

112TH CONGRESS
1ST SESSION

S. 416

To develop a strategy for assisting stateless children from North Korea,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2011

Mr. BURR (for himself and Ms. LANDRIEU) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To develop a strategy for assisting stateless children from
North Korea, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North Korean Refugee
5 Adoption Act of 2011”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) thousands of North Korean children do not
9 have families and are threatened with starvation and

1 disease if they remain in North Korea or as stateless
2 refugees in surrounding countries;

3 (2) thousands of United States citizens would
4 welcome the opportunity to adopt North Korean or-
5 phans living outside North Korea as de jure or de
6 facto stateless refugees; and

7 (3) the Secretary of State and the Secretary of
8 Homeland Security should make every effort to fa-
9 cilitate the immediate care, family reunification, and,
10 if necessary and appropriate, the adoption of any eli-
11 gible North Korean children living outside North
12 Korea as de jure or de facto stateless refugees.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) FOREIGN-SENDING COUNTRY.—The term
16 “foreign-sending country”—

17 (A) means—

18 (i) the country of the orphan’s citizen-
19 ship; or

20 (ii) if the orphan is not permanently
21 residing in the country of citizenship, the
22 country of the orphan’s habitual residence;
23 and

24 (B) excludes any country to which the or-
25 phan—

- 1 (i) travels temporarily; or
2 (ii) travels as a prelude to, or in con-
3 junction with, his or her adoption or immi-
4 gration to the United States.

5 (2) HAGUE COUNTRY.—The term “Hague
6 countries” means a country that is a signatory of
7 the Convention on Protection of Children and Co-
8 operation in Respect of Intercountry Adoption, done
9 at The Hague on May 29, 1993.

10 (3) NON-HAGUE COUNTRY.—The term “non-
11 Hague country” means a country that is not a sig-
12 natory of the Convention on Protection of Children
13 and Cooperation in Respect of Intercountry Adop-
14 tion, done at The Hague on May 29, 1993.

15 **SEC. 4. STRATEGY ON ADOPTION OF NORTH KOREAN CHIL-**
16 **DREN BY UNITED STATES CITIZENS.**

17 (a) IN GENERAL.—The Secretary of State, in con-
18 sultation with the Secretary of Homeland Security and the
19 Secretary of Health and Human Services, shall develop
20 a comprehensive strategy for facilitating the adoption of
21 North Korean children by United States citizens.

22 (b) CONSIDERATIONS.—In developing the strategy
23 under this section, the Secretary shall—

- 24 (1) consider the challenges that United States
25 citizens would encounter in attempting to adopt chil-

1 dren from North Korea who are currently living in
2 Hague countries and non-Hague countries regard-
3 less of their legal status in such countries;

4 (2) propose solutions to dealing with the situa-
5 tion in which a North Korean refugee child does not
6 have access to a competent authority in the foreign-
7 sending country;

8 (3) propose solutions to dealing with North Ko-
9 rean refugee children who are not considered habit-
10 ual residents of the countries in which they are lo-
11 cated;

12 (4) evaluate alternative mechanisms for foreign-
13 sending countries to prove that North Korean ref-
14 ugee children are orphans when documentation, such
15 as birth certificates, death certificates of birth par-
16 ents, and orphanage documentation, is missing or
17 destroyed;

18 (5) provide suggestions for working with South
19 Korea to establish pilot programs that identify, pro-
20 vide for the immediate care of, assist in the family
21 reunification of, and assist in the international adop-
22 tion of, orphaned North Korean children living with-
23 in South Korea;

24 (6) provide suggestions for working with aid or-
25 ganizations in Asia to identify and establish pilot

1 programs for the identification, immediate care,
2 family reunification, and international adoption of
3 North Korean orphans living outside North Korea as
4 de jure or de facto stateless refugees;

5 (7) identify other nations in which large num-
6 bers of stateless, orphaned children are living who
7 might be helped by international adoption; and

8 (8) propose solutions for assisting orphaned
9 children with Chinese fathers and North Korean
10 mothers who are living in China and have no access
11 to Chinese or North Korean resources.

12 (c) REPORTING REQUIREMENT.—Not later than 90
13 days after the date of the enactment of this Act, the Sec-
14 retary of State shall submit a written report to Congress
15 that contains the details of the strategy developed under
16 this section.

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