the legal status of stateless Koryo Saram through cooperation with the Ukrainian and Uzbek governments. At that time, there was a practical limitation in terms of considering all domestic legal procedures and situations in Korea, Ukraine, and Uzbekistan. However, to resolve their stateless status, it is necessary to consider the situation of the actual country of their residence and the original country of their residence. However, they currently reside in several enclaves in Korea, which have their communities; besides, the current Koryo Saram-related laws have been improved after several revisions.

Korea has implemented the policy of accepting Koryo Saram since 2007. Until then, they and Koreans from China were excluded from entering Korea as compatriots. In other words, it was not until 2007 that Koryo Saram could return to their historical homeland. Depending on the country of origin of overseas Koreans, stratified and sequenced discrimination exists even within the category of overseas Koreans. Additionally, discrimination by country of origin exists within the Koryo Saram category (Suh, 2020; Lee, 2023, forthcoming).

Korea's acceptance policy of Koryo Saram is incomplete; instead, with temporary revisions, it is in the process of addressing and, at times, complicating the problems that have occurred since their influx in 2007. In other words, accommodating them in Korean society is still underway. Ukrainian refugees and Koreans moved into Koryo Saram communities, which have performed various functions. The Korean government remains involved with the task of restoring the legal status of the stateless people. The government is currently accepting Koryo Saram using temporary revisions in policies, which are on the lines of the existing Koryo Saram Acceptance Policy. However, the government is still not including them in the legal compatriots' category. The fact that the Ukrainian Koryo Saram are stateless due to historical reasons affects the securing of legal status as compatriots by the Koryo Saram who moved into Korea after the war. Korea has no legal mechanism to accept them as compatriots under the current law. Therefore, if they can

have a short-term visa or wish to stay for a long time, they can only renew their visa for free until the end of the war, which is a temporary measure.

## Conclusion

In this study, we reviewed the categories in which the Korean government accepts Ukrainian Koryo Saram, who fled to Korea after the outbreak of the Russo-Ukraine War. We discussed the status and challenges of Korea's refugee and compatriot policies, focusing on where refugees were legally included in each category and their practical responses. Specifically, the following two aspects were analyzed.

First, this study revealed where Korea's low refugee recognition rate stems from and why it is difficult to accept Ukrainian refugees due to the country's refugee regulations, and reviewed specific cases in which Koryo Saram are responding. By reviewing the status and historical changes in regulations concerning refugees in Korea, the factors behind low refugee recognition in the country were investigated through related documents and statistical and press releases from the Korean government. The study pointed out that the Korean law concerns specific conflict with international conventions regarding recognizing refugees. It was also pointed out that Korea's refugee policy has high entry barriers for those wishing to apply as refugees. The country's complicated refugee recognition process resulted in no Koreans from Ukraine applying for refugee status. Rather than becoming refugees, they moved into areas where people already acquainted with them had migrated.

Second, we reviewed why it is difficult to accept Koryo Saram from Ukraine as compatriots and how Koryo Saram from Ukraine respond to the regulations. We reviewed why it is difficult for many stateless people to be included in the category of compatriots and their status using the existing literature. The study also mentioned the measures taken by the Korean government to deal with the inability of such refugees to be accepted as compatriots while being stateless, and reviewed how Koryo Saram from Ukraine are responding to the regulations. The study also pointed out that there are no provisions under the current compatriot policy, which can help recognize Koryo Saram refugees from Ukraine as compatriots. There are different standards for refugees from different countries of origin in the existing overseas Korean regulations. In addition, visas issued without sufficient review of the language, culture, and history of compatriots entering the country are eventually revised in the face of practical problems, or temporary regulations are applied. In other words, since the policy of accepting such refugees was implemented, they



have begun to move to Korea. While moving to Korea, the policy has been repeatedly revised whenever problems occur.

This paper concludes that although it adds to our understanding of the status of the Korean government's refugee and compatriot acceptance policies, it might be too early to review the overall acceptance of Ukrainian Koryo Saram in Korea, which is in the early stages of immigration. Besides, Koryo Saram's practical response to Korea's acceptance policies has not been reviewed due to lack of access to immigrant parties. Therefore, considering these points, based on the result of this study so far, we would like to continue to review how to solve the legal recovery problem of Ukrainian stateless Koryo Saram who have lived outside Korea. I would also like to review their legal status to extend their stay for free in Korea until the end of the war. We also intend to examine how to ensure that their communities are safe and they are socially integrated into Korean society.

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### Notes

- 1) <https://www.unrefugees.org/emergencies/ukraine/> (accessed on June 3, 2023).
- 2) This is a Koryo Saram enclave that started in 2004 with a voluntary community centered on 20 Koryo Saram, and was officially established in Wolgok 2-dong, Gwangsan-gu, Gwangju in 2013 with the enactment of the "Gwangju Metropolitan City Ordinance on Support for Koryo Saram." Based on the relevant ordinance that promotes the adaptation of Koryo Saram residents with the community, promotion of rights and interests, and life stability, it was granted a non-profit corporation status with the permission of the Ministry of Justice in 2014 (Kim, 2022, p. 95).
- 3) <http://www.yna.co.kr/view/AKR20220322113300054> (accessed on Jun 3, 2023), <http://www.yna.co.kr/view/AKR20220404128700054> (accessed on June 3, 2023).
- 4) The Koryo Saram refers to the Korean diaspora living in the post-Soviet Union states; this term is used for their self-identification. This group includes individuals who started moving from the Joseon Peninsula to the Russian Far East from 1863 onwards and were subsequently forcibly settled in Central Asia by Joseph Stalin in 1937. They are an ethnic minority who have citizenship of the former Soviet Union (total 500,000, approximately: 170,000 in Russia, 177,000 in Uzbekistan, and 110,000 in Kazakhstan) (Lee, 2021a, p. 48). After the Soviet Union collapsed and the former Soviet Union states gained independence, members of the Koryo Saram were forced to adapt and assimilate into the new political and social systems as a minority in multiethnic societies (Lee, 2023, forthcoming).
- 5) The author conducted interviews with the Koryoin Support Center Mir's representative on February 22, 2023 in Ansan, the Diaspora Institute's representative on February 23, 2023 in Incheon, the Koryoin Culture Center Numu's representative on March 7, 2023 in Incheon, and the

- Media Saram's representative on March 7, 2023 in Yongin.
- 6) Press release from the justice ministry, <https://www.gov.kr/portal/ntnadmNews/3405460> (accessed on June 3, 2023).
  - 7) Ministry of Foreign Affairs press release, [https://www.mofa.go.kr/www/brd/m\\_4080/view.do?seq=372131](https://www.mofa.go.kr/www/brd/m_4080/view.do?seq=372131) (accessed on June 3, 2023).
  - 8) [https://news.sbs.co.kr/news/endPage.do?news\\_id=N1006686699](https://news.sbs.co.kr/news/endPage.do?news_id=N1006686699) (accessed on June 3, 2023).
  - 9) 2021 Statistical Yearbook of the Ministry of Justice, <https://www.immigration.go.kr/immigration/1570/subview.do> (accessed on June 3, 2023).
  - 10) Immigration statistics of the Ministry of Justice, <https://www.moj.go.kr/moj/2417/subview.do> (accessed on June 3, 2023).
  - 11) Immigration Yearbook in 2021 of the Ministry of Justice, <https://www.immigration.go.kr/immigration/1570/subview.do> (accessed on June 3, 2023).
  - 12) Current Status of Refugee Examination by Nationality and Year of the Ministry of Justice, <http://www.data.go.kr/data/15112444/fileData.do> (accessed on June 3, 2023).
  - 13) Koryoin Support Center Mir's representative.
  - 14) Diaspora Institute's representative.
  - 15) Media Saram's representative.
  - 16) Statistical Monthly Report of the Ministry of Justice, <https://www.immigration.go.kr/immigration/1569/subview.do> (accessed on June 3, 2023).
  - 17) [https://www.mofa.go.kr/www/brd/m\\_4075/view.do?seq=368682](https://www.mofa.go.kr/www/brd/m_4075/view.do?seq=368682) (accessed on June 3, 2023).
  - 18) pp. 36-38, 205-211, 253-258, 263-265, [https://www.mofa.go.kr/www/brd/m\\_4075/view.do?seq=368682](https://www.mofa.go.kr/www/brd/m_4075/view.do?seq=368682) (accessed on June 3, 2023).
  - 19) See footnote 6.

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