

Ad-Hoc Query from Poland

Requested on 17th May 2016

Compilation produced on 29th July 2016

North Korean
migrant workers



Responses from:

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (23 in total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

Polish Ministry of Family, Labour and Social Policy has recently been receiving information on irregularities concerning the employment of citizens of Democratic People's Republic of Korea in Poland. The allegations refer to the abuse of work and employment conditions (presumably the major part of remuneration is confiscated by the Korean regime, rights for the rest time and holidays are not respected) and infringement of personal freedom. The case is being examined by relevant institutions. The above situation launched a discussion on introducing legal measures preventing the abuses. Actually citizens of North Korea are entitled to access the Polish labour market on the basis of general rules regarding to work of all third country nationals.

Summary

Not for wider dissemination
EMN Ad-Hoc Query on Ad-Hoc Query on North Korean migrant workers
Requested on 17th May 2016
Economic Migration Do your national provisions foresee any special procedures limiting the access to the national labour market for the citizens of Democratic People's Republic of Korea ? If so, how it is regulated?

The data presents that none of the 21 Member States who responded to the query provide any exceptional procedures limiting the access to the national labour markets for citizens of Democratic People's Republic of Korea. The admission to the (Member States') national labour markets for the citizens of Democratic People's Republic of Korea is covered by the general rules on the authorization of employment of third country nationals. However, some additional conditions may occur. In case of the United Kingdom, citizens of North Korea are not allowed to apply for a visa online via UK visas and Immigration, and instead must apply in person at the British Embassy.

In terms of the Czech Republic, when processing any application of the North Korean national for a visa or a residence permits, the Czech Republic takes into account the resolutions of the Security Council of the United Nations and the decisions of the Council of the EU on sanctions imposed on North Korea, if they are applicable to such case. Due to the lack bilateral agreement in the field of labour migration between Bulgaria and Democratic People's Republic of Korea, hiring a North Korean citizens on the territory of the Republic of Bulgaria is determined by the national legislation on employment of foreigners, which protects the national labour market, guarantee the rights of Bulgarian citizens and in accordance with the law and practice of the EU in this area. **If there are no limitations foreseen what are your experiences of the citizens of Democratic People's Republic of Korea performing work in your country? (the latest statistics, reported cases of irregularities)** The vast majority of the countries which do not foresee any limitations in their labour market has a very low experience of the citizens of Democratic People's Republic of Korea. The greatest number of North Koreans has been registered in Germany, to 2015 - 997 persons. In other countries the number of North Korean workers is very limited, in the several countries there is an absence of working North Koreans (Belgium, Croatia, Cyprus, Czech Republic, France, Ireland, Lithuania, Portugal, Slovak Republic). For instance, however, in France there are no migrant workers but some of North Koreans perform studies. Neither of the country, except the Czech Republic and Poland, did not report any abuses and irregularities concerning the employment of North Korea citizens. Several hundreds of North Korean workers employed in Czech Republic before the economic crisis were constantly under strict surveillance and supervision of persons entrusted by the North Korean regime. There is little doubt that the North Korean government benefited from earnings of these workers who allegedly gave their income to the embassy. The Labour Inspection Office received

information that their working and wage conditions did not comply with the labour-law regulations but workers themselves made no complaints and unanimously declared that they never acted under compulsion. A similar situation took a place in Poland. Polish Ministry of Family, Labour and Social Policy has recently been receiving information on irregularities concerning the employment of citizens of Democratic People's Republic of Korea in Poland. The allegations refer to the abuse of work and employment conditions (presumably the major part of remuneration is confiscated by the Korean regime, rights for the rest time and holidays are not respected) and infringement of personal freedom. The case is being examined by relevant institutions. The above situation launched a discussion on introducing legal measures preventing the abuses.

Questions

- 1. Do your national provisions foresee any special procedures limiting the access to the national labour market for the citizens of Democratic People's Republic of Korea ? If so, how it is regulated?**
- 2. If there are no limitations foreseen what are your experiences of the citizens of Democratic People's Republic of Korea performing work in your country? (the latest statistics, reported cases of irregularities)**

2. Responses

Austria	YES	<p>1. Regarding residence, there are no specific statutory provisions or restrictions with respect to citizens of North Korea. Source: Federal Ministry of the Interior.</p> <p>2. The number of valid residence titles for citizens of North Korea is very low (31 valid residence titles). Therefore, the figures are not included in the public Settlement and Residence Statistics. For this reason, no specific statistical data on valid or issued residence titles of North Koreans in Austria can be provided. Source: Federal Ministry of the Interior.</p>
Belgium	Yes	<p>1. No</p> <p>2. Not applicable - Belgium does not have labour migrants from the Democratic People's Republic of Korea</p>
Bulgaria	Yes	<p>1. At the moment there is no bilateral agreement between Bulgaria and the Democratic People's Republic of Korea (DPRK) to regulate bilateral relations in the field of labor migration. Hiring a North Korean citizens on the territory of the Republic of Bulgaria is determined by the national legislation on employment of foreigners, which protects the national labor market, guarantee the rights of Bulgarian citizens and in accordance with the law and practice of the EU in this area. Under current legislation the intake of foreigners to work in Bulgaria is done on an individual basis and is linked with an authorization to access the labor market and employment contract for a specific job which - proven by market test can not be occupied by Bulgarian citizen, a citizen of the EU, EEA or Swiss Confederation person with equal status. Legal and procedural provisions on the regime of work and residence in the Republic of Bulgaria to third countries are regulated by the Law on Foreigners in the Republic of Bulgaria and the Law on labor migration and labor mobility.</p> <p>2. According to the National Revenue Agency (NRA) in 2009 in the country worked 3 persons North Korean citizens in 2010 - 2 persons in 2011 - 4 persons, and in 2012, 2013 and 2014 - 5 persons . Ministry of Labour and Social Affairs does not have figures on the number of Bulgarians working in the DPRK.</p>
Croatia	Yes	<p>1. No, there are no special procedures limiting the labour market access for a North Koreans in Croatia. The same rules regarding access to the labour market applies as to any other third country national.</p> <p>2. There are no workers from North Korea registered in Croatia.</p>
Cyprus	Yes	<p>1. No, no such restrictions exist.</p> <p>2. There haven't been any citizens of DPR Korea working in Cyprus recently.</p>
Czech Republic	No	

Estonia	Yes	<p>1. No.</p> <p>2. There is a really small experience with N-Korea workers in Estonia. According to the statistics that is available to us, only 2 N-Koreans have received residence permits in Estonia for employment, in 2013. There have not been any problems with them.</p>
Finland	Yes	<p>1. No</p> <p>2. Citizens of Democratic People's Republic of Korea have been granted altogether 9 residence permits under the years 2011-2016 (2011: 5, 2012: 1, 2013: 2, 2014: 1, 2015: 0, 2016:0) 3 of them have been granted on the grounds of working, 2 on the grounds of studying, 3 on the grounds of family ties and 1 for other grounds.</p>
France	Yes	<p>1. France does not foresee specific procedure regarding the access to the national labour market for the citizens of North Korea. They can work if they fulfil the legal criteria for TCN workers (i.e. labour market test, minimum salary, etc.).</p> <p>2. There is no North Korean worker in France. However, some North Korean students perform studies in France.</p>
Germany	Yes	<p>1. For nationals of North Korea, there are no specific provisions; we apply the rules that generally apply to the employment of third country nationals. No further findings.</p> <p>2. In September 2015, the employment statistics of the Federal Employment Agency (BA) counts around 1,500 social-security contributing employees and some 380 marginal workers from the DPRK. The number of North Koreans resident in Germany is very low. To 31.12.2015 totally 997 North Koreans were registered in the Central Register of Foreigners (AZR). 2014 gave to the migration statistics of the Federal Statistical Office 263 inflows and 199 outflows of North Koreans. Thus results in a relatively low net immigration of 64 people in 2014.</p>
Hungary	Yes	<p>1. The access to the national labour market for the citizens of Democratic People's Republic of Korea are covered by the general rules on the authorization of employment of third-country nationals in Hungary without any limitation or any special procedure.</p> <p>2. In the year of 2015, 17 work authorizations were issued altogether for citizens of both South and North Korea. - for taking up a) occupations requiring higher education, or higher/secondary education and b) employment in the wholesale trade sector, or c) employment in the manufacture sector (computer, electronic and optical products, road vehicles). Nothing to report. It can be explained by the typically low number of work authorization applications experienced.</p>
Ireland	Yes	<p>1. No. North Koreans are subject to the same rules regarding access to the Irish labour market as any other non-EEA national.</p> <p>2. There are currently no North Korean employment permit holders working in the State.</p>
Latvia	Yes	<p>1. No. General rules are applied towards citizens of Democratic People's Republic of Korea working in Latvia.</p> <p>2. Since 2009 there have been issued work permits only to 4 citizens of Democratic People's Republic of Korea working in Latvia. 3 of them have been football players, 1 a massage specialist. One of these persons had overstayed his visa, in total 4 entry bans have been imposed on the citizens of the Democratic People's Republic of Korea, 3 of them in 1995-1996, 1 a in 2012.</p>
Lithuania	Yes	<p>1. No.</p> <p>2. There are no cases of workers from North Korea registered in Lithuania.</p>

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Luxembourg	Yes	<p>1. No. A North Korean national is entitled to access the Luxembourgish labour market under the same conditions as any third-country national.</p> <p>2. The number of North Korean nationals residing and working in Luxembourg is the same since 2014 (13 North Korean nationals). At the moment there are no labour issues reported in relationship with North Korean nationals.</p>
Netherlands	Yes	<p>1. No, there are no special procedures limiting the access to the national labour market for citizens of Democratic People's Republic of Korea.</p> <p>2. From 2008 until 2013 very few first residence permits have been granted for working purposes to the citizens of Democratic People's Republic of Korea. From 2013 until now no first residence permits have been granted. See attachment for the statistics for 2008-2013.</p>
Poland	Yes	<p>1. No. Actually citizens of North Korea are entitled to access the Polish labour market on the basis of general rules regarding to work of all third country nationals.</p> <p>2. The number of citizens of Democratic People's Republic of Korea working in Poland is very limited in 2013 - 304 work permits, in 2014 - 342 work permits and in 2015 - 482 work permits (below 1% of total number of work permits). They are mainly working as qualified and low-skilled manual workers in construction, agriculture, forestry and fishing. According to the information of the Polish Ministry of Foreign Affairs there were no visas with the purpose of work issued to the citizens of North Korea in 2016. Polish Ministry of Family, Labour and Social Policy has recently been receiving information (media coverage) on irregularities concerning the employment of citizens of Democratic People's Republic of Korea in Poland. The allegations refer to the abuse of work and employment conditions (presumably the major part of remuneration is confiscated by the Korean regime, rights for the rest time and holidays are not respected) and infringement of personal freedom).</p>
		<p>1. No. In Portugal, citizens of North Korea can access the labour market under the general law (Law n.º 23/2007 of July 4 as amended by Law 29/2012 of August 9: legal system of entry, stay, exit and removal of foreigners from national territory).</p> <p>2. The North Korean nationality has no representation in Portugal.</p>
Slovak Republic	Yes	<p>1. No. Entry of the citizens of the Democratic People's Republic of Korea (DPRK) into the Slovak labour market is governed by the Act on Employment Services, which regulates the employment of the TCNs with place of employment in the territory of the Slovak Republic. Until 30 April 2016 one citizen from the DPRK has been issued a single permit to reside and work in Slovakia and 2 citizens have been issued information cards, i.e. without the requirement of obtaining the work permit or single permit to reside and work.</p> <p>2. Regarding the citizens from the DPRK, the Slovak Republic has no records of violation in the field of work legislation.</p>
Slovenia	Yes	<p>1. No.</p> <p>2. N/A</p>
Spain		<p>1. Limit access to the labour market is determined by national employment situation.</p> <p>2. There are no incidents to be mentioned.</p>
Sweden	Yes	<p>1. NO</p> <p>2. SE has very little experience with citizens of Democratic People's Republic of Korea since we have only had two persons applying for work permit during the last years.</p>

United Kingdom

Yes

- 1. No. Citizens of North Korea are however unable to apply for a visa online via UK visas and Immigration, and instead must apply in person at the British Embassy.
- 2. Table 1 â Entry clearance visas granted for work reasons to nationals of North Korea, 2005-2015 Year 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 Number 0 2 3 0 0 0 0 0 3 1 0 Source: Home Office (2016) Immigration Statistics, January to March 2016, available at: <https://www.gov.uk/government/statistics/immigration-statistics-january-to-march-2016>

