



Australian Government
Refugee Review Tribunal

Country Advice

South Korea

South Korea – KOR39834 – Citizenship –
Discrimination against people of mixed
ethnicity – Protests & Strikes June 2009

6 February 2012

1. Is an individual able to obtain South Korean citizenship if their mother was not a South Korean citizen or ethnically South Korean?

In order for an individual to acquire South Korean nationality, at least one parent (either the mother or father) must be a national of the Republic of Korea at the time of birth of the child. Based on this, a person whose father was a citizen of South Korea and whose mother is a non-South Korean citizen, would be eligible for citizenship.

Citizenship in South Korea is governed by the *Nationality Act [Republic of Korea] Law No. 12, December 1948 (Amended 2004)*.¹ Article 2 states that South Korean citizenship is based on parentage, which requires that either the mother or father be a citizen at the person's time of birth.² Article 2 states:

Article 2 (Acquisition of Nationality by Birth)

(1) A person falling under one of the following subparagraphs shall be a national of the Republic of Korea at the time of his or her birth:

1. A person whose father or mother is a national of the Republic of Korea at the time of his or her birth;

2. A person whose father was a national of the Republic of Korea at the time of his death, where his father died before his or her birth; and

3. A person who is born in the Republic of Korea, where both of parents are unknown or have no nationality.

(2) An abandoned child found in the Republic of Korea shall be recognized as born in the Republic of Korea.³

On 4 May 2010, additional amendments were made to the *Nationality Act 1948*. The amended legislation (which came into full effect on 1 January 2011) could not be found.⁴ Reports were

¹ *Nationality Act [Republic of Korea]*, Law No. 16, 20 December 1948 (Last amended 2004), Article 2 (1), UNHCR Refworld website <http://www.unhcr.org/refworld/pdfid/3fc1d8ca2.pdf> – Accessed 1 December 2010 –

² US Department of State 2011, *2010 Country Report on Human Rights Practices: Republic of Korea*, 8 April, p. 14 <http://www.state.gov/documents/organization/160090.pdf> - Accessed 11 April 2011

³ *Nationality Act [Republic of Korea]*, Law No. 16, 20 December 1948 (Last amended 2004), Article 2 (1), UNHCR Refworld website <http://www.unhcr.org/refworld/pdfid/3fc1d8ca2.pdf> – Accessed 1 December 2010 –

⁴ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld and International Crisis Group. International legal databases including the World Legal Information Institute (WorldLII), Legislation Online,

found, however, noting that the amendments establish dual citizenship and new procedures for people visiting South Korea.⁵

One report was found that indicates residents in South Korea who are not ethnic South Koreans have difficulties obtaining citizenship. In 2011, Freedom House stated that ‘residents who are not ethnic [South] Koreans face extreme difficulties obtaining citizenship, which is based on parentage rather than place of birth.’⁶

2. Would a person with a non-South Korean parent be denied any rights in South Korea or be subject to discrimination?

Although the number of people of mixed ethnicity in South Korea is growing, sources consulted agree that people of mixed ethnicity continue to be discriminated against. Country Advice Response KOR37774 of 6 December 2010, KOR37682 of 25 November 2010 and KOR33021 of 3 March 2008 provide an overview of the situation for children of mixed ethnicity in South Korea.⁷

In 2011, the US Department of State *Human Rights Practices* report noted that the law in South Korea prohibits discrimination on the basis of race, and stated that ‘the government effectively enforced’ this legislation.⁸ Nonetheless, an earlier report from 2010 the US Department of State noted that during 2009, the local media reported an increase in the number of racially motivated offences. The same report notes that in 2009 there were reports of employment discrimination against mixed-race children and South Korean-Americans.⁹ Similarly, on 27 November 2009, *The Chosun Ilbo*¹⁰ reported that ‘most’ multicultural children face ‘huge obstacles’ when they look for jobs or apply to university.¹¹ Further, an article by *The Diplomat*¹² from 20 July 2011 indicates that mixed-race people in South Korea experience social and economic discrimination:

the International Law Commission and the International Organisation for Migration (Migration Law Section) were also searched.

A Korean language search was also undertaken using the Google Translate service.

⁵ Republic of the Philippines Department of Foreign Affairs 2010, *South Korea Passes Revision on Immigration Law*, 30 April <http://www.dfa.gov.ph/main/index.php/newsroom/dfa-releases/1089-south-korea-passes-revisions-on-immigration-law> - Accessed 1 February 2012 ; Law Library of Congress 2010, *South Korea: Permanent Dual Nationality Allowed After 60 Years*, 24 August

http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205402187_text - Accessed 1 February 2012 ; McDonald, S. 2011, ‘New Legislation for Dual Citizenship Signals New Era for Korean Adoptees’, *Yonhap News Agency*, 20 June http://english.yonhapnews.co.kr/n_feature/2011/06/14/20/4901000000AEN20110614004000315F.HTML - Accessed 1 February 2012

⁶ Freedom House 2011, *Freedom in the World 2011: South Korea* <http://www.freedomhouse.org/report/freedom-world/2011/south-korea> - Accessed 2 February 2012

⁷ RRT Country Advice Service 2010, *Country Advice KOR37774*, 6 December ; RRT Country Advice Service 2010, *Country Advice KOR37682*, 25 November ; RRT Research & Information 2008, *Research Response KOR33021*, 3 March

⁸ US Department of State 2011, *2010 Country Report on Human Rights Practices: Republic of Korea*, 8 April, p. 12 <http://www.state.gov/documents/organization/160090.pdf> - Accessed 11 April 2011

⁹ US Department of State 2010, *2009 Human Rights Report: Republic of Korea*, 11 March www.state.gov/g/drl/rls/hrrpt/2009/eap/135996.htm - Accessed 12 March 2010

¹⁰ *The Chosun Ilbo* is one of the major newspapers in South Korea.

¹¹ ‘Multicultural Celebrities Succeed Against Huge Odds’ 2009, *The Chosun Ilbo*, 27 November

¹² *The Diplomat* is a Toyko-based online current affairs magazine covering politics, society and culture in the Asia-Pacific, including South Korea. The magazine, originally a bi-monthly print magazine, was founded in 2001. *The Diplomat* has formal partnerships with several public policy and media outlets, including the Center for Strategic and International Studies.

No matter how reformed South Korea's institutions may become, the spectre of institutional racism, excluding those not fully 'Korean' from equal opportunities for social and economic advancement, looms.¹³

The South Korean Government has acknowledged the problem of racial discrimination, noting that ethnic minorities suffer from discrimination and prejudice because of their appearance and cultural differences.¹⁴ In 2011 Freedom House noted that South Korea's 'few ethnic minorities face legal and societal discrimination'.¹⁵

On 26 July 2011 *The Korea Times*¹⁶ reported that the number of official complaints against discrimination (including ethnic and racial discrimination) in South Korea is increasing:

The National Human Rights Commission (NHRC) said a total of 64 cases of complaints were lodged in 2010 regarding discrimination on the grounds of race, religion, nationality, ethnicity and skin color, doubling from only 32 cases filed in 2005.¹⁷

In June 2011, the South Korean Government announced that the number of children with at least one parent of non-South Korean heritage had reached 150,000, a fourfold increase over the last four years.¹⁸ Despite this, South Korea continues to pride itself on its racial homogeneity. In 2007, the UN Committee on the Elimination of Racial Discrimination urged the South Korean public to overcome the notion that the country is 'ethnically homogenous' and to end the widespread use of terms such as 'pure blood' and 'mixed blood'.¹⁹

The South Korean Government is taking steps to reduce discrimination against people of mixed ethnicity. On 1 November 2009, *The Korea Times* reported that the South Korean Immigration Service was introducing a blueprint on immigration policy to be implemented until 2012. According to the article, support services to ethnic minorities were to be implemented, text books revised and the concept of multicultural families taught to South Korean students.²⁰ No information was found regarding the impact of the blueprint in addressing ethnic and racial discrimination in South Korea.²¹

Discrimination against Ethnic Chinese in South Korea

Reports indicate that ethnic Chinese in South Korea claim to experience discrimination. These reports discuss discrimination experienced by ethnic Chinese in general, and do not relate specifically to people of mixed Korean-Chinese ethnicity. In 2010 ethnic Chinese were

¹³ Lim, F. J. 2011, 'Korea's Multicultural Future?', *The Diplomat*, 20 July <http://the-diplomat.com/new-leaders-forum/2011/07/20/south-koreas-multiethnic-future/> - Accessed 2 February 2012

¹⁴ Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *The Korea Times*, 1 November

¹⁵ Freedom House 2011, *Freedom in the World 2011: South Korea* <http://www.freedomhouse.org/report/freedom-world/2011/south-korea> - Accessed 2 February 2012

¹⁶ *The Korea Times* is an English-language daily newspaper published in South Korea.

¹⁷ 'Petitions of Racial, Religious Discrimination Double in 5 Years' 2011, *The Korea Times*, 26 July http://www.koreatimes.co.kr/www/news/nation/2011/07/113_91642.html - Accessed 2 February 2012

¹⁸ Lim, F. J. 2011, 'Korea's Multicultural Future?', *The Diplomat*, 20 July <http://the-diplomat.com/new-leaders-forum/2011/07/20/south-koreas-multiethnic-future/> - Accessed 2 February 2012

¹⁹ Sang-Hun. C. 2009, 'South Koreans Struggle with Race', *New York Times*, 1 November

<http://www.nytimes.com/2009/11/02/world/asia/02race.html?pagewanted=1&r=1> - Accessed 9 November 2009

²⁰ Hicap, J. 2009, 'Discrimination Still Lingers Against Multicultural Families', *The Korea Times*, 1 November

²¹ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Korean language search was also undertaken using the Google Translate service.

the largest minority ethnic group in South Korea.²² An undated article on the Minority Rights Group website, states that ethnic Chinese in South Korea are ‘subject to discrimination in the areas of employment and citizenship.’²³ On 2 July 2010, *Asian Correspondent*²⁴ reported that large numbers of ethnic Chinese in South Korea feel discriminated against, noting:

A recent survey [of 394 Chinese-Koreans, conducted by the National Assembly Representative of the Grand National Party] has found that 60 percent of Chinese-Koreans who live in [South] Korea feel they are discriminated against compared to Koreans and believe there is a need for a special law for Chinese-Koreans who take [South] Korean citizenship.²⁵

One news report was found, however, that indicates the employment discrimination experienced by Chinese-South Koreans is improving. On 22 March 2011, *Yonhap News*²⁶ stated that cases of unfair treatment and discrimination of South Korean-Chinese workers has become ‘less common’ over the past five years due in part to the growing number of South Korean-Chinese and the improved support of civic groups.²⁷

3. Please give a brief summary of any strikes or protests known to have occurred in South Korea in June 2009 (dates, places, numbers involved, issue etc.).

Reports were found of four strikes and protests in South Korea during June 2009.

Ssangyong Motor Company Strike in Pyeongtaek

On 3 June 2009, *Industry Week*²⁸ reported that workers at the Ssangyong Motor plant in Pyeongtaek²⁹ were protesting against layoffs planned by the bankrupt company.³⁰ According to *Industry Week*, the workers – armed with metal pipes and firebombs – had occupied the plant since 21 May 2009.³¹ On 6 August 2009, *News Day*³² reported that the strike had ended.³³ In 2010, the US Department of State noted that of the 800 protestors involved, 94 were charged:

²² Minority Rights Group 2010, *State of the World's Minorities and Indigenous Peoples 2010 – Republic of Korea*, 1 July, Refworld website <http://www.unhcr.org/refworld/docid/4c33310ac.html> - Accessed 2 February 2012

²³ Minority Rights Group (undated), *World Directory of Minorities: South Korea – South Korea Overview* <http://www.minorityrights.org/?lid=5575&tmpl=printpage> - Accessed 2 February 2012

²⁴ *Asian Correspondent* provides news about the Asia Pacific region and South Asia and features a news feed from the Associated Press.

²⁵ Schwartzman, N. 2010, ‘Chinese-Koreans Feel Discriminated in South Korea’, *Asian Correspondent*, 2 July <http://asiancorrespondent.com/36784/chinese-koreans-feel-discrimination-in-south-korea/> - Accessed 2 February 2012

²⁶ *Yonhap News* is South Korea’s largest news agency. It is a publically funded company and is based in Seoul.

²⁷ ‘Ethnic Koreans from China Grow Resentful Over Discrimination in Homeland’ 2011, *Yonhap News*, 22 March <http://english.yonhapnews.co.kr/national/2011/03/22/6/0302000000AEN20110322006200315F.HTML> - Accessed 2 February 2012

²⁸ *Industry Week* (IW) is an American monthly trade magazine.

²⁹ Pyeongtaek is a city in Gyeonggi Province, South Korea.

³⁰ *Industry Week* 2009, *Ssangyong Motor Threatens to Use Police to End Strike*, 3 June http://www.industryweek.com/articles/ssangyong_motor_threatens_to_use_police_to_end_strike_19289.aspx - Accessed 1 February 2012. Also see: Libcom.org 2009, *Strikes and Lockouts in South Korea*, 1 June <http://libcom.org/news/strikes-lockouts-south-korea-01062009> - Accessed 1 February 2012

³¹ *Industry Week* 2009, *Ssangyong Motor Threatens to Use Police to End Strike*, 3 June http://www.industryweek.com/articles/ssangyong_motor_threatens_to_use_police_to_end_strike_19289.aspx - Accessed 1 February 2012

³² *News Day* is a daily American newspaper that primarily serves Nassau and Suffolk counties and several New York boroughs.

³³ ‘Violent Ssangyong Motor Strike Comes to an end’ 2009, *News Day*, 6 August <http://www.newsday.com/violent-ssangyong-motor-strike-comes-to-an-end-1.1351801v> - Accessed 1 February 2012

Local media and NGOs reported that the police prevented the delivery of food, water, and medical treatment to 800 union workers who physically occupied [the plant]... MOJ [Ministry of Justice] officials also underscored that the strike was illegal because it was not related to labor conditions and resulted in millions of dollars in property damage. According to the MOJ, of the 94 protesters that were charged in connection with the strike, 72 were fined and the rest were awaiting trial.³⁴

Protest in Seoul against North Korea's Arrest of Two American Journalists

On 4 June 2009, *BBC News* reported that a protest was held in Seoul demanding the release of two American journalists (Euna Lee and Laura Ling) on trial in North Korea for committing 'hostile acts.'³⁵ Footage of the protest is available on the *BBC News website*.³⁶ Similarly, on 8 June 2009 *ABC News* stated that protestors had gathered in Seoul, carrying portraits of the American journalists.³⁷ No information was found regarding how many people participated, if police disbanded the protest, or if any demonstrators were arrested.³⁸

Protests to mark 22nd Anniversary of South Korea's Pro-Democracy Struggle

On 10 June 2009, protests were held in South Korea to commemorate the 22nd anniversary of the country's pro-democracy struggle.³⁹ Protests were held in central Seoul during the day, and were followed by an evening candlelight vigil. The article indicates that the Seoul protest took place near the Seoul City Hall building, which had been barricaded by police riot buses.⁴⁰ It is unclear where the evening candlelight vigil occurred in Seoul. In a separate report from 8 June 2009, *The Korea Times* stated that police had banned the protests in central Seoul, warning that illegal demonstrators would be 'held responsible.'⁴¹ On 10 June 2009, *The Korea Times* reported that rallies were also held in other major cities across South Korea including Gwangju, Daegu and Busan.⁴²

Protestors at these events also accused the incumbent administration of undermining democracy and demanded an apology over the suicide of former President Roh Moo-hyun.⁴³

³⁴ US Department of State 2010, *2009 Human Rights Report: Republic of Korea*, 11 March www.state.gov/g/drl/rls/hrrpt/2009/eap/135996.htm - Accessed 12 March 2010

³⁵ 'Seoul Protest Against N Korea' 2009, *BBC News*, 4 June <http://news.bbc.co.uk/2/hi/asia-pacific/8082875.stm> - Accessed 1 February 2012 . Also see: 'North Korea Tries US Journalists' 2009, *BBC News*, 4 June <http://news.bbc.co.uk/2/hi/asia-pacific/8082346.stm> - Accessed 1 February 2012

³⁶ 'Seoul Protest Against N Korea' 2009, *BBC News*, 4 June <http://news.bbc.co.uk/2/hi/asia-pacific/8082875.stm> - Accessed 1 February 2012

³⁷ Willacy, M. 2009, 'US Journalists Sent to North Korean Gulag', *ABC News*, 8 June <http://www.abc.net.au/news/2009-06-08/us-journalists-sent-to-north-korean-gulag/1707522> - Accessed 1 February 2012

³⁸ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Korean language search was also undertaken using the Google Translate service.

³⁹ 'Police Clash with Demonstrators in Central Seoul' 2009, *The Korea Times*, 10 June http://www.koreatimes.co.kr/www/news/nation/2009/06/113_46560.html - Accessed 1 February 2012

⁴⁰ 'Police Clash with Demonstrators in Central Seoul' 2009, *The Korea Times*, 10 June http://www.koreatimes.co.kr/www/news/nation/2009/06/113_46560.html - Accessed 1 February 2012

⁴¹ Si-Soo, P. 2009, 'Tension Builds Up Ahead of June 10', *The Korea Times*, 8 June http://www.koreatimes.co.kr/www/news/nation/2009/06/117_46480.html - Accessed 1 February 2012

⁴² 'Police Clash with Demonstrators in Central Seoul' 2009, *The Korea Times*, 10 June http://www.koreatimes.co.kr/www/news/nation/2009/06/113_46560.html - Accessed 1 February 2012

⁴³ 'Police Clash with Demonstrators in Central Seoul' 2009, *The Korea Times*, 10 June http://www.koreatimes.co.kr/www/news/nation/2009/06/113_46560.html - Accessed 1 February 2012 ; Leraan, J. 2009, 'Schoolgirls at Forefront of Street Protests', *IPS*, 11 June <http://www.ipsnews.org/news.asp?idnews=47179> - Accessed 1 February 2012

Media reports differ in their interpretation of how many people attended the protest in Seoul, with figures ranging from ‘thousands’,⁴⁴ to ‘100,000’.⁴⁵ The abovementioned *Korea Times* article from 10 June 2009 states that the Seoul protest started peacefully, before ‘dozens of demonstrators and policemen tussled, pulling and shoving’ each other.⁴⁶ Similarly, an unattributed post on the *Korea Report 2*⁴⁷ blog from 10 June 2009, claims that ‘police responded harshly’ to the protest ‘by disbanding the gathering with force and arrests.’⁴⁸ No other sources were found to confirm or deny whether demonstrators were arrested.⁴⁹

Union Demonstration at Kookmin Bank (KB) in Seoul

One media report was found of a union protest at Kookmin Bank (KB) in Seoul in June 2009. On 30 June 2009, *The Korea Times* reported that unionists staged a demonstration in front of a Kookmin Bank (KB) in Yeoiudo, Seoul calling for the abolishment of ‘non-permanent workers system.’⁵⁰ A photo of the demonstration is available on *The Korea Times website*. No information was found regarding how many people participated in the protest or whether demonstrators were arrested.⁵¹

⁴⁴ Police Clash with Demonstrators in Central Seoul’ 2009, *The Korea Times*, 10 June

http://www.koreatimes.co.kr/www/news/nation/2009/06/113_46560.html - Accessed 1 February 2012

⁴⁵ Leean, J. 2009, ‘Schoolgirls at Forefront of Street Protests’, *IPS*, 11 June

<http://www.ipsnews.org/news.asp?idnews=47179> – Accessed 1 February 2012 . In addition, one news blog post was found which states that ‘more than 10,000’ people attended the protest. Please see: Korea Report 2 2009, ‘Citizens Rally for Democracy in South Korea’, 10 June http://koreareport2.blogspot.com.au/2009_06_01_archive.html - Accessed 1 February 2012

⁴⁶ Si-Soo, P. 2009, ‘Tension Builds Up Ahead of June 10’, *The Korea Times*, 8 June

http://www.koreatimes.co.kr/www/news/nation/2009/06/117_46480.html - Accessed 1 February 2012

⁴⁷ *The Korea Report 2* appears to be a blog dedicated to South Korean news, current affairs and events.

⁴⁸ Korea Report 2 2009, ‘Citizens Rally for Democracy in South Korea’, 10 June

http://koreareport2.blogspot.com.au/2009_06_01_archive.html - Accessed 1 February 2012

⁴⁹ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Korean language search was also undertaken using the Google Translate service.

⁵⁰ ‘No More Non-Permanent Workers’ 2009, *The Korea Times*, 30 June

http://www.koreatimes.co.kr/www/news/nation/nation_view.asp?newsIdx=47735&categoryCode=115 – Accessed 1 February 2012

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Korea, 8 April <http://www.state.gov/documents/organization/160090.pdf> - Accessed 11 April 2011

Willacy, M. 2009, 'US Journalists Sent to North Korean Gulag', *ABC News*, 8 June <http://www.abc.net.au/news/2009-06-08/us-journalists-sent-to-north-korean-gulag/1707522> - Accessed 1 February 2012