



Security Council

Distr.: General
22 March 2019

Original: English

Security Council Committee established pursuant to resolution [1718 \(2006\)](#)

Note verbale dated 8 March 2019 from the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Canada to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and has the honour to transmit the report of Canada on the repatriation of nationals of the Democratic People's Republic of Korea holding work authorization within Canada's jurisdiction (see annex). The report is submitted pursuant to paragraph 8 of Security Council resolution [2397 \(2017\)](#), in which the Council decided that all Member States should provide such reports 15 and 27 months from the date of adoption of that resolution.



Annex to the note verbale dated 8 March 2019 from the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

Report of Canada on the implementation of Security Council resolution 2397 (2017)

Introduction

Canada fully supports the implementation of Security Council sanctions to constrain the proliferation efforts of the Democratic People's Republic of Korea. Sanctions related to the Democratic People's Republic of Korea have been enacted under the United Nations Act¹ and the Special Economic Measures Act.² The Regulations Implementing the United Nations Resolutions on the Democratic People's Republic of Korea, as amended, implement relevant Security Council decisions in domestic law. The Special Economic Measures (Democratic People's Republic of Korea) Regulations³ enact autonomous sanctions in relation to the Democratic People's Republic of Korea. In Canada, travel restrictions on individuals and entities of the Democratic People's Republic of Korea designated under relevant Security Council resolutions are implemented pursuant to the application of the Immigration and Refugee Protection Act⁴ and its Regulations.⁵

In paragraph 8 of its resolution 2397 (2017), the Security Council decided that all Member States should repatriate to the Democratic People's Republic of Korea all nationals of that country earning income in their jurisdictions and all government safety oversight attachés from the Democratic People's Republic of Korea monitoring workers abroad from that country within 24 months from the date of adoption of the resolution, 22 December 2017. Member States are required to submit to the Committee a midterm report, within 15 months of 22 December 2017, and a final report, within 27 months of that date, on all nationals of the Democratic People's Republic who were repatriated based on this provision.

According to paragraph 8 of resolution 2397 (2017), certain nationals of the Democratic People's Republic of Korea are exempted from the repatriation requirement, including a national of the Democratic People's Republic of Korea who is a national of the Member State or a national of the Democratic People's Republic whose repatriation is prohibited, subject to applicable national and international law, including refugee law and international human rights law.

As at 31 January 2019, no nationals of the Democratic People's Republic of Korea hold a valid work permit in Canada for the primary purpose of generating foreign export earnings that the Government of the Democratic People's Republic of Korea uses to support its prohibited nuclear and ballistic missile programmes.

Background

Overview of applicable national legislative authority

Among other immigration objectives, Canada's Immigration and Refugee Protection Act is aimed at maintaining the security of Canadian society and promoting

¹ Available at <https://laws-lois.justice.gc.ca/eng/acts/U-2/FullText.html>.

² Available at <https://laws-lois.justice.gc.ca/eng/acts/S-14.5/FullText.html>.

³ Available at <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2011-167/FullText.html>.

⁴ Available at <http://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

⁵ Available at <https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/FullText.html>.

international justice and security by fostering respect for human rights and denying access to Canadian territory to persons who are criminals or security risks.

Pursuant to Division 4 of the Immigration and Refugee Protection Act, foreign nationals seeking entry into Canada must demonstrate that they do not pose a threat to the security of Canada and are not otherwise inadmissible under Canadian immigration law. As with other temporary residents, all applications by nationals of the Democratic People's Republic of Korea seeking to enter, work or study temporarily in Canada are assessed on a case-by-case basis to determine admissibility. Where a foreign national has been deemed inadmissible, he or she can be refused entry into the country, or, if already in Canada, referred for enforcement action, including removal.

With regard to reporting, Canada's Privacy Act⁶ governs the handling of all personal information by federal departments and agencies, namely, the collection, use and disclosure of personal information. Without the consent of the individuals to whom it relates, no personal information under the control of a Canadian government institution may be shared (subject to exclusions set out under section 3 and exemptions set out under section 8 of the Act).

Work authorization

Under part 11 of Canada's Immigration and Refugee Protection Regulations, the Government of Canada may issue work permits for a range of reasons, including primarily for work purposes, to supplement a course of study, to support in-Canada permanent residence transitions, or on humanitarian and compassionate grounds. The assessment of work permit applications balances the need for a foreign national to work in Canada against broader eligibility and admissibility considerations.

The Government of Canada analysed work permit data for nationals of the Democratic People's Republic of Korea, focusing on those holding a valid work permit as at 31 January 2019. The analysis included examining the reason for issuance of the work permit (e.g. whether the permit was issued for work purposes or under international refugee or human rights laws) and permit validity. It was determined that any work permits issued to nationals of the Democratic People's Republic of Korea were issued to individuals whose repatriation is prohibited by applicable national and international law.

Based on the above methodology, it was determined that as at 31 January 2019 no nationals of the Democratic People's Republic of Korea hold a valid work permit in Canada for the primary purpose of generating foreign export earnings that the Government of the Democratic People's Republic of Korea uses to support its prohibited nuclear and ballistic missile programmes.

Additional notes

Further to the above findings, the Government of Canada will submit a final report 27 months from the date of adoption of resolution [2397 \(2017\)](#), by 22 March 2020.

⁶ Available at <http://laws-lois.justice.gc.ca/eng/acts/p-21/FullText.html>.