Citizenship Redefined: China's *Hukou* System Reform and the Status of North Korean Refugee Women and Their Children in China

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This article examines and reviews the impact of China's household registration system, *hukou*, as a legal and administrative basis of the legal and social personhood of North Korean refugee (NKR) women in China and their children born to Chinese fathers. It argues that China's stringent nationality policy, along with the hukou system, left not only NKR women but also their intermarriage children with the precarious status of "nonexistence." Recent hukou reform efforts are expected to lift legal obstacles for the children of intermarried couples to obtain hukou without penalty. This change, however, does not signal a fundamental shift toward inclusive policy. Rather, it demonstrates the Chinese government's increased control over the bodies of these children for the purpose of mitigating the impact of demographic change.

Keywords North Korean refugees, China, citizenship, governmentality, nonexistence, *Hukou* System

Introduction

In the late 2000s, reports (Human Rights Watch 2008) about "stateless" children born to North Korean refugee (NKR) women in China attracted international attention to the children's precarious legal and social status. As mass migration of North Koreans to China started in the mid-1990s, many North Korean women fell prey to human trafficking and were forced to marry Chinese men. By the time these reports began coming out, the children of these intermarried couples had already reached school age, and they often faced legal issues to access public services, especially education. The Human Rights Watch (2008) report documented the circumstances of these children and their parents in detail and concluded that the Chinese household registration system, *hukou*, prevented the parents from registering the intermarriage children in fear of exposing their

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undocumented NKR mothers. Chinese nationality law, which is based on the principle of *jus sanguinis*, grants any child, both or one of whose parents is a Chinese national, Chinese nationality and citizenship rights. However, in the context of China's refoulement policy on North Korean illegal border crossers, parents registering their children at birth face a predicament because the hukou registration requirement mandates the provision of detailed information about both parents as well as their marriage certificate. To register their children, the undocumented status of NKR mothers would have to be revealed, therefore exposing them to the danger of repatriation. As a result, many of these children remained unregistered, thus stateless, and unable to access public services, including education, healthcare, as well as legal protection.

Since these initial reports came out, the social and legal environment of NKR women and their children in China has evolved and warrants a reassessment. The hukou system has been going through several rounds of local and national reforms, and recent studies (Kim and Kim 2020; Tongilmom 2022) on NKR women and their intermarriage children shows that most of the children have obtained hukou. Hong (2012) also calls the claim of stateless children a "fiction" since the policy shift removed the legal barrier for children to get a proper education. However, studies on transborder marriage commonly report continued difficulties in registering the children, especially when they are born to Chinese nationals and undocumented partners, and agree that the hukou reform measures have not cleared the way for them to legally obtain hukou in the same way that children of Chinese couples can (Barabantseva 2019; Grillot 2015; Lee and Jeon 2015; Haugen 2022). Intermarried couples must devise a way to secure hukou for their children by finding a legal loophole or bribing local authorities, and with the delay in registration, children's access to the public service system is also deferred. For example, a study (Chung et al. 2016) on childhood immunization shows that compared to their Chinese contemporaries, the children of intermarriage have a lower immunization levels, which proves the difficulty of accessing public services such as healthcare. Therefore, it is necessary to assess the impact of the local and national hukou policy reforms on the status of NKR women and their intermarriage children.

This article provides a preliminary investigation of the implications of the hukou system with regard to the social and legal status of undocumented foreign migrants, refugees, and their families—such as NKR mothers of children born to Chinese national spouses—and an assessment of the potential impact of the recent hukou reform efforts. Expanding Coutin's (2003, 172) framework of "nonexistence" to explain the precarious state of the social and public lives of the undocumented, it argues that China's stringent hukou system and immigration and refugee policies prohibit NKR women from acquiring Chinese nationality or legal residence status in China and also affect their intermarriage children, who are often excluded from the citizenship regime and fall into legal nonexistence.

The primary purpose of hukou is to regulate the internal population's mobility and demarcate the types of public service to which each individual is entitled, but it also functions as an international immigration regime that sets and fortifies boundaries between citizens and non-citizens. Any state holds the authority to define the eligibility requirement of citizenship rights and to deny the provision of public goods to foreigners, especially to the undocumented. Nevertheless, unlike other countries that open opportunities to the undocumented to acquire legal residency and protect the rights of the children born within the national territory, especially when one parent is a national, Chinese nationality law limits the eligibility for citizenship based on jus sanguinis and the stringent hukou system, leaving little to no room for the undocumented and refugees such as NKR women to naturalize, thus making it extremely hard for their children to obtain and exercise citizenship rights. Recent hukou reforms allow the children of intermarried couples to obtain hukou without penalty, but the expansion of hukou does not include a fundamental change to extend the protection of the rights of those in legal limbo, but is instead intended to mitigate an adverse economic impact of demographic change. As a result, the children of transnational couples become a site of nonexistence and a place where the government's control over the bodies of citizens affects the stability and security of these children's lives.

The article is organized as follows. The next section briefly introduces the terms of governmentality and nonexistence as analytical frameworks, with an overview of the hukou system and its reform efforts as not only an institution of governmentality and boundary-setting that makes the population legible subjects of authoritarian control, but also a mechanism that allows the Chinese government to reinvent who counts as citizens based on their contribution to economic activities. The third section turns to the case of NKR women and their children with Chinese fathers to look into their precarious status in the hukou system. This article reviews how NKR mothers and their intermarriage children become the site where their physical existence and legal nonexistence intersect. Because China claims that these women are illegal economic migrants, not refugees or victims of human trafficking, NKR women remain in the legal limbo of nonexistence despite their physical existence in Chinese territory. Moreover, since detailed information about the parents is required to register children and extramarital births are punished, children born to intermarried couples are also deprived of social citizenship and continue to live under precarious legal and social circumstances. Recently, China's diminishing demographics have forced local governments to revise the hukou system to allow extramarital births without any punishment. As a result, it is expected that the intermarriage children will benefit from such changes, and this essay will examine the impact of the hukou reforms on the status of the NKR women and their intermarriage children.

Any research conducted on NKR women's status and living conditions in

China faces the predicament of data collection. Conducting interviews of NKR women in China can jeopardize both the interviewees' and the researcher's safety, therefore making the data collection process extremely difficult. Many researchers choose to conduct interviews with North Korean defectors newly arriving in South Korea as an alternative, but due to COVID-19 restrictions, the number of incoming North Korean defectors drastically decreased, such that in 2023, less than two hundred defectors arrived in South Korea (Ministry of Unification 2023). Considering that this article is interested in assessing the impact of the recent changes in the hukou policy practices at the local and national levels, the data of interest is not readily available. Also, the hukou administration is highly decentralized whereby each locality can implement a different set of rules to best fit their local interests. Hence, collecting data on local practices of the hukou administration takes tremendous time and resources. Instead, this article attempts to review and synthesize data from existing research to unpack the relationship between the state's attempt to draw and redraw the border between citizens and non-citizens and to define and redefine the eligibility of citizenship rights. For example, a recent report from Tongilmom (2022) and Kim and Kim (2020), as well as an earlier study by Lee and colleagues (2012), provide direct accounts of North Korean defector women settled in South Korea about the issue of hukou and their children born with Chinese fathers. Also, this study relies on English-based news media reports on the recent hukou reform measures that local governments have implemented. Acknowledging the limitations of this research also means proposing a future investigation of the matter. As stated earlier, the topic of interest, the hukou regime, is going through a series of local and national reforms. Local experiments to expand hukou eligibility can significantly affect the legal and social status of the children of intermarriage, as well as the status NKR women. Considering that these efforts were prompted to accommodate the change in demographics and migration patterns as well as economic development, and the evolution and outcome of local reforms can determine national-level policy change, the assessment of the socioeconomic factors that propel such reforms needs continued attention.

Governmentality, Nonexistence, and Hukou

Governmentality and Hukou System

A modern nation-state holds plenary and discretionary control on the subject of its borders. Studies about borders agree that the border is not only a physical demarcation of a nation-state territory but also a political and social boundary through which the sovereign control of the state is exercised. It marks the external frontier of the territory and sets a social and legal boundary between nationals and non-nationals, and such categorization determines an individual's

relationship with the state (Fassin 2011). These two dimensions of the border are closely connected and intertwined to determine the state's immigration and citizenship policy. Immigration policy concerns the former in terms of who is admitted legitimately into the territory. Citizenship policy governs who is entitled to the membership of the state (Aleinikoff 2001), and it dictates who does and does not qualify as a lawful resident of the state and participant in society. Also, the delineating criteria of a "legitimate" resident also determines a set of rights and resources an individual can access. Therefore, immigration and citizenship regimes are the tools of territorial sovereignty in which the state holds exclusive power over its physical domain (Bosniak 1991).

Understanding the state's practice of immigration and citizenship policy as technologies of control relies on Foucault's (2007) notion of governmentality, which shifts the focus in the government's discourse from its sovereignty to mechanisms of governance. His seminal works on governmentality capture the relationship between the modern state, population, and knowledge and expound on the expansion of the object of the government from territory to population and the objective of the government from territorial protection to maintenance and enhancement of the population. This relationship, especially in modern states, is naturally an economic one, as these technologies of governmentality normalize certain behaviors while punishing others deemed unproductive and disruptive for wealth generation. The modern liberal and neoliberal state exists to guarantee the free flow of the market and thrives upon the expansion of the economy and the subsequent increase in national wealth. The state now sees the subjects not in their peculiarities but as entrepreneurs whose economic activities contribute to accumulating national wealth, and state capacity depends on how effectively the state makes individuals voluntarily subject themselves to the discipline of the state and accept the punishment for disrupting the rules of the market. One way the state actively intervenes in the market is through population governance. It objectifies the capabilities and usefulness of individuals in the market and employs mechanisms of surveillance, discipline, and normalization to optimize them (Lorenzini 2023). The state also provides social services to improve the quality of the population as a labor force. All in all, these technologies enhance the ordering of human life through the management and optimization of the process of life, which ultimately contribute to perpetuating power relations (Greenhalgh and Winckler 2005).

To serve such objectives, modalities of governance—such as immigration and citizenship policy—need to be designed. The government regulates human mobility across the territorial frontiers through an immigration regime to evaluate and select potential applicants who can contribute to the goal of building national wealth. At the same time, the population is closely monitored and managed through a citizenship regime, which defines who the subjects of governance are and in which ways they are governed (Procacci 2004). As a result,

these mechanisms of governance make individuals who either reside inside or who cross the border the subjects of control by the state as a way to maintain the quantity, quality, and conduct of the population (Salter 2008). They recognize and legitimize the presence of certain individuals within the territory and manages them to maximize their contribution to the state and society. Governmental technologies provide "blueprints and designs that specify who and what can/must be governed and how exactly this ought to be done" (Biebricher 2015, 145), which fortifies the subjugation and subjectification of the population within the territory (Fassin 2011). Once the population becomes a subject of government, their identity and status are determined by their relations to the state, in not only the legal sense but also political and social relations, which dictate the expectations, rights, and responsibilities of the actors (Procacci 2004).

One of the prominent examples of governmental devices of knowledge production and population governance is the hukou system in China. The hukou system is the primary institution for documenting population information, distributing public resources, and controlling internal migration in China (Wu 2013). First created in 1951, the hukou system has served as a powerful population control mechanism in modern China. It was modeled after the household registration system established in the Qin Dynasty for tax collecting and conscription purposes and influenced by the *propiska* system of the Soviet Union, which aimed to restrict internal mobility (Vortherms 2021). The hukou is issued at birth, and individuals primarily inherit the hukou status of their parents as they are registered not at the localities where they are born but at the parents' places of origin (Lui 2017). China follows the principle of jus sanguinis, which only allows those born to Chinese nationals to obtain Chinese nationality. Before 1998, the rule was to inherit the mother's hukou status to her hukou locality (Chan 2019), which was amended so that one could choose which parent's hukou status a child would inherit.

From the governmentality perspective, the hukou system is at the heart of China's population governance as it allows the authorities to surveil social service recipients and implement strict mobility and reproduction schemes to maximize economic production. One of the most distinct characteristics of the hukou system is that it ties individuals with local administrative units and localizes social rights. In modern states, mobility and citizenship usually conform with one another in the case of internal migration, but in China, the localized nature of hukou disconnects movement and social rights (ibid.). The hukou is a basis for exercising citizenship rights and accessing social services, and the types of services an individual can have are determined by their hukou status and locality. Once an individual leaves for another area without transferring the hukou, they lose all the benefits as a citizen and become legally stateless in their own country (Vortherms 2019). The state holds the precise record of an individual's movement and activity through the hukou as it is required for individuals to get registered

in order to receive public services. Such detailed documentation makes the population legible for the authoritarian government to police and extract human capital. As a result, the hukou allows the state to insert itself deeply into private matters such as marriage, birth, and family and increase its biopolitical power.

The rapid social change propelled by economic reform and integration into the global economy necessitated the restructuring of the registration system. The Chinese government adopted several rounds of hukou reform initiatives, and the most significant change was the national abolition in 2014 of the dualistic agricultural/non-agricultural categorization. Also, fiscal reform and decentralization, which started in the 1980s, delegated the administrative responsibility of the hukou system and social service provision to the subnational governments (Lui 2017). They now had the autonomy to set their own entry conditions for obtaining local hukou, and local governments started to use urban hukou to attract talented workers and monetize the demand. Also, the family members of those who obtained the local hukou were eligible to get the same hukou status, and parents could choose which spouse's hukou their children would inherit. Earlier reform of nationality law in 1998 removed the clause that both parents should be Chinese nationals for their children to acquire Chinese nationality, which also paved the way for children of transnational couples to be registered like the children of Chinese couples.

The expectation, however, that the hukou reform would stabilize the spatial allocation of labor and ease socioeconomic inequality was soon found unsubstantiated. Ultimately, the hukou reform reinforces the state's neoliberal governance over the population in post-reform China. The reform expedited the commoditization of the hukou as local governments adopted market-oriented measures to grant local hukou. These mechanisms often target educated and high-skilled labor forces. Their merits as citizens are calculated based on their potential contribution to the market economy, either as laborers, consumers, or investors (Wu 2013), which promotes "ranking, ordering and selective migrants and promoting skills, competitiveness and economic benefits as institutional goals" (Walsh 2011, 862). As such, the reform successfully disposed of the hukoubased rights and enforced the market-oriented mechanisms and individuals' ability to accumulate economic resources to obtain such rights (Andreas and Zhan 2016).

Along with maintaining the quality of the population, the recent hukou reform measures and local experiments are also driven by biopolitical concerns about the diminishing population. Since the beginning of the People's Republic of China (PRC), population governance has always been one of the policy priorities that had broad ramifications for other objectives, such as fiscal stability and economic growth. The government has been actively engaged in reproductive control through the stringent birth planning program, known as the one-child policy, along with the hukou system that placed a restriction and punishment

on registering an "unplanned" second or third child. It was a national project to normalize the state's biopolitical control and denial of private space in reproductive management (Greenhalgh 2009). Also, extramarital birth was shunned not only socially but also legally. Out-of-wedlock children were considered a violation of state law, and single parents were penalized severely for disrupting the "reproductive order" (*The Economist* 2016). Unwed mothers could not access public health services, and their "illegal" children could not be registered and were practically disenfranchised. Legal personhood is determined by the government, which normalizes whose birth is legitimate or not, and the hukou is the disciplinary tool to regulate out-of-plan births by holding back certain rights to certain groups of the population discriminately (Vortherms 2019).

Recently, the combination of long-standing harsh population policy and modernization has posed a new set of policy challenges in demography management. The fertility rate dropped to way below the replacement rate, and a rapidly aging population has brought significant policy shifts. The one-child policy officially ended in 2016, and other birth planning and child registration regulations were also lifted. Some local governments are removing the requirement of a marriage certificate for single parents so that their children can be registered and receive the proper social services without punishment (Wu 2021). These changes, however, do not indicate that China's biopolitical power has been weakened. On the contrary, as the one-child policy disciplined reproductive practices to restrict the growth of the population through political and administrative mechanisms, the relaxation of the hukou policy pursued the opposite goal using the same mechanisms. Considering that many of these children of single parents have ended up becoming an undocumented "black population," relaxing the regulation to legalize this group of population and make them legible ultimately strengthens the biopolitical power of the government. Also, the objective of population governance is still to facilitate social change to further assist domestic economic growth. Therefore, the hukou reform does not represent weakening control but rather increased entrenchment of the economic rationale of governmentality.

Border Security and A State of Nonexistence

Along with domestic challenges, China's border security and immigration have received significant attention as an increasing number of border crossers, both legal and illegal, seek permanent or temporary residence in Chinese territory with the rapid expansion of the domestic economy and political instabilities in neighboring states. Although it has become a migrant-destination country, China's immigration and citizenship regimes are tightly controlled to allow only skilled immigrants who can contribute to its socioeconomic development and leave unanswered the issues of settlement and naturalization of low-skilled, often undocumented migrants and asylum seekers (Speelman 2020). Rather,

the establishment of the National Immigration Administration in 2019 signaled reinforced detention and deportation of illegal migrants without any legal remedy to accommodate their situation (ibid.). Such tightening of the border, combined with a rigid citizenship regime of hukou, shape the undocumented migrants' membership in society. As stated earlier, the government language describing them as abnormal or irregular implies that their presence is "polluting" (Grillot 2015, 49) the national integrity and order. Denied legal status exposes them to a state of perpetual vulnerability, insecurity, and exploitation as they cannot access basic commodities such as transportation, protection of properties, and other social services. Moreover, it makes their social relationships with others, including Chinese nationals, unauthorized, further marginalizing the illegal migrants. Under the hukou system, the state is so deeply embedded in private affairs—such as marriage and family—that without the legal authorization of status, the family is not recognized and children of the illegal migrants become an "legal non-persons, exist on the margins of society, lacking citizenship rights and state benefits" (Greenhalgh 2003, 196).

Such policy measures and public discourse reflect the expansion of population governance against the backdrop of globalization, which ushered in increased human mobility across the border and interconnectedness among states and posed a set of political challenges to such control over the border. Uncontrolled or illegal migration is increasingly presented as a security issue in policy debates as it presupposes the breach or failure of state control of the border (Bosniak 1991). The securitization of migration signals expanded surveillance and control over the bodies of border crossers as well as citizens (Bigo 2002). By designating immigrants as "illegal" or "irregular," the state assures its role as a provider of social services such as national security, reclaims its territorial sovereignty, and exercises biopolitical control over immigrants by denying legitimacy and legality of their existence (Bosniak 1991, 744). Immigration policy constructs a legal category that can determine social interaction and discourse around those who cross the border without authorization and, as a result, is used as a mechanism of domination and social control (De Genova 2002). As a result, unlike popular belief (or fear) about open and flexible borders, globalization has not induced weakening of the border, but rather tightening and creating new legal and physical barriers as well as strengthening the social marginalization of the immigrants (Menjívar 2006).

The state's denial to legally recognize undocumented immigrants within the territory contradicts their physical existence and places them in a state of "nonexistence" (Coutin 2003, 172). In her study of undocumented migrants in the US, Coutin proposes nonexistence as a term to define the status of these migrants whose legal existence does not coincide with their physical existence in a territory. She argues that the bodies of these migrants are sites where the full personhood of the individual is determined. It is the law of the land that defines

who is included in the membership as a citizen and, therefore, eligible to enjoy legal rights and access to social services. The Weberian notion of the state implies that the modern state holds absolute control over the territory that regulates every aspect of the lives of the subjects. Considering that the modern state exercises its power through law as the institution of domination (Weber 1978), the existence of illegal migrants within the territory challenges such monopoly of power. Thus, the state criminalizes their existence, denies their rights, and deems them a threat to social order and national security that needs to be expelled. Such refusal puts the undocumented in the space of nonexistence, where not only their legal personhood but also various aspects of life, such as work, residence, relationships, and mobility, go unregistered and, therefore, seriously restricted. As such, it creates a borderland not only territorially and physically but also regarding personhood, where every aspect of life becomes illicit and under constant insecurity.

Redefined Citizens: The Hukou Status of NKR Women and Their Children Born to Chinese Fathers

NKR Women

China acceded to the 1951 Refugee Convention and its 1967 Protocol and also ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988. According to the United Nations High Commissioner for Refugees (UNHCR), China is hosting more than three hundred thousand refugees recognized by the UNHCR in 2022 (UNHCR 2022). The Chinese Constitution and Entry and Exit of Aliens Control Act of 1985 provides a legal ground for China's observance of the non-refoulement principle that the Chinese government may provide asylum to those who have fled their countries for political reasons; but aside from these two clauses, Chinese domestic laws do not specify or mandate the authorities to protect asylum seekers and largely lack refugee-related legislation (Francis 2011). Also, Choi (2017) argues that China's compliance with the Refugee Convention is confined to non-North Koreans, such as ethnic Chinese refugees from Vietnam. Moreover, even if they are accepted as refugees, the asylum seekers are not allowed to naturalize or seek permanent residence in China. Their temporary resident status prohibit them from obtaining hukou, and hence, they cannot access necessary social services. Furthermore, there is no institutionalized relief or protection service for victims of crime, including human trafficking, seeking asylum in China (US Department of State 2023).

Moreover, China has a stringent immigration policy in which undocumented migrants are not allowed to obtain resident permits or citizenship through naturalization, regardless of their conditions and length of residence. Article 7

of the PRC Nationality Law of 1980 stipulates that foreign nationals or stateless persons who are near relatives of Chinese nationals and who have settled in China can apply for naturalization, and the National Immigration Administration's guideline suggests that the spouse and child are considered near relatives. Illegal border crossers, however, are not eligible to apply under any circumstances. The Chinese government has defined "illegal entrance, illegal residence, and illegal work" (Plummer, Schubert, and Bayok 2020, 97) as threats to social and political stability and blamed illegal migrants, especially low-skilled workers, as opportunistic criminals who drain China's social and economic resources. The migration law stipulates detaining and deporting undocumented migrants and extends punishment to Chinese nationals who assist them in entering and staying in China (ibid.). Unlike other countries that grant legal residence status to migrants who meet the qualifications and provide them access to essential social services, China denies all rights to these border crossers.

The indiscriminatory implementation of such policy is problematic for NKR women since many of them are trafficked to marry Chinese men. According to a survey conducted by Lee et al. (2012), at least half of the respondents answered that they paid money to brokers to meet and marry their current spouse, and Tongilmom's (2022) survey found that the actual number can go up to ninety percent when all cases are considered, including those in which NKR women were introduced to Chinese men, not just a current spouse. Scholars suggest several demand factors that propel marriage trafficking in rural China. First, the combination of a stringent one-child policy, traditional male preference, and low social regard for women and girls in general resulted in a stark gender imbalance, especially in rural areas (Greenhalgh 2009). Also, a heavy reliance on light, laborintensive industries in the course of economic development created a drain of marriable rural women (Davin 2005). Moreover, under the patriarchal social system, husbands are expected to be the sole providers of the family, and their financial stability becomes one of the most important criteria for spouse selection (Wei and Zhang 2015). As a result, socially and financially underprivileged rural bachelors are largely disadvantaged in the marriage market. Many of them gave up marrying Chinese women since they could not afford the expensive bride price or dowry (Zhao 2003). Instead, these involuntary bachelors have turned to foreign brides as a cost-effective choice (Kim et al. 2009). This trafficking is especially prevalent in rural areas where the normalization of the institution of marriage and sympathetic sentiments toward unmarried men are strong (Zhao 2003).

Marriage trafficking poses a serious policy challenge to the Chinese government, but its main concern is not the protection of victims but on maintaining social order and mobility control and reinforcing Foucauldian governmentality over the victims' bodies. Zheng (2018) argues that despite numerous legislations and campaigns at the central and subnational levels, the lack of compliance

at the local level hampered the effective implementation of the policies. Local authorities are often a part of the trafficking system as they are bribed not to detain or deport the trafficked wives and let the husbands live without punishment (ibid.). In some areas where marriage trafficking is rampant and the resistance of residents (usually husbands of trafficked women and their families) is strong, local governments experimented with the registration system for foreign brides (Shen 2011; Tongilmom 2022). The authorities issue a temporary permit that gives the women access to essential social services such as health and maternal care, transportation, and employment. However, this permit does not guarantee the legal status of the trafficked women, nor can they apply for hukou after residing for a certain amount of time. Rather, the registration allows the government to expand the surveillance and control over foreign brides while appeasing their Chinese husbands.

As such, the bodies of these women as biological reproducers become the site of struggle over the state's reproductive intervention, citizenship rights, and security (Greenhalgh 2009). The interviewees answer that the permit is only given to those who give birth to a child with a Chinese man (Tongilmom 2022). This implies that these women's legal and social status only comes to China's concern as they become a part of the reproductive system that needs to be governed orderly. As mothers and caregivers of Chinese children, the NKR women who used to be nonexistent need to become legible subjects so that the Chinese government can monitor the quantity and quality of the population. Also, the permit increases the dependency of the NKR women on their husbands as their status in China is justified by the needs and concessions of Chinese husbands and their children. These women testify that they lived in constant fear that providing information to the Chinese government might endanger them as China could hand over their information to the North Korean regime. These stories show that the NKR women's bodies are objectified as the subjects of discipline, control, and surveillance when the state sees the reason to govern.

One thing that needs to be noted is that the bodies of the NKR women become legally nonexistent in China as they physically disappear from their country of origin (Coutin 2003). While Chinese domestic factors such as economic development and gender imbalance contribute to the inflow, they are pushed out of North Korea due to the incapability of the totalitarian regime to support the livelihoods of the citizens. North Korean women voluntarily and involuntarily cross the border to get married to Chinese men to survive and support their families (Kim et al. 2009). Their experience displays an astonishing similarity with the targets of oppressive governments and civil conflicts in Latin America and their state of nonexistence, which Coutin (2003) describes in detail. They were victimized by state repression, in which power was arbitrarily wielded to persecute the population, and they went into hiding or disappeared as a survival tactic. Consequently, "the space of legal nonexistence occupied by

unauthorized immigrants is therefore another dimension of a previously entered space of social nonexistence" (ibid., 184). At the same time, their nonexistence in their country of origin is a defiance against the state. Latin American activists use disappearance as a means of protecting themselves and their families from assassination and torture. The presence of North Korean defectors in and of itself is a defiance against the totalitarian rule that penalizes the exit from the country as an act of treason. They break the law and continue to survive, which undermines the absolute control of the state.

Children Born to NKR Women and Chinese Men

The children born to NKR women and Chinese fathers face a legal quandary to declare their citizenship rights as their contemporaries born to Chinese parents due to the legal status of their mothers. As mentioned earlier, the Chinese nationality law allows children born to a Chinese national (one parent or both) to be registered at birth and obtain the hukou. As a result, unlike the common narrative that describes these children as largely stateless, recent studies show that most children born to North Korean mothers and Chinese fathers have obtained hukou (Lee et al. 2012; Tongilmom 2022). Nevertheless, in order to register their children, the couple should submit their hukou information and a marriage certificate to the government. However, it is impossible for the Chinese-NKR intermarried couple to officially register their marriage because the wives are illegal residents. In order to solve such predicaments and register their intermarriage children, the fathers declare their children as extramarital births and claim their spouses are either missing or dead (Kim and Kim 2020). Some couples get a fake hukou for undocumented mothers and a fake marriage license (Barabantseva 2020). Also, because Chinese law penalizes those who assist illegal migrants to stay in China, the fathers need to find local authorities who will overlook the fact that the mothers of the children are NKR women. This process can be lengthy and costly that some parents give up trying to obtain hukou for their children (Lee et al. 2012).

Unregistered children face a myriad of problems as they grow up. Access to public services such as schooling, medical services, and transportation is the biggest issue. China's Compulsory Education Law (effective in 2006) requires all children, regardless of nationality, to receive nine years of education. In practice, upon admission, parents should submit their child's official birth registration record to verify the children's identity (Human Rights Watch 2008). They are forced to bribe officials and school administrators to accept their children, and frequent inspection of identifications makes children, as well as parents, constantly worried about the possibility of expulsion (Human Rights Watch 2008; Lee et al. 2012). One factor that induces more frustration is that the practice is not universal, but each locality enforces different rules. Both Lee and colleagues (2012) and Tongilmom (2022) report that in rural areas where villagers in tightknit communities experience similar predicaments and are sympathetic to neighbors, the children can attend elementary school without the documentation. Nevertheless, once they reach the age to proceed to higher education, the situation changes. If the parents cannot afford to get hukou for their children, their education stops at elementary school, seriously hindering their future prospects. Considering that the most prominent reason for not registering their children is an economic one, the discontinuity in education can perpetuate the generational, socioeconomic marginality of the family and children (Human Rights Watch 2008).

The undocumented status of their mothers also has serious social and psychological ramifications for the children's development. First, they live in constant fear that their mothers can be captured by the authorities and repatriated any day, which leads to extreme stress and trauma for their children. Also, NKR women often leave their children behind to go to South Korea or when they are deported to North Korea, and transnational motherhood can engender a physical and psychological vacuum that causes severe damage to children's mental development (Kim 2016; Lee and Jeon 2015). Kim (2016) reports that most of these children suffer from anxiety due to their mothers' long absences. The impact of such separation should not be overlooked, considering the prevalence of the phenomenon as reported in the NHRC survey (Lee et al. 2012), which shows that only fifteen percent of children born to NKR women and Chinese men live with both parents.

Such separation reveals that the social ties of the undocumented can be readily and arbitrarily severed, which will also destabilize their children's lives. In the eyes of the state, the individual's physical and social existence is not verified unless recorded. Neither can their social ties—which are the essential parts of the individual's existence and identity as a social being—be recognized since these ties were born in the space of nonexistence. Any individual has rights to social activities and relations such as marriage, giving birth, and raising children. Still, the state arbitrarily intervenes in the private and familial areas through the hukou system and suspends such rights from the undocumented (ibid.). Also, erasing the existence of the mothers from the children's hukou means that they do not have any legal claim over the children (Grillot 2015). The fathers have dominant control over the lives of their children, depriving the NKR mothers of meaningful involvement in their children's rearing. As Coutin (2003, 177) acutely points out, "the unauthorized have no 'right' to be with their families". Whether voluntarily or not, the NKR women are involved in the social fabric of the Chinese nationals' lives as wives and mothers. However, such connections are constantly criminalized and denied by China's policy categorizing the NKR women as illegal migrants. As they are repatriated and forced to leave their children, the legitimacy of their relationships is also rejected.

The dismantlement of ties does not stop as the NKR women successfully

get to South Korea. As they arrive in South Korea and get resettled, often the first thing these women do is to invite their families, especially children, to South Korea (Kim 2018). This process necessitates legal proof to validate the familial relations between them. The problem arises as the NKR women were not officially recognized as biological mothers of the children and often lacked other means to prove their claim (Lee et al. 2012). Also, to reunite with their mothers, these intermarriage children first go to South Korea and file for naturalization. However, if the children have not obtained Chinese nationality, it is impossible for them to travel, let alone get a passport (Lee and Jeon 2015). As a result, the cost of reuniting can prolong the time the children are separated from their mothers.

Moreover, the case of the children born to intermarried couples reveals how hukou places them at the space of the boundary between nationals and nonnationals. Nationality and citizenship are the mechanisms of boundary-making to define the membership of the society, but the hukou adds another layer to the population regulation. The principle of jus sanguinis, which constitutes the legal basis of China's nationality law and hukou system, aims to contain the membership of the society based on bloodline. Although the framers of the Chinese Nationality Law did not consider China a nation of shared bloodline, in order to defend the country from foreign invasion, the kind of perpetual allegiance to the state that could be induced and guaranteed only through familial ties was necessary (Dan 2009). That is, by binding nationality and loyalty with the bloodline, the Chinese nationality law and the hukou restrain foreign influence from disrupting the bloodline of the Chinese people while securing internal control over the population and their loyalty to the state. For anyone to obtain Chinese nationality and hukou, the prerequisite is to prove one's kinship to Chinese nationals, which is supposed to be equivalent to their allegiance to the state, and to denounce their ties to foreign nationals. As such, the hukou constructs and fortifies the boundary between national and non-nationals. The illegitimacy of the existence of foreigners is spatialized, pushing them outside of the social boundary. This demarcation implies not only the legal status but also the identity of the members and non-members. For the children of NKR women, obtaining hukou first demands that they negate their familial relationship with their mothers. This hukou requirement serves as a constant reminder that their mothers are illegitimate outsiders and compels the children to participate in branding these women as a threat to the "harmonious society" (Plummer 2020, 91).

The boundary that the hukou constructs also situates the intermarriage children as the site of the fight for existence. To begin with, these children are born into nonexistence, which they inherit from their mothers. Labeled as illegal and unplanned, these children do not have paper trails that can prove their existence, such as birth registration, school records, and health records. Yet, the children can reassert themselves into the system when they disown their undocumented mothers. As mentioned, Chinese fathers must either declare the NKR mothers missing or dead to gain hukou for their children or register them as someone else's children, such as relatives. Also, intermarriage children become eligible to register when their mothers physically disappear, whether being repatriated or leaving for South Korea (Kim and Kim 2020). The 2008 Human Rights Watch report cites the account of a man who sought hokou for his child and the authorities required (in addition to a bribe) a police report and witness testimonies asserting that the mother was deported or ran away. That is, intermarriage children can only come to their legal existence after losing their mothers, literally and figuratively. The rejection of such rights to the undocumented legally and emotionally affects not only NKR women themselves but also their children. Even if they become legal citizens, the children cannot defend the legal and social rights of their undocumented parents (Coutin 2003). The sense of incompetence and frustration can have a debilitating impact on the lives of the children.

It is expected that the proposed hukou reform and local experiments to counter the demographic change will significantly change the lives of intermarriage children. The most promising shift is the amendment of the rules and practices on the registration to allow children from extramarital relationships to get hukou without providing the other partner's information. If Chinese fathers can register their intermarriage children at birth, they will enjoy the citizenship rights to receive social services as full legal persons. Nevertheless, such change is only a stopgap to solving the conundrum that Chinese parents and their children face, as it does not address the root cause of the problem. The Chinese fathers and husbands still cannot register their marriage because their NKR wives and mothers are defined as illegal migrants whose rights and security are not protected. Their marriage is not recognized in the eyes of the government and law, and as a result, their children are categorized as extramarital births. While the NKR women's denied personhood might not be inherited by their children, the threat of deportation and breaking up their families will not stop unless the Chinese government changes the NKR policy. The situation represents an appropriation of the children by the Chinese government while excluding foreign mothers, especially undocumented ones, from the public view (Barabantseva 2020).

Also, we need to point out that this policy shift does not indicate China's intention to loosen the regulation on undocumented migrants and protect trafficked victims. Rather, as argued earlier, the expansion of hukou eligibility is at the center of biopolitical governance to realize economic growth through demographic control. The shift in China's population regime only recognizes the NKR women as "foreigners whose bodies are now perceived as available to contribute to the rejuvenation of the Chinese nation through their roles as

mothers of and caregivers" (ibid., 141) and their intermarriage children as market participants who will sustain China's economy. Scholars have highlighted the impact of the decline in fertility rate and population on the labor market, such as increasing labor costs, which subsequently damages China's relative advantage in the world market and raises the price of the aging population to provide adequate social services (Du and Yang 2015; Greenhalgh and Winckler 2005). Such outcomes call for incorporating a population that has previously been excluded, such as unregistered children. The hukou reform expands the selective inclusion of individuals based on their value in the market. Consequently, while previously excluded from qualifying as legitimate citizens, the intermarriage children are reevaluated by the state for their potential value to the labor force, thus redeeming their worth and legitimacy as citizens in the eyes of the market.

The neoliberal government applies market logic to the political process, hence justifying the granting of citizenship rights to these children. At the same time, the expansion of neoliberalism as a governing ideology entails strengthened outgroup exclusivity, especially toward asylum seekers, which legitimizes China's anti-immigration policy that refuses to issue hukou to the NKR women (Dutt and Kohfeldt 2019).

Conclusion

China's draconian population and mobility control through the hukou system has been the source of institutional capacity buildup and has fundamentally shaped Chinese politics and society. The population governance scheme not only restricts internal movement but also ties citizenship rights to social benefits and employment opportunities to the individual's hukou type. This article expands the discussion of the internal ramifications of the hukou system on the border, arguing that the system perpetuates the vulnerability of border crossers, especially NKR women. The rigidity and exclusivity of China's nationality law and the hukou system refuse to grant permanent residence and hukou to undocumented migrants under any circumstances, thus preventing these women from obtaining hukou and forcing them to navigate Chinese society as wives and mothers whose legal existence is denied. Because the hukou system denies the social rights of the undocumented, the NKR women's social relationships in China, especially with their husbands and children, are also unrecognized. The collateral damage to such a policy is the children born to NKR mothers and Chinese fathers. Although Chinese law allows any child born to Chinese parents to be registered, because the marriage between NKR women and Chinese men is not recognized, their children can only be registered as extramarital births. The identity of the mothers must be declared as missing or dead, thus denying the motherhood of the NKR women. The intermarriage children acquire full legal personhood

only after denying their relationship to their NKR mothers, which causes them to experience socioeconomic and psychological disadvantages. Recent hukou reform efforts might open the window for intermarriage children to get hukou just as other children born to Chinese couples, but it cannot be an ultimate solution because their mothers remain unrecognized in their relationships.

For further understanding of the situation of NKR mothers and their intermarriage children, several questions need to be explored. This article only explores the case of intermarriage between the NKR women and Chinese men. Although the number is small, there are intermarried couples between NKR men and Chinese women. How are their cases different from the NKR women-Chinese men couples? Are there any demographic differences between these two types of couples? As women are more harshly penalized for extramarital birth, do Chinese mothers experience more difficulty in obtaining hukou for their children? Future research can engage these questions to identify the situations of the intermarriage children of NKRs and Chinese nationals.

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