

IMISEM

EVERY IMMIGRANT IS AN EMIGRANT
How Migration Policies Shape
the Paths to Integration

IMISEM CASE REPORT
Migration Policies in

South Korea

2017-2019

Coordinated by:

Luicy Pedroza
Pau Palop-García
So Young Chang

January 2022

G I G A

German  Institute for Global and Area Studies
Leibniz-Institut für Globale und Regionale Studien

Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: www.imisem.info as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

How to cite this report:

Pedroza, Luicy; Pau Palop-García, and So Young Chang (2022), *Migration Policies in South Korea 2017-2019*, IMISEM Case Report, German Institute for Global and Area Studies (GIGA), January, <https://doi.org/10.57671/imisem-22028>, (access date).

German Institute for Global and Area Studies (GIGA) / Leibniz-Institut für Globale und Regionale Studien
Neuer Jungfernstieg 21
20354 Hamburg
Phone: +49 (0)40 - 428 25-593
Fax: +49 (0)40 - 428 25-547
Email: info@giga-hamburg.de
<http://www.giga-hamburg.de>

About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” * two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

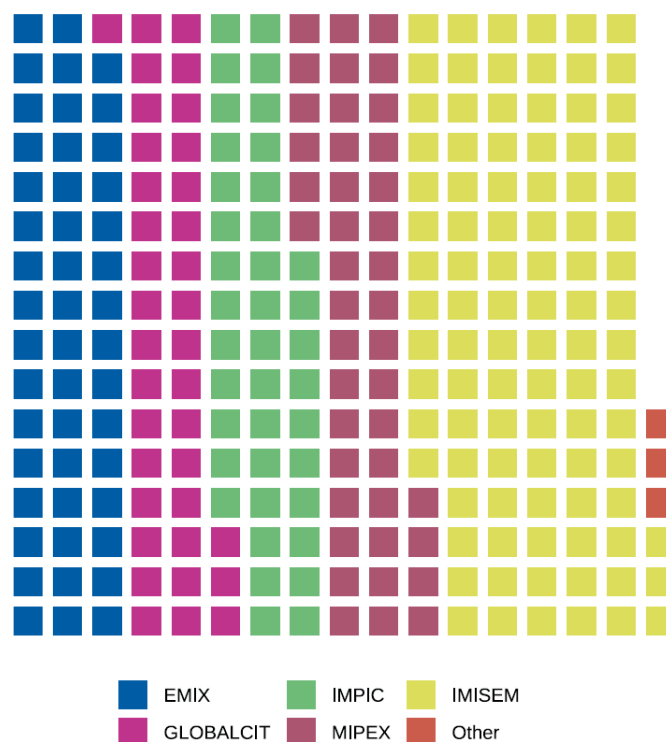
About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

Answer: this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

Code: this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

Explanation: this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

Sources: this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

Varieties of Standard English

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

Contact

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: lpedroza@colmex.mx or find us through our ORCID numbers:

Luicy Pedroza: 0000-0003-1971-4399

Pau Palop-García: 0000-0003-3458-4211

So Young Chang: 0000-0001-9632-3485

Table of Contents

1.	Emigration policies	10
1.1.	General	10
1.2.	Documentation	12
1.2.1.	Passport.....	12
1.2.2.	Other requirements	14
1.3.	Quotas and restrictions	15
1.4.	Policy incentives.....	19
1.5.	Penalties	21
1.6.	Administration	23
2.	Emigrant policies	25
2.1.	Policies of representation	25
2.1.1.	Electoral rights	25
2.1.2.	Regulation of political competition abroad	32
2.1.3.	Consultative bodies	35
2.1.4.	Consultative bodies at the national level.....	35
2.1.5.	Funding of emigrant associations	39
2.2.	Economic Policies	39
2.2.1.	Remittances	39
2.2.2.	Investment	40
2.2.3.	Brain circulation networks	40
2.2.4.	Return policies	41
2.3.	Social Policies	42
2.3.1.	Retirement benefits	42
2.3.2.	Health care benefits	43
2.3.3.	Education	43
2.4.	Cultural policies.....	44
2.4.1.	Visits to country of origin	44
2.4.2.	Language courses for emigrants	45
2.5.	Obligations	45
2.5.1.	Military service	45
2.5.2.	Social service	46
2.5.3.	Taxes	46
2.6.	Administration	47
2.6.1.	Home country administration.....	47
2.6.2.	Consular network	48
2.6.3.	New consular functions	48
2.6.4.	Special offices	50
3.	Emigrant citizenship and nationality policies.....	51

3.1.	Emigrant nationality.....	51
3.1.1.	Dual nationality for emigrants.....	51
3.1.2.	Dual nationality only for some countries of residence.....	53
3.1.3.	Loss of nationality after residence abroad.....	54
3.1.4.	Jus sanguinis for emigrants.....	55
3.1.5.	Jus sanguinis across generations.....	56
3.1.6.	Renunciation of nationality is possible.....	56
3.1.7.	Reacquisition of nationality.....	57
3.2.	Emigrant citizenship.....	58
3.2.1.	Citizenship restrictions for dual nationals.....	58
3.2.2.	Different citizenship for emigrants.....	58
3.2.3.	Loss or suspension of citizen rights after residence abroad.....	59
4.	Immigration policies.....	60
4.1.	General.....	60
4.1.1.	Number of entry tracks.....	60
4.1.2.	Biometric information.....	61
4.1.3.	Visa waivers.....	61
4.2.	Documentation.....	61
4.3.	Quotas and restrictions.....	62
4.3.1.	General quota.....	62
4.3.2.	Specific quotas.....	63
4.3.3.	List of excluded persons.....	65
4.3.4.	List of excluded countries.....	67
4.4.	Policy incentives.....	67
4.4.1.	Recognized brokers.....	67
4.5.	Immigration control and penalties.....	68
4.5.1.	Irregular residence.....	68
4.5.2.	Forged documents.....	69
4.5.3.	Aiding undocumented migrants.....	71
4.5.4.	Employment obligations.....	72
4.5.5.	Landlord obligations.....	73
4.5.6.	Airline penalties.....	74
4.6.	Amnesty programs.....	75
4.7.	Administration.....	78
4.8.	Proxy: Labor migration (high- and low-skilled).....	79
4.8.1.	Domestic workers.....	80
4.8.2.	Agricultural workers.....	85
4.8.3.	Medical doctors.....	92
4.9.	Proxy: Refugees.....	97

4.9.1.	Existence of track	97
4.9.2.	Restrictions	98
4.9.3.	Place of application	99
4.9.4.	Permit validity.....	100
4.9.5.	Maximum timeframe for application resolution.....	101
4.9.6.	Possibility to change migratory status	102
4.9.7.	Detention.....	102
4.9.8.	Status after rejection	103
4.9.9.	Translation and interpretation.....	103
4.10.	Proxy: Co-ethnics	104
4.10.1.	General.....	104
4.10.2.	Reasons for co-ethnicity	105
4.10.3.	Language test.....	107
4.10.4.	Place of residence	107
4.10.5.	Place of application.....	108
4.10.6.	Date of birth	108
4.10.7.	Permit validity	109
5.	Immigrant policies	110
5.1.	Permanent residence	110
5.1.1.	Eligibility	110
5.1.2.	Security of status.....	119
5.2.	Policies of representation	123
5.2.1.	Electoral rights	124
5.2.2.	Regulation of participation in parties.....	127
5.2.3.	Consultative bodies	127
5.3.	Economic policies	129
5.3.1.	Access to labor market.....	129
5.3.2.	Access to support.....	141
5.3.3.	Worker's rights	145
5.3.4.	Property rights.....	151
5.4.	Social policies	152
5.4.1.	Family reunification	152
5.4.2.	Education	188
5.4.3.	Health care.....	194
5.4.4.	Unemployment benefits.....	199
5.4.5.	Retirement benefits	200
5.5.	Cultural policies	204
5.6.	Mobility policies	204
5.6.1.	Identity documents	204

5.6.2.	Freedom of movement	207
5.6.3.	Obligations	213
5.6.4.	Military service	213
5.6.5.	Social service	214
5.6.6.	Taxes	216
5.7.	Administration	218
6.	Immigrant citizenship and nationality	220
6.1.	Immigrant nationality	220
6.1.1.	Immigrant dual nationality	220
6.1.2.	Emigrant dual nationality for immigrants who naturalized	221
6.1.3.	Loss of nationality after residence abroad for naturalized immigrants.....	221
6.1.4.	Unrestrictive jus soli	222
6.1.5.	Qualified jus soli	222
6.1.6.	Standard naturalization procedure for immigrants due to residence	223
6.1.7.	Socialization based acquisition of citizenship	226
6.1.8.	Special procedure for immigrants with very long residence in country	226
6.1.9.	Preferential naturalization for immigrants from specific countries	226
6.1.10.	Cultural affinity/Ethnic ties.....	227
6.1.11.	Spousal transfer	227
6.1.12.	Filial transfer	228
6.1.13.	Special naturalization for refugees	228
6.1.14.	Naturalization for special achievements/talents	228
6.1.15.	Naturalization due to investment/financial assets.....	229
6.1.16.	Transfer to other relatives	229
6.1.17.	Nationality for the stateless.....	229
6.1.18.	Nationality for regularized immigrants	230
6.1.19.	Naturalization possible even if applicant had irregular status before	230
6.2.	Immigrant citizenship.....	230
6.2.1.	Restrictions on citizenship for naturalized immigrants	231
6.2.2.	Loss or suspension of citizenship after residence abroad for immigrants who naturalized	233
6.2.3.	Restrictions on citizenship for naturalized immigrants who are dual nationals	233

1. Emigration policies

1.1. General

EMIGRATION_1. The attempt to leave the country is punishable by law.

Answer: No

Code: 1

Explanation: No, but there are restrictions that apply. Article 3 (Restriction on Emigration): (1) Any person falling under any of the following subparagraphs shall not be permitted to emigrate overseas under this Act: 1. A person who has been evading military service; 2. A person for whom his/her imprisonment without prison labor or severer punishment declared by a court has been not completely executed or the non-execution of such sentence has not become final. (2) Any person who is prescribed by Presidential Decree, such as an active duty soldier or full-time reservist, who is performing military service or fulfilling mandatory service pursuant to the Military Service Act, shall not be permitted to emigrate overseas under this Act unless his whole family members in the scope prescribed by Presidential Decree emigrate overseas. (3) Any person who is prescribed by Presidential Decree, such as an officer or warrant officer in active duty, shall not be permitted to emigrate overseas under this Act unless the relevant military service or mandatory service is completed or exempted. [This Article Wholly Amended by Act No. 9286, Dec. 31, 2008].

Sources: Emigration Act. 1962.

EMIGRATION_2: Exit fees.

Prospective emigrants need to pay a fee before emigrating.

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Amount of the fee in country of origin currency:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the fee in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Prospective emigrants need to make a deposit before emigrating:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Amount of the deposit in the currency of the country of origin:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Amount of the deposit in US Dollars:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_3: Citizens can only stay abroad for a given maximum of days.

Citizens can only stay abroad for a given maximum of days

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Maximum number of days that citizens can stay abroad:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.2. Documentation

1.2.1. Passport

EMIGRATION_4: Cost of ordinary passport.

Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 35

Code: 35

Explanation: For passports with a duration of longer than 5 years and less than 10 years (the standard option): 35,000 KRW for a 24-page passport / 38,000 KRW for a 48-page passport when applying in Korea. 35 USD for a 24-page passport / 38 USD for a 48-page passport when applying abroad at embassies and consulates.

Sources: Enforcement Decree of the Passport Act. 2008.

Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):

Answer: 35

Code: 35

Explanation: For passports with a duration of longer than 5 years and less than 10 years (the standard option): 35,000 KRW for a 24-page passport / 38,000 KRW for a 48-page passport when applying in Korea. 35 USD for a 24-page passport / 38 USD for a 48-page passport when applying abroad at embassies and consulates.

Sources: Enforcement Decree of the Passport Act. 2008.

EMIGRATION_5: Maximum length of procedure to process passport.

Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):

Answer: No

Code: 0

Explanation: There is no maximum length indicated for regular passport applications, but in case of re-issuance, the confirmation period for the processing shall not exceed 30 days. Article 11 (Reissuance of Passports): (2) In any of the following cases, the Minister of Foreign Affairs may verify how a person has lost his/her passport through relevant agencies before reissuing a passport. In such cases, the period of confirmation shall not exceed 30 days from the date on which an application for the reissuance of is filed, except in extenuating circumstances: 1. Where a person who has lost his/her passport on at least two occasions for the same reason within five years before the date of application for the reissuance of a passport applies for the reissuance of a passport; 2. Where how a passport has been lost is unclearly stated or there are substantial grounds for suspecting such statement. (3) Matters necessary to reissue passports shall be prescribed by Presidential Decree.

Sources: Passport Act. 2008.

Maximum length of procedure to process passport (in days):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of procedure to process passport (by categories):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_6. Renewal of passport from abroad is possible:

Answer: Yes

Code: 1

Explanation: Yes, possible from embassies or consulates abroad. According to the passport application procedures on the Korean Consulate in Chicago, the requirements are the same as listed for Korean nationals applying in-country.

Sources: 주 시카고 대한민국 총영사관. “여권(재)발급 안내 상세보기 [Detailed Instructions on Passport Issuance]”. Accessed February 5, 2018. http://overseas.mofa.go.kr/us-chicago-ko/brd/m_4757/view.do?seq=807175&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1. / Passport Act. 2008.

1.2.2. Other requirements

EMIGRATION_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: No, it is not listed in the required documents for passport application.

Sources: 외교부. “일반여권 [Standard Passport]”. Accessed July 10, 2018.
<https://www.passport.go.kr/new/issue/general.php>.

EMIGRATION_8. Superior/employer's permission is necessary to emigrate:

Answer: Not applicable

Code: Not applicable

Explanation: No, it is not listed in the required documents for passport application.

Sources: 외교부. “일반여권 [Standard Passport]”. Accessed July 10, 2018.
<https://www.passport.go.kr/new/issue/general.php>.

EMIGRATION_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: No, it is not listed in the required documents for passport application.

Sources: 외교부. “일반여권 [Standard Passport]”. Accessed July 10, 2018.
<https://www.passport.go.kr/new/issue/general.php>.

EMIGRATION_10. Registration abroad is mandatory.

Answer: Yes

Code: 0

Explanation: Yes, Article 1 of the Overseas Korean Nationals Registration Act states that those residing or staying abroad must register for the government's administrative purposes.

Sources: 재외국민등록법 [Overseas Korean Nationals Registration Act]. 1949.

1.3. Quotas and restrictions

EMIGRATION_11. Quotas to emigrate based on ethnicity.

Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992. / Passport Act. 2008.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_12: Quotas to emigrate based on income.

Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992. / Passport Act. 2008.

Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_13. Those who are liable for military conscription are allowed to emigrate:

Answer: No

Code: 0

Explanation: While there is no ban on emigration, there is a requirement for special approval for male nationals who have yet to fulfill their military service. In the passport application process, male nationals between the ages 25-37 who have not yet gone to the military service must submit a "Permission for Overseas Travel" form and in the departure inspections phase, the male national must also produce the same document.

Sources: 외교부. "일반여권 [Standard Passport]". Accessed July 10, 2018.

<https://www.passport.go.kr/new/issue/general.php>. / 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2018.

EMIGRATION_14: Banned countries for emigration.

There are countries that are banned as destination for emigrants:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992. / Passport Act. 2008.

List of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of countries banned for citizens in 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992. / Passport Act. 2008.

EMIGRATION_16. Recipients of state scholarship are banned from emigrating:

Answer: Generally no, but required for certain groups

Code: 0.75

Explanation: No, there is no information about emigration bans on government scholarship recipients (for example, on the conditions of a presidential scholarship). However, there are provisions for the conditions of emigration for recipients of income-contingent loans from the government to support their education. Article 20 (Special Cases of Emigrants): (1) A debtor, who intends to emigrate to a foreign country, shall report an emigration plan to the Minister of Education not later than three months before leaving Korea. (2) A debtor, who intends to emigrate to a foreign country, shall pay the principal and interest of loan in full not later than one month before leaving Korea: Provided, That where such debtor is unable to pay the principal and interest of loan in full, the Minister of Education may allow the debtor to pay the balance based on such method as the payment of principal and interest by equal installments or the payment of principal by equal installments, and may request him/her to put up collateral for the loan. (3) A long-term non-payer, who has emigrated to a foreign country without any report under paragraph (1) or has not come back to Korea within one year from departure from Korea, shall immediately pay the principal and interest of loan in full as soon as it becomes clear as determined by the Minister of Education that such long-term non-payer has emigrated to a foreign country or has not come back to Korea: Provided, That where such debtor has vindicated that such is not the fact with reference to emigration, the Minister of Education may allow the debtor to pay the principal and interest of loan based on such method as the payment of principal and interest by equal installments or the payment of principal by equal installments, and may request him/her to put up collateral for the loan. (4) Where a debtor emigrates to a foreign country or leaves Korea to stay in a foreign country for more than one year, he/she shall submit a certificate of payment of the principal and interest of income contingent loan, as prescribed by Presidential Decree. (5) Where a debtor, designated by the Minister of Education as an emigrant to a foreign country who had not paid the principal and interest of loan, or as a long-term non-payer who had not come back to Korea within one year after departure from Korea, has come back to Korea, the Minister of Education may urge such debtor to pay outstanding principal and interest of loan, and request him/her to provide necessary information, such as address, place of residence, etc. (6) The Minister of Education may request the Minister of Foreign Affairs to provide information on emigrants (limited to debtors). In such cases, the Minister of Foreign Affairs shall provide such information within ten days from the date of request. (7) The Minister of Education may request the Minister of Justice to provide arrival and departure information of debtors. In such cases, the Minister of Justice shall provide such information without delay. (8) The Minister of Education may request the Minister of the Interior and Safety to provide information concerning the report on emigration filed by a debtor or the issuance to a debtor of a resident registration certificate for Korean nationals residing abroad. In such cases, the Minister of the Interior and Safety shall provide such information without delay. (9) Other matters necessary for the payment of principal and interest of loan of emigrants shall be prescribed by Presidential Decree.

Sources: Special Act on Income Contingent Loan. 2010.

EMIGRATION_17: Ban for specific civil professional groups.

There is an emigration ban for specific professional group(s):

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992. / Passport Act. 2008.

There is a ban for medical doctors:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

There is a ban for other professions:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_18. The ban can be overcome by a letter signed by a supervisor:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_19. The ban can be overcome by a letter signed by an official authority.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

1.4. Policy incentives

EMIGRATION_20. Existence during 2017 of campaigns to encourage emigration:

Answer: Yes

Code: 1

Explanation: The South Korean government has an inter-ministerial initiative (involving the Ministry of Foreign Affairs, Ministry of Education, Human Resources Development Service of Korea, etc.) called K-Move that promotes youth employment abroad. It operates a job search database called WorldJob+ and provides seminars, financial incentives, and other support for youth seeking employment abroad. The policy involves at least 9 ministries/agencies.

Sources: Human Resources Development Service of Korea 한국산업인력공단. "Project Description: K-Move". Accessed July 11, 2018. <http://www.hrdkorea.or.kr/3/4/1>.

EMIGRATION_21. Existence during 2017 of campaigns to discourage emigration:

Answer: No

Code: 0

Explanation: No evidence of campaigns found.

Sources: Not applicable

EMIGRATION_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):

Answer: Yes

Code: 1

Explanation: Yes. There is extensive information about the administrative capacities and exigencies of emigration agencies under Article 10 and sub-clauses therein of the Emigration Act. Article 10 (Registration, etc. of Emigration Agency Business) : (1) Any person who intends to engage in the business of soliciting emigrants, emigration agency, or the following business affairs concerning emigration (hereinafter referred to as "emigration agency business") shall register with the Minister of Foreign Affairs: 1. Report of emigration on behalf of emigrants; 2. Application processes for the issuance of entry visas on behalf of emigrants; 3. Counselling and guidance related to emigration; 4. Support of migration and settlement of emigrants. (2) A capital and guaranty insurance money required for registration under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree. (3) When registered matters are modified, a person who has registered the emigration agency business under paragraph (1) (hereinafter referred to as "migration agent") shall register such modification within one month from the date the reason therefor arises: Provided, That the same shall not apply where he/she intends to modify minor matters prescribed by Ordinance of the Ministry of Foreign Affairs. (4) Deleted. (5) A migration agent shall post a certificate of registration and the details of fees and charges on bulletin boards at his/her place of business. [This Article Wholly Amended by Act No. 9286, Dec. 31, 2008].

Sources: Emigration Act. 1962.

EMIGRATION_23: Emigration lump sum.

State of origin pays a lump sum incentive to citizens willing to emigrate:

Answer: Yes

Code: 1

Explanation: Yes. The Human Resources Development Service of Korea provides a financial incentive for youth to find employment and settle abroad. For those who have secured employment abroad after March 2018, there are two categories of payments, and each category consists of three payment installments: Priority countries (Southeast Asia, Central and South America, Middle East, Central Asia, Africa, developing countries; all countries excluding the 26 developed countries) 1. One month following employment: 3,000,000 KRW (approx. 2670 USD) 2. Six months following employment: 2,000,000 KRW 3. 12 months following employment: 3,000,000 KRW. Developed countries: 26 countries including Greece, the Netherlands, Austria, Israel, Japan, Canada, Hong Kong, etc. 1. One month following employment: 2,000,000 KRW 2. Six months following employment: 1,000,000 KRW 3. 12 months following employment: 1,000,000 KRW. Target persons are: For those below the age of 34, those who have obtained an employment permit abroad, which an employment period equal to or longer than one year, with annual salary of higher than 15,000,000 KRW, low-skilled jobs are excluded.

Sources: Human Resources Development Service of Korea 한국산업인력공단. “해외취업정착지원금 [Overseas Employment Assistance Payment]”. Accessed July 11, 2018. <http://www.hrdkorea.or.kr/3/4/4>.

Register the amount of the sum in country currency:

Answer: 0

Code: 0

Explanation: Priority countries (Southeast Asia, Central and South America, Middle East, Central Asia, Africa, developing countries; all countries excluding the 26 developed countries) 1. One month following employment: 3,000,000 KRW (approx. 2670 USD) 2. Six months following employment: 2,000,000 KRW 3. 12 months following employment: 3,000,000 KRW. Developed countries: 26 countries including Greece, the Netherlands, Austria, Israel, Japan, Canada, Hong Kong, etc. 1. One month following employment: 2,000,000 KRW 2. Six months following employment: 1,000,000 KRW 3. 12 months following employment: 1,000,000 KRW.

Sources: Human Resources Development Service of Korea 한국산업인력공단. “해외취업정착지원금 [Overseas Employment Assistance Payment]”. Accessed July 11, 2018. <http://www.hrdkorea.or.kr/3/4/4>.

Register the amount of the sum in US Dollars:

Answer: 0

Code: 0

Explanation: Depends on the destination, from roughly 1000 USD to 3000 USD.

Sources: Human Resources Development Service of Korea 한국산업인력공단. “해외취업정착지원금 [Overseas Employment Assistance Payment]”. Accessed July 11, 2018.
<http://www.hrdkorea.or.kr/3/4/4>.

EMIGRATION_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.

Answer: Yes

Code: 1

Explanation: Yes. The National Pension Service allows for lump-sum refunds of pension in case of settlement abroad or loss of nationality. The required documents for submission are a letter of confirmation from reporting emigration or a copy of the permanent residency visa. In case of submission prior to departure, a flight ticket within one month of submission date is required.

Sources: National Pension Service 국민연금. “연금정보 [Information about Pension Fund]”. Accessed July 11, 2018.
http://www.nps.or.kr/jsppage/app/info/resources/info_resources_02_02.jsp?seq=310&cPage=1&cat=DEM&fld=pds.

1.5. Penalties

EMIGRATION_25: Loss of private property.

Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

EMIGRATION_26: Re-entry ban.

Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals by birth:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRATION_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Emigration Act. 1962.

1.6. Administration

EMIGRATION_28. Existence of institution/agency with competencies for exit and/or emigration:

Existence of institution/agency with competencies for exit and/or emigration:

Answer: Yes

Code: 1

Explanation: Ministry of Justice.

Sources: Resident Registration Act. 2007. / Emigration Act. 1962. / Immigration Act. 1992.

Name of the institution with competencies for exit and/or emigration in original language:

Answer: 외무성, 법무부

Name of the institution with competencies for exit and/or emigration in English:

Answer: Ministry of Justice (for exit) and Ministry of Foreign Affairs (for emigration) and

Place in the administrative hierarchy:

Answer: 1st Rank in the public administration in the country (e.g. Ministry)

Code: 1

Explanation: Ministry of Justice.

Sources: Resident Registration Act. 2007. / Emigration Act. 1962. / Immigration Act. 1992.

2. Emigrant policies

2.1. Policies of representation

2.1.1. Electoral rights

EMIGRANT_1. Voting is mandatory for citizens residing abroad:

Answer: No

Code: 0

Explanation: No. Voting is not mandatory for nationals within the country either.

Sources: Public Official Election Act. 2005.

Does the country have presidential elections?

Answer: Yes

Code: 1

Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?

Answer: No, the country only has a Lower House

Code: 2

Presidential elections

EMIGRANT_2. Can non-resident citizens vote in national presidential elections from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Article 218-5 (Application for Registration of Overseas Electors): (1) An elector who has not been registered as a resident and has not been enrolled in the electoral register but intends to exercise his/her voting right in a foreign country shall file an application for the registration of an overseas elector with the National Election Commission by any of the following methods no later than 60 days (hereafter referred to as "period for filing an application for the registration of an overseas elector" in this Chapter) before the election day of the relevant election whenever presidential election and an election of members of the National Assembly due to the termination of the term of membership are held: 1. Filing a written application with a diplomatic or consular mission in person. In such cases, a citizen of the Republic of Korea may file an application for the registration of an overseas elector on behalf of his/her family members (referring to his/her spouse and lineal ascendants and descendants of his/her own and his/her spouse); 2. Filing a written application in person with a diplomatic or consular mission's employee who travels around its jurisdiction. The latter part of subparagraph 1 shall apply to such cases mutatis mutandis; 3. Filing an application by mail or

e-mail, or through the web site of the National Election Commission. In such cases, a person who stays or resides in a foreign country shall file a report through a mission.

Sources: Public Official Election Act. 2005. Art. 216-5.

EMIGRANT_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?

Answer: Only if past residence within specific period

Code: 0.5

Explanation: There are additional age requirements. Article 16 (Electoral Eligibility): (1) A national who is 40 years of age or above and who has resided in the Republic of Korea for at least five years as of the election day shall be eligible for election to the Presidency. In such cases, if he/she has been sent to a foreign country in public services or stayed in a foreign country while having a domicile in the Korean territory for a certain period, he/she shall be deemed to have stayed in the Korean territory for that period. (2) A national of 25 years of age or above shall be eligible for election as a member of the National Assembly. (3) A national who is aged 25 years or above and registered as a resident in a district under the jurisdiction of the relevant local government for at least 60 consecutive days (from the record date of the electoral register up to the election day consecutively, in cases of any person who had been sent to a foreign country in public services and has returned to the Republic of Korea after 60 days before the election day) as of the election day, shall be eligible for election for the relevant local council member and the head of the local government. In such cases, a period of 60 days shall not be interrupted by establishment, abolition, division, or merger of the local government, or change in the boundary of a district (including a change of district under any subparagraph of Article 28). (4) In cases falling under the former part of paragraph (3), when the resident registration of the head of a local government is made in the district under the jurisdiction of another local government because the office of the relevant local government is located in the district under the jurisdiction of another local government, it shall be deemed that his/her resident registration is made in the district under the jurisdiction of the relevant local government. [Paragraph (3) of this Article, which was decided to be inconsistent with the Constitution by the Constitutional Court on June 28, 2007, is amended by Act No. 9466, February 12, 2009.].

Sources: Public Official Election Act. 2005. Art. 16.

Legislative elections

Lower house (National Elections)

EMIGRANT_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?

Answer: Generally enfranchise

Code: 1

Explanation: Article 218-5 (Application for Registration of Overseas Electors): (1) An elector who has not been registered as a resident and has not been enrolled in the electoral register but intends to exercise his/her voting right in a foreign country shall file an application for the registration of an overseas elector with the National Election Commission by any of the following methods no later than 60 days (hereafter referred to as "period for filing an application for the registration of an overseas elector" in this Chapter) before the election day of the relevant election whenever presidential election and an election of members of the National Assembly due to the termination of the term of membership are held: 1. Filing a written application with a diplomatic or consular mission in person. In

such cases, a citizen of the Republic of Korea may file an application for the registration of an overseas elector on behalf of his/her family members (referring to his/her spouse and lineal ascendants and descendants of his/her own and his/her spouse); 2. Filing a written application in person with a diplomatic or consular mission's employee who travels around its jurisdiction. The latter part of subparagraph 1 shall apply to such cases mutatis mutandis; 3. Filing an application by mail or e-mail, or through the web site of the National Election Commission. In such cases, a person who stays or resides in a foreign country shall file a report through a mission.

Sources: Public Official Election Act. 2005. Art. 218-5.

EMIGRANT_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?

Answer: Generally enfranchised

Code: 1

Explanation: Article 16 (Electoral Eligibility): (1) A national who is 40 years of age or above and who has resided in the Republic of Korea for at least five years as of the election day shall be eligible for election to the Presidency. In such cases, if he/she has been sent to a foreign country in public services or stayed in a foreign country while having a domicile in the Korean territory for a certain period, he/she shall be deemed to have stayed in the Korean territory for that period. (2) A national of 25 years of age or above shall be eligible for election as a member of the National Assembly. (3) A national who is aged 25 years or above and registered as a resident in a district under the jurisdiction of the relevant local government for at least 60 consecutive days (from the record date of the electoral register up to the election day consecutively, in cases of any person who had been sent to a foreign country in public services and has returned to the Republic of Korea after 60 days before the election day) as of the election day, shall be eligible for election for the relevant local council member and the head of the local government. In such cases, a period of 60 days shall not be interrupted by establishment, abolition, division, or merger of the local government, or change in the boundary of a district (including a change of district under any subparagraph of Article 28). (4) In cases falling under the former part of paragraph (3), when the resident registration of the head of a local government is made in the district under the jurisdiction of another local government because the office of the relevant local government is located in the district under the jurisdiction of another local government, it shall be deemed that his/her resident registration is made in the district under the jurisdiction of the relevant local government. [Paragraph (3) of this Article, which was decided to be inconsistent with the Constitution by the Constitutional Court on June 28, 2007, is amended by Act No. 9466, February 12, 2009.].

Sources: Public Official Election Act. 2005. Art. 16.

Upper house (National Elections)

EMIGRANT_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Registration

EMIGRANT_8. Registration in the electoral roll for non-resident citizens:

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: Article 218-4 (Reporting of Overseas Absentees): (1) Whenever a presidential election and an election of members of the National Assembly due to the termination of the term of membership are held, any elector (excluding a person who falls under Article 6 (1) 3 of the Resident Registration Act and a person who is registered and managed as a Korean national residing abroad under Article 19 (4) of the same Act) who intends to vote overseas because he/she falls under any of the following cases, as a person who is registered as a resident, shall make a report of an overseas absentee to the head of the competent Gu/Si/Gun from 150 days to 60 days before the election day (hereafter referred to as the "period for report of overseas absentees" in this Chapter) in writing, by e-mail or through the web site of the National Election Commission. In such cases, any person staying or living in a foreign country shall make a report via a mission: 1. Any person who leaves Korea before the commencement date of the period for advance polling and is scheduled to return home after the election day; 2. Any person who will not return home until the election day because he/she stays or lives in a foreign country. Article 218-5 (Application for Registration of Overseas Electors): (1) An elector who has not been registered as a resident and has not been enrolled in the electoral register but intends to exercise his/her voting right in a foreign country shall file an application for the registration of an overseas elector with the National Election Commission by any of the following methods no later than 60 days (hereafter referred to as "period for filing an application for the registration of an overseas elector" in this Chapter) before the election day of the relevant election whenever presidential election and an election of members of the National Assembly due to the termination of the term of membership are held.

Sources: Public Official Election Act. 2005. Art. 218-4 and 218-5.

Remote voting

EMIGRANT_9. Voting methods from abroad:

Voting methods available to cast votes from abroad - Electronic voting:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Public Official Election Act. 2005. Art. 218-17.

Voting methods available to cast votes from abroad - Proxy voting:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Public Official Election Act. 2005. Art. 218-17.

Voting methods available to cast votes from abroad - Postal voting:

Answer: Yes

Code: 1

Explanation: Article 218-17 (Establishment and Operation of Overseas Polling Stations): (1) An overseas election commission shall establish and operate an overseas polling station in a mission with a fixed period of not exceeding six days (hereinafter referred to as "period of overseas voting" in this Chapter) in the period from 14 days to nine days before the election day. In such cases, where an overseas polling station cannot be established in such mission for reasons of the narrowness, etc. of the mission, the overseas polling station may be established in the alternative facility of the mission. (2) Notwithstanding paragraph (1), where any of the following reasons exists, the overseas election commission may establish and operate additional overseas polling stations in facilities, barracks, etc. with a fixed period during the period of overseas voting besides the mission or the alternative facility of the mission under paragraph (1): Provided, That in cases of an overseas polling station additionally established due to a reason under subparagraph 1, where the number of overseas Koreans exceeds 40,000, an overseas polling station may be additionally established and operated up to every 40,000 overseas Koreans thereafter; but the total number of additional overseas polling stations shall not exceed two polling stations: 1. Where the number of overseas Koreans in a district within the jurisdiction thereof is estimated to be at least 40,000; 2. Where there is a military unit of the Armed Forces of the Republic of Korea to which overseas electors, etc. belong in a district within the jurisdiction of the mission or an area adjacent to a district within the jurisdiction thereof.

Sources: Public Official Election Act. 2005. Art. 218-17.

Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:

Answer: Yes

Code: 1

Explanation: Article 218-17 (Establishment and Operation of Overseas Polling Stations): (1) An overseas election commission shall establish and operate an overseas polling station in a mission with a fixed period of not exceeding six days (hereinafter referred to as "period of overseas voting" in this Chapter) in the period from 14 days to nine days before the election day. In such cases, where an overseas polling station cannot be established in such mission for reasons of the narrowness, etc. of the mission, the overseas polling station may be established in the alternative facility of the mission.

(2) Notwithstanding paragraph (1), where any of the following reasons exists, the overseas election commission may establish and operate additional overseas polling stations in facilities, barracks, etc. with a fixed period during the period of overseas voting besides the mission or the alternative facility of the mission under paragraph (1): Provided, That in cases of an overseas polling station additionally established due to a reason under subparagraph 1, where the number of overseas Koreans exceeds 40,000, an overseas polling station may be additionally established and operated up to every 40,000 overseas Koreans thereafter; but the total number of additional overseas polling stations shall not exceed two polling stations: 1. Where the number of overseas Koreans in a district within the jurisdiction thereof is estimated to be at least 40,000; 2. Where there is a military unit of the Armed Forces of the Republic of Korea to which overseas electors, etc. belong in a district within the jurisdiction of the mission or an area adjacent to a district within the jurisdiction thereof.

Sources: Public Official Election Act. 2005. Art. 218-17.

Voting methods available to cast votes from abroad - Ad hoc polling stations:

Answer: Yes

Code: 1

Explanation: Article 218-17 (Establishment and Operation of Overseas Polling Stations): (1) An overseas election commission shall establish and operate an overseas polling station in a mission with a fixed period of not exceeding six days (hereinafter referred to as "period of overseas voting" in this Chapter) in the period from 14 days to nine days before the election day. In such cases, where an overseas polling station cannot be established in such mission for reasons of the narrowness, etc. of the mission, the overseas polling station may be established in the alternative facility of the mission. (2) Notwithstanding paragraph (1), where any of the following reasons exists, the overseas election commission may establish and operate additional overseas polling stations in facilities, barracks, etc. with a fixed period during the period of overseas voting besides the mission or the alternative facility of the mission under paragraph (1): Provided, That in cases of an overseas polling station additionally established due to a reason under subparagraph 1, where the number of overseas Koreans exceeds 40,000, an overseas polling station may be additionally established and operated up to every 40,000 overseas Koreans thereafter; but the total number of additional overseas polling stations shall not exceed two polling stations: 1. Where the number of overseas Koreans in a district within the jurisdiction thereof is estimated to be at least 40,000; 2. Where there is a military unit of the Armed Forces of the Republic of Korea to which overseas electors, etc. belong in a district within the jurisdiction of the mission or an area adjacent to a district within the jurisdiction thereof.

Sources: Public Official Election Act. 2005. Art. 218-17.

Special representation

EMIGRANT_10: Emigrant special representation.

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Public Official Election Act. 2005.

Number of special seats reserved for non-resident candidates in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the lower house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special seats reserved for non-resident candidates in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Number of special emigrant districts in the upper house:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remote voting implementation

EMIGRANT_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):

Answer: yes

Code:

Explanation: Overseas voting is prevalent. In the 19th presidential elections in 2017, 221,981 overseas Koreans voted.

Sources: Hankyoreh 한겨레. “재외국민 투표율 75.3% [Overseas Korean Voter Turnout 75.3%]”. Accessed July 2018. http://www.hani.co.kr/arti/politics/politics_general/793082.html.

EMIGRANT_12. In case external voting has not been implemented after its adoption, what are the main reasons?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.2. Regulation of political competition abroad

Party offices in the state of reception

EMIGRANT_13. Offices of political parties are legally allowed abroad:

Answer: Specific prohibition of offices abroad

Code: 0

Explanation: According to the Ministry of Foreign Affairs, it is forbidden for political parties to establish offices abroad. Party members may establish their own circles but they are not allowed to call themselves an affiliate of the party and are not allowed to do any campaigning.

Sources: Ministry of Foreign Affairs 외교부. “재외선거운동 관련 금지 · 허용 사례 안내 상세보기 [Prohibited and permitted activities for overseas campaigning]”. Accessed December 12, 2018. http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=344824&srchFr=&%3BsrchTo=&%3Bs

rchWord=&3BsrchTp=&3Bmulti_itm_seq=0&3Bitm_seq_1=0&3Bitm_seq_2=0&3Bcompany_cd=&3Bcompany_nm=.

EMIGRANT_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:

Answer: No

Code: 0

Explanation: According to the Ministry of Foreign Affairs, it is forbidden for political parties to establish offices abroad. Party members may establish their own circles but they are not allowed to call themselves an affiliate of the party and are not allowed to do any campaigning.

Sources: Ministry of Foreign Affairs 외교부. “재외선거운동 관련 금지 · 허용 사례 안내 상세보기 [Prohibited and permitted activities for overseas campaigning]”. Accessed December 12, 2018. [http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=344824&srchFr=&3BsrchTo=&3BsrchWord=&3BsrchTp=&3Bmulti_itm_seq=0&3Bitm_seq_1=0&3Bitm_seq_2=0&3Bcompany_cd=&3Bcompany_nm=.](http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=344824&srchFr=&3BsrchTo=&3BsrchWord=&3BsrchTp=&3Bmulti_itm_seq=0&3Bitm_seq_1=0&3Bitm_seq_2=0&3Bcompany_cd=&3Bcompany_nm=)

EMIGRANT_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_16. Could external party offices receive public funding from state of origin?

Answer: No, specific prohibition of public funding for party offices abroad

Code: 0

Explanation: According to the Ministry of Foreign Affairs, it is forbidden for political parties to establish offices abroad. Party members may establish their own circles but they are not allowed to call themselves an affiliate of the party and are not allowed to do any campaigning.

Sources: Ministry of Foreign Affairs 외교부. “재외선거운동 관련 금지 · 허용 사례 안내 상세보기 [Prohibited and permitted activities for overseas campaigning]”. Accessed December 12, 2018. [http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=344824&srchFr=&3BsrchTo=&3BsrchWord=&3BsrchTp=&3Bmulti_itm_seq=0&3Bitm_seq_1=0&3Bitm_seq_2=0&3Bcompany_cd=&3Bcompany_nm=.](http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=344824&srchFr=&3BsrchTo=&3BsrchWord=&3BsrchTp=&3Bmulti_itm_seq=0&3Bitm_seq_1=0&3Bitm_seq_2=0&3Bcompany_cd=&3Bcompany_nm=)

Political campaigns

EMIGRANT_17. Electoral campaigns abroad for home elections are legally regulated:

Answer: Yes, explicitly regulated in electoral regulations and specific restrictions as compared with campaigns in national territory

Code: 0.75

Explanation: Article 218-14 (Special Cases concerning Methods of Overseas Election Campaign)
(1) An election campaign intended for overseas electors (referring to persons who are enrolled in the overseas electoral register, etc. or who are qualified to be enrolled therein; hereinafter the same shall apply) may be conducted by the following methods: 1. An election campaign under subparagraph 2 or 3 of Article 59; 2. A broadcasting advertisement under Article 70 which makes use of satellite broadcasting facilities (referring to broadcasting facilities in the Republic of Korea, which are managed and operated by a broadcasting business operator and are able to broadcast overseas under the Broadcasting Act; hereafter the same shall apply in this Chapter); 3. A broadcasting speech under Article 71 which makes use of satellite broadcasting facilities; 4. Deleted; 5. An Internet advertisement under Article 82-7; 6. An election campaign by telephone (limited to direct conversations between a caller and a receiver) or by speech. (2) The number of times of broadcasting advertisements under paragraph (1) 2 shall comply with the following: 1. Presidential election: Within ten times each by television and radio broadcasting facilities; 2. Election of members of proportional representation for the National Assembly: Within five times each by television and radio broadcasting facilities. (3) The number of times of broadcasting speeches under paragraph (1) 3 shall comply with the following: 1. Presidential election: Within five times each by television and radio broadcasting facilities by a candidate and a speaker whom he/she has appointed respectively; 2. Election of members of proportional representation for the National Assembly: One time each by television and radio broadcasting facilities by two persons elected by the representative of a party, respectively by party.

Sources: Public Official Election Act. 2005. Art. 218-14.

EMIGRANT_18. Actual existence of campaigns abroad for home elections:

Answer: Yes

Code: 1

Explanation: The Democratic Party of Korea (of the 12th President Moon Jae-In) participated in an overseas Korean voting encouragement campaign in 2016. [Democrats, 'Overseas Voting Encouragement Campaign' 더민주, '재외선거 투표 독려 캠페인'] The National Election Commission produced a promotional video to encourage overseas Koreans to vote: [19th Presidential Elections Overseas Voting Participation Promotional Video 제 19 대 대통령 재외선거 투표참여 광고영상].

Sources: Choong-Ang Ilbo 중앙일보. "더민주, '재외선거 투표 독려 캠페인 [Democrats, 'Overseas Voting Encouragement Campaign']". Accessed July 2018. <http://news.joins.com/article/19795429>. / 중앙선거관리위원회. "제 19 대 대통령 재외선거 투표참여 광고영상 [19th Presidential Elections Overseas Voting Participation Promotional Video]." YouTube, YouTube, 3 Apr. 2017, www.youtube.com/watch?v=vwrPFkCmu0o.

EMIGRANT_19. Existence of public funding for electoral campaigns in state of residence:

Answer: Main electoral regulations establish that it is not possible to use public funding for campaigns abroad

Code: 0

Explanation: Article 218-15 (Special Cases on Expenses for Election Campaign) Notwithstanding Article 119 (1), expenses spent overseas for an election campaign targeted to overseas electors shall not be deemed expenses for an election campaign. [This Article Newly Inserted by Act No. 9466, Feb. 12, 2009].

Sources: Public Official Election Act. 2005. Art. 218-15.

Membership in political parties

EMIGRANT_20. Emigrant membership to home country political parties:

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: There is no legal restriction against emigrant membership in home country political parties.

Sources: Political Parties Act. 2005.

2.1.3. Consultative bodies

2.1.4. Consultative bodies at the national level

EMIGRANT_21. Existence of a consultative body on emigrant issues:

Answer: No

Code: 0

Explanation: There is no consultative body to speak of, but there was a public hearing convened in 2010 to gather opinions for the enactment of a new law on protection of Korean nationals abroad. It aimed to collect perspectives from various levels and dimensions of society and took place on December 14, 2010.

Sources: Ministry of Foreign Affairs 외교부. “재외국민보호법 제정을 위한 공청회 개최 공고 [”]. Access date not available.
http://www.mofa.go.kr/www/brd/m_4075/view.do?seq=330739&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=124.

EMIGRANT_22. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_23. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_24. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_27. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Consultative bodies at the consular level

EMIGRANT_28. Existence of a consultative body of emigrants at the consular level.

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_29. The consultation is structural or ad hoc:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_30. Composition of the consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_31. Who chairs the consultative body?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_34. Selection criteria to ensure representativeness

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographically-balanced consultative body:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.1.5. Funding of emigrant associations

EMIGRANT_35. Existence of consular support (in kind or financial) to independent emigrant associations

Answer: No

Code: 0

Explanation: No such information found on consular websites for US, Germany, and Japan.

Sources: Not applicable

2.2. Economic Policies

2.2.1. Remittances

EMIGRANT_36. Government program/strategy to attract remittances from emigrants.

Existence of a government program to attract remittances from emigrants:

Answer: No

Code: 0

Explanation: None found

Sources: Not applicable

Measures to improve banking channels for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of fee controls for remittances:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.2.2. Investment

EMIGRANT_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):

Answer: No

Code: 0

Explanation: In 2017, the government loosened the requirements for being considered a resident amid protests from overseas Korean investors who were obliged to stay in Korea for 3 months out of a year in order to enjoy the same tax privileges as resident Koreans. Rather than a program to attract investments, this was the removal of a tax regulation that affected overseas Koreans investment chances, but merely made the ground more even; it is not an investment program specifically targeting overseas Koreans.

Sources: Ministry of Strategy and Finance 기획재정부. “년 세법개정안 보도자료 [2017 Revisions to Tax Law Report 2017]”. Access date not available.
http://www.mosf.go.kr/nw/nes/detailNesDtaView.do?searchBbsId1=MOSFBBS_000000000028&searchNttId1=MOSF_000000000010179&menuNo=4010100.

2.2.3. Brain circulation networks

EMIGRANT_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?

Answer: Yes

Code: 1

Explanation: Yes. The Overseas Koreans Foundation (재외동포재단) has several projects to foster networking and knowledge sharing. One example is the Hansang Network Project is a network of businesspeople around the world that provides databases, networks, information, seminars, internship opportunities, etc. It promotes business relations and exchanges between the global network and domestic businesses as well as partnerships among overseas businesspeople. There is an annual "World Korean Business Convention" that is held in Korea as well.

Sources: Overseas Koreans Foundation. "한상 [Hansang]". Access date not available.
<http://www.hansang.net/portal/PortalView.do>.

2.2.4. Return policies

EMIGRANT_39. Recognition of academic and professional qualifications acquired in the state of residence:

Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:

Answer: Yes

Code: 1

Explanation: Recognition of academic qualifications up to high school diplomas is regulated by the Ministry of Education. For university degrees and other certificates, a Korean consul in the country of residence may confirm the authenticity of the document. If the country of residence is also signatory to the Apostille Convention, the process must comply with the Convention guidelines.

Sources: Notarial Acts Done at Diplomatic Missions Abroad Act. 1963. Art. 30.

Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

EMIGRANT_40. Communication campaigns aiming to convince emigrants to return to home country:

Answer: No

Code: 0

Explanation: None found.

Sources: Not applicable

EMIGRANT_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Not applicable

EMIGRANT_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Not applicable

2.3. Social Policies

2.3.1. Retirement benefits

EMIGRANT_43. Retirement benefits after emigration (i.e. pensions):

Answer: Yes

Code: 1

Explanation: Yes, emigrants are eligible to receive pension payments from abroad. In general, for those below retirement age (60 years old), emigrants are no longer eligible to keep contributing to the National Pension Fund as per Article 12 of the National Pension Act. However, if the Korean government has signed an agreement for mutual recognition of social rights, they can be eligible to combine the existing pension contributions with the new contributions in the country of destination, as per Article 127 of the National Pension Act.

Sources: National Pension Act. 1986. Art. 127. / 정부 24 Cheongbu24. “국민연금 해외 송금 신청 [Application for Overseas Withdrawal of National Pension Funds]”. Accessed July 11, 2019. <https://www.gov.kr/portal/service/serviceInfo/PTR000050224>.

2.3.2. Health care benefits

EMIGRANT_44. Health care benefits.

Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Immigration and Legal Status of Overseas Koreans Act. 1999.

Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:

Answer: Yes

Code: 1

Explanation: Article 14 (Health Insurance): Where a Korean national residing abroad who has completed resident registration and a foreign nationality Korean who has reported the domestic place of residence stays in the Republic of Korea for at least ninety days, he/she may seek the benefit of health insurance, as prescribed by health insurance-related Acts and subordinate statutes. [This Article Wholly Amended by Act No. 8896, Mar. 14, 2008].

Sources: Immigration and Legal Status of Overseas Koreans Act. 1999. Art. 14.

Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Immigration and Legal Status of Overseas Koreans Act. 1999.

2.3.3. Education

EMIGRANT_45. Education programs for emigrants.

Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Act on the Educational Support, etc. for Korean Nationals Residing Abroad. 2007.

State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):

Answer: Yes

Code: 1

Explanation: Article 1 (Purpose): The purpose of this Act is to provide for necessary matters concerning the establishment, operation and support of educational organizations abroad and educational institutions abroad, including Korean schools established in foreign countries to support the school education and lifelong education for Korean nationals residing abroad. Article 31 (State Subsidies): The State may subsidize the following expenses for educational institutions abroad, educational organizations abroad and school juristic persons, within the scope of a budget, as prescribed by Presidential Decree: 1. All or some expenses incurred in establishing Korean schools; 2. All or some expenses incurred in the operation and business of educational institutions abroad and educational organizations abroad.

Sources: Act on the Educational Support, etc. for Korean Nationals Residing Abroad. 2007. Art. 1 and 31.

State of origin offers language courses to emigrants to learn the language of the state of reception:

Answer: Yes

Code: 1

Explanation: Article 1 (Purpose): The purpose of this Act is to provide for necessary matters concerning the establishment, operation and support of educational organizations abroad and educational institutions abroad, including Korean schools established in foreign countries to support the school education and lifelong education for Korean nationals residing abroad. Article 31 (State Subsidies): The State may subsidize the following expenses for educational institutions abroad, educational organizations abroad and school juristic persons, within the scope of a budget, as prescribed by Presidential Decree: 1. All or some expenses incurred in establishing Korean schools; 2. All or some expenses incurred in the operation and business of educational institutions abroad and educational organizations abroad.

Sources: Act on the Educational Support, etc. for Korean Nationals Residing Abroad. 2007. Art. 1 and 31.

2.4. Cultural policies

2.4.1. Visits to country of origin

EMIGRANT_46. State of origin organizes visits to the origin country for emigrants on a regular basis:

Answer: Yes

Code: 1

Explanation: Yes. The Overseas Koreans future generation projects from the Overseas Koreans Foundation organizes visits to the home country for overseas Korean youth for education and cultural experience. Establish a next-generation network and cultivate a global leader in Korean society.

Sources: Overseas Korean Foundation 재외동포재단. “사업안내 [Activities of the Organization]”. Accessed July 13, 2018. http://www.okf.or.kr/homepage/business/fund_business.do.

2.4.2. Language courses for emigrants

EMIGRANT_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):

Answer: Yes

Code: 1

Explanation: Yes, there are Korean language schools set up for the education of Koreans abroad that are supported by Education Centers which are themselves established by the Minister of Education.

Sources: Act on the Educational Support, etc. for Korean Nationals Residing Abroad. 2007.

2.5. Obligations

2.5.1. Military service

EMIGRANT_48. Emigrants have the obligation to comply with military service:

Answer: Military service mandatory for residents and nonresidents

Code: 1

Explanation: Article 3 (Mandatory Military Service): (1) Every masculine gender of the Republic of Korea shall faithfully perform mandatory military service, as prescribed by the Constitution of the Republic of Korea and this Act. A feminine gender may perform only active service or reserve service through volunteering. (2) Unless otherwise prescribed in this Act, no special exception to mandatory military service shall be prescribed. (3) Any person wishing to engage in mandatory military service or voluntary military service under paragraph (1) shall be protected against discrimination on the grounds of race, skin color, etc. (4) No person liable for military service but sentenced to imprisonment with or without labor for at least six years is allowed to perform military service, and his name shall be expunged from the military register.

Sources: Military Service Act. 1993. Art. 3.

2.5.2. Social service

EMIGRANT_49. Emigrants have the obligation to comply with social service:

Answer: No existence of social service

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

2.5.3. Taxes

EMIGRANT_50. Obligation to pay taxes in state of origin

Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: Emigrants need to pay taxes on income that originates in the territory, such as from real estate, stocks, business rights, etc. following the principle of territoriality. However, emigrants who own stocks are liable for a special tax. Article 118-9 (Resident's Obligation to Pay Taxes upon Departure): A person who meets each of the following criteria and leaves the Republic of Korea (hereinafter referred to as "person moving abroad") is obligated to pay income tax on gains on the valuation of stocks, etc. held under Article 94 (1) 3 at the time the person departs from the Republic of Korea: 1. The sum of the periods during which the person has had a domicile or place of residence in the Republic of Korea for ten years before the date of departure is at least five years; 2. The person is a majority stockholder specified by Presidential Decree, in view of the ratio, total market value, etc. of the stocks, etc. held as at the end of the year immediately preceding the year in which the person leaves the Republic of Korea. (2) The gains on the valuation under paragraph (1) shall be deemed capital gains in calculating the tax base and tax amount. (3) The scope of persons moving abroad and other necessary matters shall be prescribed by Presidential Decree. [This Article Newly Inserted by Act No. 14389, Dec. 20, 2016] Article 118-9.

Sources: Income Tax Act. 1994. Art. 118-9.

There are special taxes for emigrants:

Answer: Yes

Code: 1

Explanation: Emigrants who own a significant number of stocks are liable for a special tax.

Sources: Income Tax Act. 1994.

2.6. Administration

2.6.1. Home country administration

EMIGRANT_51. Existence of a home country administration agency/body for emigrants in state of origin.

Existence of institution/agency with competencies for emigrant policies:

Answer: Yes

Code: 1

Explanation: Ministry of Foreign Affairs [외교부], Overseas Koreans Consular Services [재외동포영사실], Office of Overseas Koreans Consular Planning [재외동포영사기획관], Department of Overseas Koreans [재외동포과] (in descending order of the hierarchy) - this department is in charge of producing reports with data on overseas Koreans and coordinating the Overseas Koreans Foundation (OKF) which is an umbrella organization overseeing numerous initiatives on emigrant outreach and networking. OKF is administered by the Overseas Koreans Foundation Act from the Ministry of Foreign Affairs.

Sources: Overseas Koreans Foundation Act. 1997.

Name of the institution with competencies for emigrant policies in original language:

Answer: 재외동포과

Name of the institution with competencies for emigrant policies in English:

Answer: Department of Overseas Koreans

EMIGRANT_52. Place in the administrative hierarchy:

Answer: 4th Rank in the public administration

Code: 0.25

Explanation: Ministry of Foreign Affairs [외교부], Overseas Koreans Consular Services [재외동포영사실], Office of Overseas Koreans Consular Planning [재외동포영사기획관], Department of Overseas Koreans [재외동포과] (in order of the hierarchy).

Sources: Overseas Koreans Foundation Act. 1997.

2.6.2. Consular network

EMIGRANT_53: Number of consulates.

Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):

Answer: 181

Code: 181

Explanation: 181 is the total number of embassies, consulates, and diplomatic missions as of 2018.

Sources: Ministry of Foreign Affairs. "Quick Links to Diplomatic Missions". Accessed July 30, 2018. https://www.mofa.go.kr/introduce/abroad/information/installation/index.jsp?mofat=001&menu=m_70_30_10#.

Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):

Answer: 71

Code: 71

Explanation: 71 countries.

Sources: Embassy WorldWide. "South Korea - Embassies and Consulates Worldwide". Accessed July 25, 2019. <https://www.embassy-worldwide.com/country/south-korea/>.

2.6.3. New consular functions

EMIGRANT_54: Extensions to the consular network services.

Existence of mobile consulates:

Answer: No

Code: 0

Explanation: No such extended service was found to be offered by Korean consulates.

Sources: The websites of several consulates were consulted in order to answer this question.

Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: No

Code: 0

Explanation: No such extended service was found to be offered by Korean consulates.

Sources: The websites of several consulates were consulted in order to answer this question.

Consulates offer some services online:

Answer: No

Code: 0

Explanation: No such extended service was found to be offered by Korean consulates.

Sources: The websites of several consulates were consulted in order to answer this question.

EMIGRANT_55: Adoption of new consular functions.

Consulates offer financial consultancy:

Answer: No

Code: 0

Explanation: This consular function was not listed among the activities on the websites for the US and Germany.

Sources: The websites of several consulates were consulted in order to answer this question.

Consulates offer psychological consultancy:

Answer: No

Code: 0

Explanation: This consular function was not listed among the activities on the websites for the US and Germany.

Sources: The websites of several consulates were consulted in order to answer this question.

Consulates offer health services:

Answer: No

Code: 0

Explanation: This consular function was not listed among the activities on the websites for the US and Germany.

Sources: Not applicable

2.6.4. Special offices

EMIGRANT_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):

Answer: No

Code: 0

Explanation: No special migrant offices.

Sources: Not applicable

3. Emigrant citizenship and nationality policies

CITNAT: Does the country make a distinction between citizenship and nationality?

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: No. Gukjeok is the all-encompassing term used to denote both citizenship and nationality. "In Korean law, the term gukjeok is used to denote the legal bond between a person and a state or an individual's "quality of being a subject of a certain state" (Jennings & Watts 1992: 851). There is no need to distinguish between citizenship and nationality in explaining Korean law, because Korea's official legal principle is that all people who possess gukjeok equally enjoy the legal status and the bundle of rights reserve for the full members of the state community." (pages 1-2).

Sources: Lee, Chulwoo. Report on Citizenship Law: The Republic of Korea. Fiesole: Global Citizenship Observatory (GLOBALCIT), February 2017. Access date not available.

3.1. Emigrant nationality

3.1.1. Dual nationality for emigrants

EMINAT_1. Deprivation of nationality for having acquired a foreign nationality.

Loss of nationality for acquisition of foreign citizenship (nationals by birth):

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: Article 15 (Loss of Nationality Following Acquisition of Foreign Nationality): (1) A national of the Republic of Korea who voluntarily acquires the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time when he/she acquires the foreign nationality. (2) Any of the following nationals of the Republic of Korea shall be deemed to have lost his/her nationality of the Republic of Korea retroactively from the time of acquisition of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice within six months after acquisition of the foreign nationality: 1. A person who has acquired the same nationality as his/her spouse, through marriage to an alien; 2. A person who has acquired the nationality of an adoptive father or mother through adoption by an alien; 3. A person who has acquired the nationality of his/her father or mother through acknowledgement by a foreign father or mother; 4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the acquisition of a foreign nationality, and has concurrently acquired the foreign nationality under Acts of the foreign country. (3) With respect to a person who has lost the nationality of the Republic of Korea due to the acquisition of that of a foreign country, where the date of acquisition of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be deemed to be the date he/she acquired the nationality of the foreign country. (4) Procedures for reporting under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

Nationality can be withdrawn only if person resides abroad:

Answer: No

Code: 0

Explanation: Article 15 (Loss of Nationality Following Acquisition of Foreign Nationality): (1) A national of the Republic of Korea who voluntarily acquires the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time when he/she acquires the foreign nationality. (2) Any of the following nationals of the Republic of Korea shall be deemed to have lost his/her nationality of the Republic of Korea retroactively from the time of acquisition of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice within six months after acquisition of the foreign nationality: 1. A person who has acquired the same nationality as his/her spouse, through marriage to an alien; 2. A person who has acquired the nationality of an adoptive father or mother through adoption by an alien; 3. A person who has acquired the nationality of his/her father or mother through acknowledgement by a foreign father or mother; 4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the acquisition of a foreign nationality, and has concurrently acquired the foreign nationality under Acts of the foreign country. (3) With respect to a person who has lost the nationality of the Republic of Korea due to the acquisition of that of a foreign country, where the date of acquisition of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be deemed to be the date he/she acquired the nationality of the foreign country. (4) Procedures for reporting under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

Nationality can be withdrawn only if person was born abroad:

Answer: No

Code: 0

Explanation: Article 15 (Loss of Nationality Following Acquisition of Foreign Nationality): (1) A national of the Republic of Korea who voluntarily acquires the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time when he/she acquires the foreign nationality. (2) Any of the following nationals of the Republic of Korea shall be deemed to have lost his/her nationality of the Republic of Korea retroactively from the time of acquisition of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice within six months after acquisition of the foreign nationality: 1. A person who has acquired the same nationality as his/her spouse, through marriage to an alien; 2. A person who has acquired the nationality of an adoptive father or mother through adoption by an alien; 3. A person who has acquired the nationality of his/her father or mother through acknowledgement by a foreign father or mother; 4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the acquisition of a foreign nationality, and has concurrently acquired the foreign nationality under Acts of the foreign country. (3) With respect to a person who has lost the nationality of the Republic of Korea due to the acquisition of that of a foreign country, where the date of acquisition of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be deemed to be the date he/she acquired the nationality of the foreign country. (4) Procedures for reporting under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:

Answer: 1

Code: 1

Explanation: Article 15 (Loss of Nationality Following Acquisition of Foreign Nationality): (1) A national of the Republic of Korea who voluntarily acquires the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time when he/she acquires the foreign nationality. (2) Any of the following nationals of the Republic of Korea shall be deemed to have lost his/her nationality of the Republic of Korea retroactively from the time of acquisition of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice within six months after acquisition of the foreign nationality: 1. A person who has acquired the same nationality as his/her spouse, through marriage to an alien; 2. A person who has acquired the nationality of an adoptive father or mother through adoption by an alien; 3. A person who has acquired the nationality of his/her father or mother through acknowledgement by a foreign father or mother; 4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the acquisition of a foreign nationality, and has concurrently acquired the foreign nationality under Acts of the foreign country. (3) With respect to a person who has lost the nationality of the Republic of Korea due to the acquisition of that of a foreign country, where the date of acquisition of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be deemed to be the date he/she acquired the nationality of the foreign country. (4) Procedures for reporting under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

Loss of nationality can be prevented:

Answer: Yes

Code: 1

Explanation: Loss of nationality can be prevented only for people who do not voluntarily acquire nationality of another country (i.e. in cases of minors or spouses for which the acquisition of a foreign nationality is not a sovereign decision).

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

3.1.2. Dual nationality only for some countries of residence

EMINAT_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.

Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:

Answer: No

Code: 1

Explanation: Article 15 (Loss of Nationality Following Acquisition of Foreign Nationality): (1) A national of the Republic of Korea who voluntarily acquires the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time when he/she acquires the foreign nationality. (2) Any of the following nationals of the Republic of Korea shall be deemed to have lost his/her nationality of the Republic of Korea retroactively from the time of acquisition of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice

within six months after acquisition of the foreign nationality: 1. A person who has acquired the same nationality as his/her spouse, through marriage to an alien; 2. A person who has acquired the nationality of an adoptive father or mother through adoption by an alien; 3. A person who has acquired the nationality of his/her father or mother through acknowledgement by a foreign father or mother; 4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the acquisition of a foreign nationality, and has concurrently acquired the foreign nationality under Acts of the foreign country. (3) With respect to a person who has lost the nationality of the Republic of Korea due to the acquisition of that of a foreign country, where the date of acquisition of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be deemed to be the date he/she acquired the nationality of the foreign country. (4) Procedures for reporting under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

Which countries:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.3. Loss of nationality after residence abroad

EMINAT_3: Loss of nationality after residence abroad.

Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: No, nationals do not lose their nationality due to residence abroad.

Sources: 國籍法 [Nationality Act]. 2016.

Nationality can be withdrawn only if person resides abroad for 20 years or more:

Answer: No

Code: 0

Explanation: No. The conditions of loss of nationality for naturalized persons only apply in certain cases that deal with security threat or public order.

Sources: Act N° 10275. 2010. Art. 14-3.

Nationality can be withdrawn only if person has another citizenship:

Answer: No

Code: 0

Explanation: No. The conditions of loss of nationality for naturalized persons only apply in certain cases that deal with security threat or public order.

Sources: Act N° 10275. 2010. Art. 14-3.

Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:

Answer: No provision

Code: 1

Explanation: No. The conditions of loss of nationality for naturalized persons only apply in certain cases that deal with security threat or public order.

Sources: Act N° 10275. 2010. Art. 14-3.

3.1.4. Jus sanguinis for emigrants

EMINAT_4: Transfer of nationality to children born abroad.

Country of origin permit parents to confer their nationality on their children who are born abroad:

Answer: Yes

Code: 1

Explanation: Yes, South Korea confers nationality to children who have at least one parent who is a Korean national upon birth. Article 2 (Attainment of Nationality by Birth): (1) Any of the following persons shall be a national of the Republic of Korea at birth: 1. A person whose father or mother is a national of the Republic of Korea at the time of the person's birth; 2. A person whose father was a national of the Republic of Korea at the time of the father's death, if the person's father died before the person's birth; 3. A person who was born in the Republic of Korea, if both of the person's parents are unknown or have no nationality. (2) An abandoned child found in the Republic of Korea shall be deemed born in the Republic of Korea. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 2.

Transfer of nationality is applicable to:

Answer: No limit

Code: 0

Explanation: No limit in main regulations. Article 2 (Attainment of Nationality by Birth): (1) Any of the following persons shall be a national of the Republic of Korea at birth: 1. A person whose father or mother is a national of the Republic of Korea at the time of the person's birth; 2. A person whose father was a national of the Republic of Korea at the time of the father's death, if the person's father died before the person's birth; 3. A person who was born in the Republic of Korea, if both of the person's parents are unknown or have no nationality. (2) An abandoned child found in the Republic of Korea shall be deemed born in the Republic of Korea. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 2.

3.1.5. Jus sanguinis across generations

EMINAT_5: Transfer of nationality to children born abroad from former citizens.

Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens

Answer: No

Code: 0

Explanation: Lineal descendants do not have privileged access to nationality, only certain residence permits.

Sources: 國籍法 [Nationality Act]. 2016.

Transfer of nationality is applicable to:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

3.1.6. Renunciation of nationality is possible

EMINAT_6: Voluntary renunciation of nationality abroad is possible.

Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:

Answer: Renunciation is possible

Code: 1

Explanation: Renunciation of nationality is possible at any point after becoming a dual national, except for conscripted nationals. A national over 20 years of age is required to choose one nationality within two years of obtaining another nationality. However, a national who has been assigned to the preliminary military service has to renounce their nationality within three months of enlistment. Also, those who were born abroad while his parents had no intention of permanently residing abroad can only renounce their nationality if they have completed military service, enlisted in second militia service, or has received an exemption.

Sources: 國籍法 [Nationality Act]. 2016. Art. 12.

Renunciation abroad is only possible if person has another nationality:

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Renunciation of nationality is possible at any point after becoming a dual national, except for conscripted nationals. A national over 20 years of age is required to choose one nationality within two years of obtaining another nationality.

Sources: 國籍法 [Nationality Act]. 2016. Art. 12.

Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:

Answer: No

Code: 0

Explanation: Although those born abroad can renounce nationality, there are more requisites. Renunciation of nationality is possible at any point after becoming a dual national, except for conscripted nationals. A national over 20 years of age is required to choose one nationality within two years of obtaining another nationality. However, a national who has been assigned to the preliminary military service has to renounce their nationality within three months of enlistment. Also, those who were born abroad while his parents had no intention of permanently residing abroad can only renounce their nationality if they have completed military service, enlisted in second militia service, or has received an exemption.

Sources: 國籍法 [Nationality Act]. 2016. Art. 12.

3.1.7. Reacquisition of nationality

EMINAT_7. Country of origin provides for reacquisition of nationality for former nationals:

Answer: Yes

Code: 1

Explanation: Yes, reacquisition is allowed in general, but it is prohibited for certain categories of people.

Sources: 國籍法 [Nationality Act]. 2016. Art. 9 and 11.

3.2. Emigrant citizenship

3.2.1. Citizenship restrictions for dual nationals

EMICIT_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):

Answer: Restrictions if less than 5 years living abroad

Code: 0

Explanation: Dual nationals are treated as Korean nationals where domestic laws and regulations apply. However, there may be restrictions where it comes to performing official duties. As well, the Minister of Justice has discretionary powers to allow the head of a central administrative agency to enact or amend a statute so that a dual national can be treated as an alien.

Sources: 國籍法 [Nationality Act]. 2016. Art. 11-2.

3.2.2. Different citizenship for emigrants

EMICIT_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?

Answer: Yes

Code: 1

Explanation: Yes. Nationals who are residing abroad with the intention of living there permanently are categorized as "Overseas Koreans" -and more specifically as "Korean national residing abroad"-along with former nationals of South Korea or linear descendants. Article 2 (Definitions) The term "overseas Korean" in this Act means a person who falls under any of the following subparagraphs: 1. A national of the Republic of Korea who has acquired the right of permanent residence in a foreign country or is residing in a foreign country with a view to living there permanently (hereinafter referred to as a "Korean national residing abroad"); 2. A person prescribed by Presidential Decree from among those who, having held the nationality of the Republic of Korea (including those who had emigrated abroad before the Government of the Republic of Korea was established) or as their lineal descendants, have acquired the nationality of a foreign country (hereinafter referred to as a "foreign nationality Korean"). [This Article Wholly Amended by Act No. 8896, Mar. 14, 2008].

Sources: Immigration and Legal Status of Overseas Koreans Act. 1999. Art. 2.

3.2.3. Loss or suspension of citizen rights after residence abroad

EMICIT_3: Country deprives their national citizens by birth who emigrated of their citizen rights.

Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: A Korean national residing abroad is treated the same as a foreign nationality Korean (overseas Korean) where certain economic rights under articles of the Foreign Exchange Transactions Act are concerned. In other areas such as health rights or political rights, there are no suspensions of citizenship rights.

Sources: Immigration and Legal Status of Overseas Koreans Act. 1999. Art. 13.

Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) *If it is not specified in the regulation, it is coded as restrictions not conditional to return:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4. Immigration policies

4.1. General

4.1.1. Number of entry tracks

IMMIGRATION_1. How many visa types does the country have?

Answer: 38

Code: 38

Explanation: A-1 Diplomatic, A-2 Government official, B-1 Visa exemption, B-2 Tourist/Travel, C-1 Short-term news coverage, C-3 Short-term visit, C-4 Short-term employment, D-1 Arts and culture, D-2 Student, D-3 Skills training, D-4 General study/trainee, D-5 Journalism, D-6 Religion, D-7 Supervisor, D-8 Corporate investment, D-9 International trade, D-10 Job-seeker, E-1 Professor, E-2 Foreign language instruction, E-3 Research E-4, Technology transfer, E-5 Professional employment (presumably trades), E-6 Art and entertainment, E-7 Designated activities, E-9 Non-professional employment, E10 Ship crew employment, F-1 Visiting or joining family, F-2 Resident, F-3 Accompanying spouse/child, F-4 Overseas Korean, F-5 Permanent Resident, F-6 Marriage migrant G-1, Miscellaneous, H-1 Working holiday (or tourism employment?!), H-2 Working visit (family connection, overseas Korean), T-1 Tourist, Flight crew Miscellaneous, Miscellaneous.

Sources: Korea Immigration Service Ministry of Justice. “출입국, 외국인정책 내부용 통계월보 [Entry and Exit and Foreigner Policy - Monthly Internal Statistics Report]”. Access date not available. http://www.moj.go.kr/doc_html/viewer/skin/doc.html?fn=d4a61cbb9b79950d519f77841ac9c7ca&rs=/doc_html/viewer/result/201805/.

IMMIGRATION_2: Categorical organization of visas

Are the visas organized by overarching categories?

Answer: Yes

Code: 1

Explanation: Yes, there are ostensibly broader categories ordering the visas, seen by the alphabetized system (A, B, C, D, etc.). However, there is no label for these categories per the alphabet and no elaboration to be found where the visas are officially listed.

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2018.

How many categories?

Answer: 8

Code: 8

Explanation: A: Official purpose B: Tourism C: Short-term economic visit D: Students and miscellaneous E: Employment F: Family reunion and long-term stay G: Miscellaneous, including refugees H: Special employment. There does not seem to be a hierarchy.

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2018.

4.1.2. Biometric information

IMMIGRATION_3: Collection of biometric information.

Does the state collect biometric information from all citizens for example for passports?

Answer: Yes

Code: 1

Explanation: Fingerprints.

Sources: Passport Act. 2008. Art. 8.

Does the state collect biometric information from immigrants for example for passports?

Answer: Yes

Code: 1

Explanation: Finger-printed and photographed.

Sources: Passport Act. 2008. Art. 8. / Immigration Act. 1992. Art. 2 and 12.

4.1.3. Visa waivers

IMMIGRATION_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?

Answer: No

Code: 0

Explanation: No. Visa waivers through exemption agreements only exist for tourism purposes.

Sources: Immigration Act. 1992. Art. 7.

4.2. Documentation

IMMIGRATION_5: Issue of legal compulsory identification documents.

Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?

Answer: Yes

Code: 1

Explanation: Immigrants need to apply for an Alien Registration Certificate within 90 days of staying in South Korea. All immigrants need to carry an identity document with them at all times, which can be a passport, seafarers' identity document, alien entry permit, alien registration certificate or landing permit.

Sources: Immigration Act. 1992. Art. 27.

Are they required to carry them at all times?

Answer: Yes

Code: 1

Explanation: Immigrants need to apply for an Alien Registration Certificate within 90 days of staying in South Korea. All immigrants need to carry an identity document with them at all times, which can be a passport, seafarers' identity document, alien entry permit, alien registration certificate or landing permit.

Sources: Immigration Act. 1992. Art. 27.

4.3. Quotas and restrictions

4.3.1. General quota

IMMIGRATION_6: General quota for immigration.

Is there a general quota (numerical limit) for immigration?

Answer: No

Code: 1

Explanation: No quotas in main regulations.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>. / Immigration Act. 1992.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.3.2. Specific quotas

IMMIGRATION_7: Quota for high-skilled migrants.

Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?

Answer: No

Code: 1

Explanation: No quota found for E class visas (where E-5 is the relevant visa for foreign medical doctors).

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_8: Quota for low-skilled migrants.

Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?

Answer: Yes

Code: 0

Explanation: Yes. Quotas are announced by year. Agricultural workers: In December 2017, the 25th Foreign Workforce Policy Committee announced that 56000 workers would be hired under the Employment Permit System, for the E-9 Visa. Domestic workers: The same report says that the number of H-2 visa holders will be kept to 303,000. (This does not apply for those H-2 visa holders sponsored by family members who are Korean nationals).

Sources: Ministry of Employment and Labor 고용노동부. “내년도 외국인근로자, 5 만 6 천명으로 도입 확정 [Decision to Accept 56000 Foreign Workers next Year]”. Access date not available.
http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=8328.

Number of people that make up the quota:

Answer: 56000

Code: 56000

Explanation: Agricultural workers: In December 2017, the 25th Foreign Workforce Policy Committee announced that 56000 workers would be hired under the Employment Permit System, for the E-9 Visa. Domestic workers: The same report says that the number of H-2 visa holders will be kept to 303,000. (This does not apply for those H-2 visa holders sponsored by family members who are Korean nationals).

Sources: Ministry of Employment and Labor 고용노동부. “내년도 외국인근로자, 5 만 6 천명으로 도입 확정 [Decision to Accept 56000 Foreign Workers next Year]”. Access date not available.
http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=8328.

IMMIGRATION_9: Quota for refugees.

Is there a quota (numerical limit) on the number of refugees?

Answer: No

Code: 1

Explanation: No quota for refugees. While there is a policy for accepting asylum seekers and refugees (in fact South Korea was the first country in Asia to pass a refugee law), there is no information about quotas beyond media reports that point out the decreasing number of accepted refugees over time.

Sources: Refugee Act. 2012.

Number of people that make up the quota:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_10: Quota for co-ethnics.

Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?

Answer: Yes

Code: 0

Explanation: For the H-2 Visa, there was a quota of 303000 ethnic Korean workers who could be present in Korea at any time. However, there was no number quoted for entry restrictions.

Sources: Ministry of Employment and Labor. "Decision to Accept 56000 Foreign Workers next Year 내년도 외국인근로자, 5 만 6 천명으로 도입 확정." Ministry of Employment and Labor 고용노동부, December 22, 2017. http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=8328.

Number of people that make up the quota:

Answer: 303000

Code: 303000

Explanation: For the H-2 Visa, there was a quota of 303000 ethnic Korean workers who could be present in Korea at any time. However, there was no number quoted for entry restrictions.

Sources: Ministry of Employment and Labor 고용노동부. "내년도 외국인근로자, 5 만 6 천명으로 도입 확정 [Decision to Accept 56000 Foreign Workers next Year]". Access date not available. http://www.moel.go.kr/news/enews/report/enewsView.do?news_seq=8328.

4.3.3. List of excluded persons

IMMIGRATION_11: Categories of excluded persons.

Are there categories of excluded persons from immigration?

Answer: Yes

Code: 0

Explanation: Article 11 (Prohibition, etc. of Entry): (1)The Minister of Justice may prohibit an alien from entering the Republic of Korea if the alien is: 1. A patient with an infectious disease, an addict to narcotics, or a person deemed likely to pose a threat to public health; 2. A person who intends to enter the Republic of Korea unlawfully, carrying a firearm, knife, sword, explosives, etc. specified in the Act on the Safety Management of Firearms, Knives, Swords, Explosives, Etc.; 3. A person deemed highly likely to engage in any conduct harming the interests or public security of the Republic of Korea; 4. A person deemed highly likely to engage in any conduct disturbing economic or social order or good morals; 5. A mentally disabled person who is void of a capacity of discriminating sense and has no person to assist his/her stay in the Republic of Korea, a person who cannot afford expenses incurred in relation to his/her stay in the Republic of Korea, and a person in need of relief; 6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order; 7. A person who took part in the slaughter or cruel treatment of people on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under an instruction from, or in liaison with, any of the following governments during the period from August 29, 1910 to August 15, 1945: (a) The Japanese government; (b) Any government in alliance with the Japanese government; (c) Any government on which the Japanese government exercised predominant influence; 8. A person equivalent to those referred to in subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice. (2) If the home country of an alien who intends to

enter the Republic of Korea refuses the entry of a Korean national for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such alien for the same reason. [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 11.

List of categories of excluded persons:

Answer: Article 11 (Prohibition, etc. of Entry): (1)The Minister of Justice may prohibit an alien from entering the Republic of Korea if the alien is: 1. A patient with an infectious disease, an addict to narcotics, or a person deemed likely to pose a threat to public health; 2. A person who intends to enter the Republic of Korea unlawfully, carrying a firearm, knife, sword, explosives, etc. specified in the Act on the Safety Management of Firearms, Knives, Swords, Explosives, Etc.; 3. A person deemed highly likely to engage in any conduct harming the interests or public security of the Republic of Korea; 4. A person deemed highly likely to engage in any conduct disturbing economic or social order or good morals; 5. A mentally disabled person who is void of a capacity of discriminating sense and has no person to assist his/her stay in the Republic of Korea, a person who cannot afford expenses incurred in relation to his/her stay in the Republic of Korea, and a person in need of relief; 6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order; 7. A person who took part in the slaughter or cruel treatment of people on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under an instruction from, or in liaison with, any of the following governments during the period from August 29, 1910 to August 15, 1945: (a) The Japanese government; (b) Any government in alliance with the Japanese government; (c) Any government on which the Japanese government exercised predominant influence; 8. A person equivalent to those referred to in subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice. (2) If the home country of an alien who intends to enter the Republic of Korea refuses the entry of a Korean national for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such alien for the same reason. [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Code: Article 11 (Prohibition, etc. of Entry): (1)The Minister of Justice may prohibit an alien from entering the Republic of Korea if the alien is: 1. A patient with an infectious disease, an addict to narcotics, or a person deemed likely to pose a threat to public health; 2. A person who intends to enter the Republic of Korea unlawfully, carrying a firearm, knife, sword, explosives, etc. specified in the Act on the Safety Management of Firearms, Knives, Swords, Explosives, Etc.; 3. A person deemed highly likely to engage in any conduct harming the interests or public security of the Republic of Korea; 4. A person deemed highly likely to engage in any conduct disturbing economic or social order or good morals; 5. A mentally disabled person who is void of a capacity of discriminating sense and has no person to assist his/her stay in the Republic of Korea, a person who cannot afford expenses incurred in relation to his/her stay in the Republic of Korea, and a person in need of relief; 6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order; 7. A person who took part in the slaughter or cruel treatment of people on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under an instruction from, or in liaison with, any of the following governments during the period from August 29, 1910 to August 15, 1945: (a) The Japanese government; (b) Any government in alliance with the Japanese government; (c) Any government on which the Japanese government exercised predominant influence; 8. A person equivalent to those referred to in subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice. (2) If the home country of an alien who intends to enter the Republic of Korea refuses the entry of a Korean national for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such alien for the same reason. [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Explanation: Article 11 (Prohibition, etc. of Entry): (1)The Minister of Justice may prohibit an alien from entering the Republic of Korea if the alien is: 1. A patient with an infectious disease, an addict to narcotics, or a person deemed likely to pose a threat to public health; 2. A person who intends to enter the Republic of Korea unlawfully, carrying a firearm, knife, sword, explosives, etc. specified in the Act on the Safety Management of Firearms, Knives, Swords, Explosives, Etc.; 3. A person deemed highly likely to engage in any conduct harming the interests or public security of the Republic

of Korea; 4. A person deemed highly likely to engage in any conduct disturbing economic or social order or good morals; 5. A mentally disabled person who is void of a capacity of discriminating sense and has no person to assist his/her stay in the Republic of Korea, a person who cannot afford expenses incurred in relation to his/her stay in the Republic of Korea, and a person in need of relief; 6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order; 7. A person who took part in the slaughter or cruel treatment of people on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under an instruction from, or in liaison with, any of the following governments during the period from August 29, 1910 to August 15, 1945: (a) The Japanese government; (b) Any government in alliance with the Japanese government; (c) Any government on which the Japanese government exercised predominant influence; 8. A person equivalent to those referred to in subparagraphs 1 through 7 whose entry into the Republic of Korea is deemed inappropriate by the Minister of Justice. (2) If the home country of an alien who intends to enter the Republic of Korea refuses the entry of a Korean national for any reason, other than those referred to in the subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such alien for the same reason. [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 11.

4.3.4. List of excluded countries

IMMIGRATION_12: Countries excluded.

Is there a list of countries whose nationals are banned for immigration in this country?

Answer: No

Code: 1

Explanation: No such list in main regulations.

Sources: Immigration Act. 1992.

List of countries excluded:

Answer: Not applicable

Code: Not applicable

Explanation: No such list found

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal." Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

4.4. Policy incentives

4.4.1. Recognized brokers

IMMIGRATION_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):

Answer: Yes

Code: 1

Explanation: There is no evidence of a state registry for immigration consultants in South Korea. The government itself has a wide array of support services in translation, consultation, etc. This could be because the low-skilled labour migration to South Korea under the Employment Permit System is entirely managed at a government-to-government level. As well, the government may have a vested interest in managing and handling immigration matters in order to tightly control what information is shared and how. No information found for immigration brokers at large, but the basic law on treatment of foreigners states that the government may cooperate with nonprofit corporations or organizations in supporting foreigners. Also, the Marriage Brokers Business Management Act addresses international marriage broker agencies that specialize in “arranging marriages between persons of Korean nationality and foreign nationals”.

Sources: Framework Act on Treatment of Foreigners Residing in the Republic of Korea. 2007. / Marriage Brokers Business Management Act. 2007.

IMMIGRATION_14. State offers pecuniary incentives to citizens willing to immigrate:

Answer: No

Code: 0

Explanation: No financial incentive, although there is a Global Talent Visa Center that provides targeted counselling and administrative support for talented foreigners.

Sources: Korea Visa Portal. “Global Talent Visa Center”. Accessed May 27, 2019. https://www.visa.go.kr/openPage.do?MENU_ID=10403&LANG_TYPE=EN.

4.5. Immigration control and penalties

4.5.1. Irregular residence

IMMIGRATION_15: Illegal residence.

Is illegal residence in the country considered a criminal offense?

Answer: Yes

Code: 0

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

Is illegal residence considered an administrative offense?

Answer: No

Code: 1

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992.

4.5.2. Forged documents

IMMIGRATION_16: Penalties for immigrants with forged documents.

Are there penalties for immigrants for forged documents?

Answer: Yes

Code: 0

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992.

Penalty is expulsion:

Answer: Yes

Code: 2

Explanation: The Immigration Act states that if an immigration control official finds the passport or seafarers' identity document of an immigration offender who is currently under investigation for a violation of this Act, and subject to deportation under Article 46, he/she may withdraw and take custody thereof.

Sources: Immigration Act. 1992.

Penalty is a fine:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992.

Penalty is detention:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992.

Penalty is imprisonment:

Answer: No

Code: 1

Explanation: No provision in main regulations.

Sources: Immigration Act. 1992.

IMMIGRATION_17: Penalties for immigrants with expired documents.

Are there penalties for immigrants with expired documents?

Answer: Yes

Code: 0

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

Penalty is expulsion:

Answer: No

Code: 1

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

Penalty is a fine:

Answer: Yes

Code: 2

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

Penalty is detention:

Answer: No

Code: No

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: Article 94 of the Immigration Act establishes that a person who overstays his/her authorized period of stay in the Republic of Korea or stays not in compliance with his/her status of stay, in violation of Article 17 (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million.

Sources: Immigration Act. 1992. Art. 94.

4.5.3. Aiding undocumented migrants

IMMIGRATION_18: Penalties for aiding undocumented migrants.**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: Yes, it is punishable by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won. However, the penalty provision states that the persons shall have had a profit-making purpose.

Sources: Immigration Act. 1992. Art. 93-2.

Penalty is a fine:

Answer: No

Code: 1

Explanation: It is punishable by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won. However, the penalty provision states that the persons shall have had a profit-making purpose.

Sources: Immigration Act. 1992. Art. 93-2.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: It is punishable by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won. However, the penalty provision states that the persons shall have had a profit-making purpose.

Sources: Immigration Act. 1992. Art. 93-2.

4.5.4. Employment obligations

IMMIGRATION_19: Penalties for employers who hire migrant workers without a legal work permit.

Are there sanctions for employers hiring migrant workers without a legal work permit?

Answer: Yes

Code: 0

Explanation: The Minister of Justice may require an employer of an alien not granted status of stay that entitles the alien to engage in job-seeking activities (hereinafter referred to as "illegal employer") to fully or partially bear expenses incurred in departing the alien from the Republic of Korea (Art. 90-2 of the Immigration Act).

Sources: Immigration Act. 1992. Art. 90-2.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: A person who arranges or solicits, as his/her business, the employment of an alien not granted status of stay that entitles the alien to engage in employment, in violation of Article 18 (4); or a person who places an alien not granted status of stay that entitles the alien to engage in job-seeking activities, under his/her control, in violation of Article 18 (5) shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding twenty million won.

Sources: Immigration Act. 1992. Art. 94.

Penalty is imprisonment:

Answer: Yes

Code: 2

Explanation: A person who arranges or solicits, as his/her business, the employment of an alien not granted status of stay that entitles the alien to engage in employment, in violation of Article 18 (4); or a person who places an alien not granted status of stay that entitles the alien to engage in job-seeking activities, under his/her control, in violation of Article 18 (5) shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding twenty million won.

Sources: Immigration Act. 1992. Art. 94.

4.5.5. Landlord obligations

IMMIGRATION_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.

Are there penalties for landlords who rent shelter to migrants without a regular migrant status?

Answer: No

Code: 1

Explanation: Although Article 81 of the Immigration Act establishes that in order to investigate whether an alien stays lawfully in compliance with this Act or any order issued under the Act, immigration control officials or public officials belonging to related agencies prescribed by Presidential Decree may visit a person who provides an alien with accommodation, no sanctions are mentioned.

Sources: Immigration Act. 1992. Art. 81.

Penalty is a fine:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Penalty is imprisonment:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.5.6. Airline penalties

IMMIGRATION_21: Penalties for airlines carrying immigrants without documentation.

Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?

Answer: Yes

Code: 0

Explanation: Art. 69, 94 and 99-3 of the Immigration Act specify penalties for airlines carrying immigrants without documentation (including fines).

Sources: Immigration Act. 1992. Art. 69, 94 and 99-3.

Sanction is a fine:

Answer: Yes

Code: 2

Explanation: Art. 69, 94 and 99-3 of the Immigration Act specify penalties for airlines carrying immigrants without documentation (including fines).

Sources: Immigration Act. 1992. Art. 69, 94 and 99-3.

Penalty is more than a fine:

Answer: No

Code: 1

Explanation: Art. 69, 94 and 99-3 of the Immigration Act specify penalties for airlines carrying immigrants without documentation (including fines).

Sources: Immigration Act. 1992. Art. 69, 94 and 99-3.

4.6. Amnesty programs

IMMIGRATION_22: Existence of amnesty program.

In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?

Answer: Yes

Code: 1

Explanation: In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Sources: Seoul Information Exchange Forum 서울시 정보소통광장. “외국인-불법체류자합법화 [Irregular Overstay Foreigners - Regularization]”. Access date not available.

<https://opengov.seoul.go.kr/civilappeal/2894480>. / 외국인 불법체류 어떻게 대응할 것인가? - 인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

The amnesty program is/was:

Answer: Exceptional (once in the timeframe analyzed)

Code: 1

Explanation: In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / 외국인-불법체류자합법화 [Irregular Overstay Foreigners – Regularization]. 2014. / 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

Being employed is/was a condition to qualify for the amnesty program:

Answer: No

Code: 0

Explanation: No such requirement found.

Sources: 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

A given duration of stay is/was a condition to qualify for the amnesty program:

Answer: Yes

Code: 1

Explanation: A given duration of stay was a condition to qualify, among others. In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Sources: 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

Having a certain nationality is/was a condition to qualify for the amnesty program:

Answer: Yes

Code: 1

Explanation: This particular program was primarily targeted at foreign nationality Koreans.

Sources: 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

Does a case by case regularization for irregular immigrants existed?

Answer: No

Code: 0

Explanation: In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Sources: Seoul Information Exchange Forum 서울시 정보소통광장. “외국인-불법체류자합법화 [Irregular Overstay Foreigners - Regularization]”. Access date not available.
<https://opengov.seoul.go.kr/civilappeal/2894480>. / 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

Being employed is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

A given duration of stay is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Having a certain nationality is a condition to qualify for the case by case regularization program:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is regularization through marriage possible:

Answer: Yes

Code: 1

Explanation: Yes, because for foreigners no proof of residence is required. Residency is not a requirement for the F-6 Visa for marriage migrants.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_23. The amnesty defines the types of irregular migrants as:

Answer: The 2011 regularization program was aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Code: The 2011 regularization program was aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence

(10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Explanation: In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

[Irregular Overstay Foreigners - Regularization 외국인-불법체류자합법화] Also, for children of undocumented or irregular migrants regularization is possible.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / 외국인-불법체류자합법화 [Irregular Overstay Foreigners – Regularization]. 2014. / 외국인 불법체류 어떻게 대응할 것인가? -인도적 방안- [How to Respond to Foreigners' Irregular Residence -Humanitarian Approach]. IOM MRTC Issue Brief. 2015.

4.7. Administration

IMMIGRATION_24_1: Administration in charge of immigration regulation.

Which institution is in charge of immigration regulation (in original language)?

Answer: Ministry of Justice

Code: Ministry of Justice

Sources: Ministry of Justice, Republic of Korea. "Korea Immigration Service | Organizational Structure". Accessed July 9, 2018. http://www.moj.go.kr/HP/ENG/eng_03/eng_3100.jsp.

Which institution is in charge of immigration regulation (in English language)?

Answer: Ministry of Justice

IMMIGRATION_24_2: Administration in charge of implementing immigration policies.

Which institution is in charge of the implementation of immigration policies (in original language)?

Answer: Ministry of Justice

Code: Ministry of Justice

Sources: Ministry of Justice, Republic of Korea. "Korea Immigration Service | Organizational Structure". Accessed July 9, 2018. http://www.moj.go.kr/HP/ENG/eng_03/eng_3100.jsp.

Which institution is in charge of immigration regulation (in English language)?

Answer: Ministry of Justice

IMMIGRATION_24_3: Administration in charge of border control.

Which institution is in charge of border control (in original language)?

Answer: Border Control Division, Korea Immigration Service, Ministry of Justice

Code: Border Control Division, Korea Immigration Service, Ministry of Justice

Sources: Ministry of Justice, Republic of Korea. "Korea Immigration Service | Organizational Structure". Accessed July 9, 2018. http://www.moj.go.kr/HP/ENG/eng_03/eng_3100.jsp.

Which institution is in charge of border control (in English language)?

Answer: Border Control Division, Korea Immigration Service, Ministry of Justice

IMMIGRATION_24_4: Administration in charge of detentions.

Which institution is in charge of detentions (in original language)?

Answer: 법무부

Code: 법무부

Explanation: The places to detain an alien shall be an immigration detention unit, immigration detention center or any other place designated by the Minister of Justice (hereinafter referred to as "detention facility").

Sources: Immigration Act. 1992.

Which institution is in charge of detentions (in English language)?

Answer: Ministry of Justice Ministry of Justice,

4.8. Proxy: Labor migration (high- and low-skilled)

IMMIGRATION_25: Visas applied to labor migration.

Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?

Answer: Yes

Code: 1

Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?

Answer: No

Code: 0

4.8.1. Domestic workers

Is there a visa scheme (entry track) for domestic workers?

Answer: Yes

Code: 1

Explanation: Work and Visit (Family Connection) (H-2-1). There are two ways to enter as a domestic worker in South Korea, either through a Work and Visit visa (H-2-1) given to co-ethnics or through a series of household assistant visas for foreigner professionals residing in South Korea (F-1-21, F-1-22, F-1-23, F-1-24). As the F-1 visas require the household assistants to already have an established contract with their employer, the answers in this questionnaire will focus on the H-2-1 visa.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: There are two ways to be granted this visa. One is to be sponsored by a Korean national who is a family member (in this case, there is no quota applied). In cases where there is no direct relative to act as a sponsor, the government can issue the H-2 visa through a lottery system, keeping to a quota for total population of H-2 visa holders.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>. / 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not required. Since H-2 visas are granted on a lottery basis, it is not possible to have a concrete job offer in advance.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Yes

Code: 0.5

Explanation: Yes. H-2 visa holders are restricted to particular occupations and after they have completed employment training upon entering the country, they can either be assigned positions by the Ministry of Employment and Labor or be independently employed at a business that has been given special approval for hiring non-nationals.

Sources: Ministry of Employment and Labor. "외국인 고용 관리시스템 [Employment Permit System]". Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).

Answer: Yes

Code: 0.5

Explanation: Eligibility for the H-2 Visa states that the person should be a previous Korean national or a lineal descendant of a Korean emigrant, but this is not specific to specific nationalities. In practice, this refers to ethnic Koreans in the PRC and former USSR countries.

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2018.

IMMIGRATION_30: Restrictions based on age.

Are there age limits for migrant domestic workers in order to be admitted to the country?

Answer: No

Code: 1

Explanation: Applicants must be above 18.

Sources: Ministry of Employment and Labor. "외국인 고용 관리시스템 [Employment Permit System]". Accessed July 20, 2018. <https://www.eps.go.kr/>.

Which minimum age?

Answer: Between 17 and 18 years

Code: 2

Explanation: Above the age of 18.

Sources: 사증발급 안내매뉴얼 (체류자격별 대상 첨부서류 등) [Visa Issuance Introductory Manual]. 2018.

IMMIGRATION_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?

Answer: No

Code: 1

Explanation: No gender criteria in main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?

Answer: No

Code: 1

Explanation: Not such criteria in main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_33. Do migrant domestic workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: Not such criteria in main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?

Answer: Yes, required

Code: 0.25

Explanation: Knowledge of Korean is required by the main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 24

Code: 24

Explanation: One of the requirements for eligibility is passing a Korean language exam and the cost of registering for this test is 24 USD. Other associated fees could be charged by partner agencies in the country of origin, but the government is not involved in this process.

Sources: EPS-TOPIK. “Registration”. Accessed July 23, 2018. <http://eps.hrdkorea.or.kr/epstopik/recp/guide/selectVisitGuideDesc.do?lang=en>.

IMMIGRATION_36. How long is the domestic work permit valid for? Indicate the period in months.

Answer: 36

Code: 36

Explanation: Three years. Article 16 (Measures Necessary for Return to Home Country) Where a foreign worker returns to his/her home country upon termination of employment, expiration of the duration of sojourn, or due to any other reason, the employer shall take such necessary measures as the settlement of payables and receivables, including wages, before the foreign worker leaves the Republic of Korea. [This Article Wholly Amended by Act No. 9798, Oct. 9, 2009].

Sources: Act on the Employment of Foreign Workers. 2003. Art. 16.

IMMIGRATION_37. Is it possible to renew the work permit granted under the domestic worker entry track?

Answer: Yes

Code: 1

Explanation: Yes, but the renewal period will be less than two years.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 18-2.

IMMIGRATION_38: Possibility of changing jobs.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?

Answer: Yes

Code: 1

Explanation: As established by Article 25 (Permission for Change of Business or Place of Business) a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office under certain circumstances.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?

Answer: Yes

Code: Yes

Explanation: As established by Article 25 (Permission for Change of Business or Place of Business) a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office under certain circumstances.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?

Answer: Yes

Code: 1

Explanation: As established by Article 25 (Permission for Change of Business or Place of Business) a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office under certain circumstances.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

IMMIGRATION_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?

Answer: No

Code: 0

Explanation: As established by Article 25 (Permission for Change of Business or Place of Business) a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office under certain circumstances (which include the termination of a previous contract).

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

IMMIGRATION_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?

Answer: No

Code: 0

Explanation: The National Labor Relations Acts such as Labor Standards Act, Minimum Wages Act, Industrial Safety and Health Act are applied to foreign workers and native Koreans equally. However, National Relations Act is not applied to those who employed in household or care-giver for the sick (equally applies to natives and foreign workers). In addition, Labor Standards Act on working hours/day-off/recess hour are not applied to the foreign workers who work in agriculture and stockbreeding industry and fishery(equally applies to natives and foreign workers).

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_41. Is a minimum level of education required to apply to the domestic entry track?

Answer: No

Code: 1

Explanation: No. Not listed in eligibility of job application.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_42. Is a test of good health required for migrant domestic worker?

Answer: Yes

Code: 0

Explanation: A medical certificate is included in the requisites of the job application.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

4.8.2. Agricultural workers

Is there a visa scheme (entry track) for agricultural workers?

Answer: Yes

Code: 1

Explanation: Covered by the Visa Agriculture (E-9-3). For a person who meets the employment requirements defined in the Employment of Foreign Workers Act and plans to work in agriculture or livestock industry.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?

Answer: No

Code: 1

Explanation: No sponsorship required to submit application to the government-designated agency in the country of origin.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?

Answer: Neither beneficial, nor required

Code: 1

Explanation: It is not possible to have a previous job offer as the EPS places workers in a pool that employers select from.

Sources: Ministry of Employment and Labor. "외국인 고용 관리시스템 [Employment Permit System]". Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?

Answer: Yes

Code: 0.5

Explanation: Yes. E-9 visa holders can only be employed by firms that have been given special approval for hiring foreigners as labor needs could not be made with the domestic workforce.

Sources: Ministry of Employment and Labor. "외국인 고용 관리시스템 [Employment Permit System]". Accessed July 20, 2018. <https://www.eps.go.kr/>. / Act on the Employment of Foreign Workers. 2003.

IMMIGRATION_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).

Answer: Yes

Code: 0.5

Explanation: Yes. Non-ethnic-Korean foreign workers under the EPS are only admitted from countries which have signed an MOU with South Korea (China, Thailand, Indonesia, Vietnam, Philippines, Mongolia, Cambodia, Pakistan, Bangladesh, Nepal, Myanmar, Uzbekistan, Sri Lanka, Timor-Leste, Kyrgyzstan, Laos).

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_47: Restrictions based on age.

Are age limits for migrant agricultural workers in order to be admitted to the country?

Answer: Yes

Code: 0.5

Explanation: Yes, between ages 18 and 40.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Which minimum age?

Answer: Between 17 and 18 years

Code: 2

Explanation: Between 17 and 18 years.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_48. Is having a certain gender a requisite to be admitted to the country under this entry track?

Answer: No

Code: 1

Explanation: No such requisite in the main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?

Answer: No

Code: 1

Explanation: No such requisite in the main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_50. Do migrant agricultural workers need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: No such requisite in the main regulations.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?

Answer: Yes, required

Code: 0.25

Explanation: Applicants must pass the EPS-TOPIK.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: Yes

Code: 24 USD

Explanation: One of the requirements for eligibility is passing a Korean language exam and the cost of registering for this test is 24 USD. Other associated fees could be charged by partner agencies in the country of origin, but the government is not involved in this process.

Sources: EPS-TOPIK. "Registration". Accessed July 23, 2018.
<http://eps.hrdkorea.or.kr/epstopik/recp/guide/selectVisitGuideDesc.do?lang=en>.

IMMIGRATION_53. How long is the work permit valid for? Indicate the period in months.

Answer: 36

Code: 36

Explanation: Three years. Article 18 (Limitation on Period of Service): Any foreign worker may work as an employee within three years of entry into the Republic of Korea. [This Article Wholly Amended by Act No. 11276, Feb. 1, 2012].

Sources: Act on the Employment of Foreign Workers. 2003. Art. 18.

IMMIGRATION_54. Is it possible to renew the work permit granted under the agricultural worker entry track?

Answer: Yes

Code: 1

Explanation: Yes, but the renewal period will be less than two years.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 18-2.

IMMIGRATION_55: Possibility of changing jobs.

Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?

Answer: Yes

Code: 1

Explanation: Article 25 (Permission for Change of Business or Place of Business): Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: 1. If his/her employer intends to terminate his/her employment contract during the contract period, or intends to refuse renewal of his/her employment contract after its expiration, on a justifiable ground; 2. Where the Minister of Employment and Labor gives public notice, as he/she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him/her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), or his/her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?

Answer: Yes

Code: 1

Explanation: Article 25 (Permission for Change of Business or Place of Business): Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: 1. If his/her employer intends to terminate his/her employment contract during the contract period, or intends to refuse renewal of his/her employment contract after its expiration, on a justifiable ground; 2. Where the Minister of Employment and Labor gives public notice, as he/she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him/her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), or his/her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?

Answer: Yes

Code: 1

Explanation: Article 25 (Permission for Change of Business or Place of Business): Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: 1. If his/her employer intends to terminate his/her employment contract during the contract period, or intends to refuse renewal of his/her employment contract after its expiration, on a justifiable ground; 2. Where the Minister of Employment and Labor gives public notice, as he/she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him/her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), or his/her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

IMMIGRATION_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?

Answer: No

Code: 0

Explanation: Article 25 (Permission for Change of Business or Place of Business): Where any of the following events occur, a foreign worker (excluding a foreign worker under Article 12 (1)) may file an application for change of business or place of business with the head of an employment security office, as prescribed by Ordinance of the Ministry of Employment and Labor: 1. If his/her employer intends to terminate his/her employment contract during the contract period, or intends to refuse renewal of his/her employment contract after its expiration, on a justifiable ground; 2. Where the

Minister of Employment and Labor gives public notice, as he/she deems, under a social norm, that the foreign worker is unable to continue to work in the business or place of business on a ground not attributable to him/her, such as temporary shutdown, closure of business, cancellation of the employment permit under Article 19 (1), limitation on the employment under Article 20 (1), or his/her employer's violation of terms and conditions of employment or unfair treatment; 3. Where any other cause or event prescribed by Presidential Decree occurs.

Sources: Act on the Employment of Foreign Workers. 2003. Art. 25.

IMMIGRATION_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?

Answer: No

Code: 0

Explanation: Labor Standards Act on working hours/day-off/recess hour are not applied to the foreign workers who work in agriculture and stockbreeding industry and fishery(equally applies to natives and foreign workers).

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_58. Is a minimum level of education required to apply to the agricultural worker entry track?

Answer: No

Code: 1

Explanation: No. Not listed in eligibility of job application

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

IMMIGRATION_59. Is a test of good health required for migrant agricultural workers?

Answer: Yes

Code: 0

Explanation: Yes. Applicants must show prove of a medical checkup decided by the Korean government.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

4.8.3. Medical doctors

Is there a visa scheme (entry track) for medical doctors?

Answer: Yes

Code: 1

Explanation: Professional (E-5): A person with a national certificate such as a foreign lawyer, certified public accountant, doctor under the laws of the Republic of Korea who plans to engage in professional work in legal, accounting, medical and other fields prescribed by the laws of the Republic of Korea.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?

Answer: Yes

Code: 0

Explanation: This entry track is not available for all doctors from abroad, but very specialized doctors who have skills in the latest technology or treatment procedure. They need to get recommended by the Minister of Health. However, this recommendation cannot be considered a sponsorship.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>. / 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?

Answer: Yes, required

Code: 0.25

Explanation: An employment contract is required for application to this visa track.

Sources: 사증발급 안내매뉴얼 (체류자격별 대상 첨부서류 등) [Visa Issuance Introductory Manual]. 2018.

IMMIGRATION_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?

Answer: No

Code: 1

Explanation: No labor market test.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018.
<http://www.evisa-kr.org/index.php>.

IMMIGRATION_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).

Answer: No

Code: 1

Explanation: Not restricted to certain nationalities.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_64: Restrictions based on age.

Are there age limits for migrant medical doctors to be admitted to the country?

Answer: No

Code: 1

Explanation: No age limits in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: Not such requisite in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?

Answer: No

Code: 1

Explanation: Not such requisite in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_67. Do migrant medical doctors need to prove the ability to support themselves?

Answer: No

Code: 1

Explanation: Not such requisite in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?

Answer: Neither beneficial, nor required

Code: 1

Explanation: Not language requisite.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.

Answer: 90

Code: 90

Explanation: 90 USD.

Sources: Ministry of Justice, Republic of Korea. "Korea Visa Portal". Accessed July 20, 2018. <http://www.evisa-kr.org/index.php>.

IMMIGRATION_70. How long is the medical doctor work permit valid for? Indicate the period in months.

Answer: 60

Code: 60

Explanation: Five years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_71. Is it possible to renew the work permit granted under the medical doctor entry track?

Answer: Yes

Code: 1

Explanation: Renewal is possible for another 5 years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_72: Possibility of changing jobs.

Is it possible for a migrant medical doctor to switch employers?

Answer: Yes

Code: 1

Explanation: It is possible to switch employers.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is it possible for a migrant medical doctor to switch professional sectors?

Answer: Yes

Code: 1

Explanation: Not regulated. This is interpreted by the coders as if the possibility exists.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is it possible for a migrant medical doctor to switch locations?

Answer: Yes

Code: 1

Explanation: It is possible to change locations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?

Answer: No

Code: 0

Explanation: Not provision in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?

Answer: No

Code: 0

Explanation: Not regulated in main provisions.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_75. Is a minimum level of education required to apply to the medical doctor entry track?

Answer: Yes

Code: 0

Explanation: Yes. E-5 visa holders need to be medical doctors, though no degree requirement is specified.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_76. Is a test of good health required for migrant medical doctors?

Answer: No

Code: 0

Explanation: Not such requisite in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

4.9. Proxy: Refugees

4.9.1. Existence of track

IMMIGRATION_77. Does the country grant refugee status?

Answer: Yes

Code: 1

Explanation: Yes. Korea is signatory to the 1951 Refugee Convention and also has its own Refugee Act.

Sources: Refugee Act. 2012.

IMMIGRATION_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?

Answer: No

Code: 1

Explanation: No list of safe third countries.

Sources: Cho, Byoung Hyun. "Refugee Protection in Korean Judiciary," 15. Bled, 2011.

IMMIGRATION_79: Safe countries of origin.

Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?

Answer: No

Code: 1

Explanation: No list of safe countries of origin.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

How many countries?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

4.9.2. Restrictions

IMMIGRATION_80: Refugee status restricted for certain nationalities.

Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: No restrictions based on nationality.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_81: Restrictions based on age.

Are there age limits for potential refugees to be admitted to the country?

Answer: No

Code: 1

Explanation: No such provision in main regulations.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

Which minimum age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?

Answer: No

Code: 1

Explanation: No such provision in main regulations.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

Below which age?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_82. Is having a certain gender a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

IMMIGRATION_83. Is having a certain marital status a requisite to be granted refugee status?

Answer: No

Code: 0

Explanation: No such provision in main regulations.

Sources: Refugee Act. 2012. / Refugee Act. 2013.

4.9.3. Place of application

IMMIGRATION_84: Place of application

Can asylum seekers file an application for asylum from outside the destination country's territory?

Answer: No

Code: 0

Explanation: It is not possible to file an application outside the destination country.

Sources: Refugee Act. 2012.

Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?

Answer: Yes

Code: 1

Explanation: Where a foreigner intends to apply for refugee status when undergoing an entry inspection, he/she shall submit an application for refugee edibility to the head of the local immigration office or foreigner-related office having jurisdiction over the port of entry and departure prescribed by the Immigration Act.

Sources: Refugee Act. 2012. Art. 5 and 6.

Can asylum seekers file an application for asylum on the destination country's territory?

Answer: Yes

Code: 1

Explanation: person who intends to obtain refugee status as a foreigner within the Republic of Korea may apply for refugee status with the Minister of Justice. In such cases, the foreigner shall submit a written application for refugee status to the head of the local immigration office or foreigner-related office.

Sources: Refugee Act. 2012. Art. 5 and 6.

4.9.4. Permit validity

IMMIGRATION_85. How long is the initial residence permit for recognized refugees valid for?

Answer: Temporary, between 25 and 36 months

Code: 4

Explanation: Recognized refugees are granted the F-2 visa which lasts for 3 years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_86: Permit renewal.

Is it possible to renew a temporary residence permit?

Answer: Yes

Code: 1

Explanation: Renewal is possible.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is it possible to apply for a permanent resident permit for recognized refugees?

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: Yes. Possible after 5 years of residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?

Answer: Yes

Code: 0

Explanation: Regulated in Art. 22 of the Refugee Act.

Sources: Refugee Act. 2012. Art. 22.

4.9.5. Maximum timeframe for application resolution

IMMIGRATION_88: Timeframe for resolution.

Is there a maximum of days to process the application of asylum seekers?

Answer: Yes

Code: 1

Explanation: Yes, 6 months, but this may be extended.

Sources: Refugee Act. 2012. Art. 18.

What is the maximum of days?

Answer: 180

Code: 180

Explanation: might be extended from 6 months onwards.

Sources: Refugee Act. 2012. Art. 18.

4.9.6. Possibility to change migratory status

IMMIGRATION_89. If an application on refugee status is rejected, does the applicant have the right to appeal?

Answer: Yes

Code: 1

Explanation: Yes. A person subject to a decision of non-recognition of refugee status under Article 18 (2) or 19 or a person whose refugee status is cancelled or withdrawn under Article 22 may raise an objection to the Minister of Justice within 20 days from the date on which he/she is notified thereof. In such cases, he/she shall submit an objection accompanied by materials explaining the grounds therefor to the head of the local immigration office or foreigner-related office.

Sources: Refugee Act. 2012. Art. 22.

IMMIGRATION_90. Is it possible for recognized refugees to change their migratory status?

Answer: Yes

Code: 1

Explanation: A change in the migratory status is possible.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

4.9.7. Detention

IMMIGRATION_91: Detention

Are asylum seekers detained while their claims are being processed?

Answer: No

Code: 4

Explanation: Only when there is suspicion of intentionally destroyed IDs, detention might be possible.

Sources: Refugee Act. 2012. Art. 20.

Are asylum seekers detained after their claims are processed?

Answer: No

Code: 2

Explanation: Detention does not take place while claims are being processed.

Sources: Refugee Act. 2012.

4.9.8. Status after rejection

IMMIGRATION_92. What is the status of asylum seekers whose applications are rejected?

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: When applications are rejected, failed asylum applicants are either notified of the decision or granted a “stay on humanitarian grounds” which corresponds to a G-1 visa.

Sources: Hi Korea: e-Government for Foreigners. “난민인정정차 개요도 [Refugee Recognition Process Flowchart]”. Accessed July 26, 2018. https://www.hikorea.go.kr/pt/InfoDetailR_kr.pt.

IMMIGRATION_93. Do asylum seekers have the possibility to work during the process of application?

Answer: Yes, under certain circumstances

Code: 0.5

Explanation: The Minister of Justice may subsidize the living costs, etc. of refugee applicants as prescribed by Presidential Decree. Where six months have passed from the date on which refugee status is applied, the Minister of Justice may permit the refugee applicant to obtain a job as prescribed by Presidential Decree.

Sources: Refugee Act. 2012. Art. 40.

4.9.9. Translation and interpretation

IMMIGRATION_94. Does the state provide official translation or interpretation for the process of asylum seekers?

Answer: Yes

Code: 1

Explanation: Article 14 (Interpretation) Where a refugee applicant is unable to express his/her will in Korean sufficiently, the Minister of Justice may have an interpreter with a specific qualification prescribed by Presidential Decree interpret in the course of interview.

Sources: Refugee Act. 2012. Art. 14.

4.10. Proxy: Co-ethnics

4.10.1. General

IMMIGRATION_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).

Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?

Answer: Yes

Code: 1

Explanation: The Art. 2 of the Wholly Amended by Act No. 8896 establishes that: the term "overseas Korean" in this Act means a person who falls under any of the following definitions: 1. A national of the Republic of Korea who has acquired the right of permanent residence in a foreign country or is residing in a foreign country with a view to living there permanently (referred to as a "Korean national residing abroad"); 2. A person prescribed by Presidential Decree from among those who, having held the nationality of the Republic of Korea (including those who had emigrated abroad before the Government of the Republic of Korea was established) or as their lineal descendants, have acquired the nationality of a foreign country (referred to as a "foreign nationality Korean").

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999. Art. 2.

IMMIGRATION_96. Register the name of the group(s).

Answer: "Overseas Koreans" 재외동포(在外同胞), which contains two different groups, "Korean national residing abroad" (재외국민) and „foreign nationality Korean“ (외국국적동포)

Code: "Overseas Koreans" 재외동포(在外同胞), which contains two different groups, "Korean national residing abroad" (재외국민) and „foreign nationality Korean“ (외국국적동포)

Explanation: "Overseas Koreans" 재외동포(在外同胞), which contains two different groups, "Korean national residing abroad" (재외국민) and „foreign nationality Korean“ (외국국적동포) ; the latter category is the most appropriate description of a co-ethnic definition.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

4.10.2. Reasons for co-ethnicity

IMMIGRATION_97. Reasons for co-ethnicity.

Shared language:

Answer: No

Code: 0

Explanation: Language is not a criterion.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

Shared religion:

Answer: No

Code: 0

Explanation: Religion is not a criterion.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

Shared ancestry:

Answer: Yes

Code: 1

Explanation: The Art. 2 of the Wholly Amended by Act No. 8896 establishes that: the term "overseas Korean" in this Act means a person who falls under any of the following definitions: 1. A national of the Republic of Korea who has acquired the right of permanent residence in a foreign country or is residing in a foreign country with a view to living there permanently (referred to as a "Korean national residing abroad"); 2. A person prescribed by Presidential Decree from among those who, having held the nationality of the Republic of Korea (including those who had emigrated abroad before the Government of the Republic of Korea was established) or as their lineal descendants, have acquired the nationality of a foreign country (referred to as a "foreign nationality Korean").

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999. Art. 2.

Citizen of former colony:

Answer: No

Code: 0

Explanation: No such criterion in main regulations.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

III treatment by country in the past:

Answer: No

Code: 0

Explanation: No such criterion in main regulations.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

Self-declaration: avowal to be of country's ethnicity:

Answer: No

Code: 0

Explanation: No such criteria in main regulations.

Sources: Presidential Decree N°. 28245. 2017. Art. 3.

Other:

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_98. May converts apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRATION_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?

Answer: Second degree

Code: 1

Explanation: A person prescribed by Presidential Decree from among those who, having held nationality of the Republic of Korea (including those who had emigrated abroad before the Government of the Republic of Korea was established) or as their lineal descendants, have acquired nationality of a foreign country" means any of the following persons: 1. A person who had held

nationality of the Republic of Korea (including those who had emigrated abroad before the Government of the Republic of Korea was established; hereafter the same shall apply in this Article) and acquired nationality of a foreign country; 2. A person, one of whose parents or grandparents had held nationality of the Republic of Korea, and who acquired nationality of a foreign country.

Sources: Presidential Decree N°. 28245. 2017. Art. 3.

4.10.3. Language test

IMMIGRATION_100. What is the required level of language skills?

Answer: Not applicable

Code: Not applicable

Explanation: Not tested.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999.

4.10.4. Place of residence

IMMIGRATION_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).

Answer: Yes

Code: 1

Explanation: Yes. There are two types of residency visas available to co-ethnics, the H-2 Visa (for visiting employment; mostly low-skilled work) and the F-4 Visa (highly skilled overseas Koreans with university education, etc; excluded from low-skilled work). For the H-2 Visa, the target audience is overseas Koreans in China and the former USSR. Summary of current policies on overseas Koreans Visit employment visa (H-2) Expand scope of free movement and employment activity for overseas Koreans from China and CIS region -Issue multi-entry 3-year visas (H-2) for overseas Koreans over the age of 18 from China and the former USSR countries, and allowing free exit and entry within the visa duration and allowing up to 4 years and 10 months of stay -For those seeking employment opportunities in Korea, allowing for economic activity within "low-skilled labour" activities as defined within the Immigration Act regulations following employment education and recruitment procedures
현행 재외동포 정책 개요 방문취업제 (H-2) 중국 및 CIS 지역 동포들에 대한 자유왕래 및 취업활동 범위 확대 -18 세 이상 중국, 구소련지역 동포에 대해 3 년간 유효한 복수사증 발급 (H-2), 사증의 유효기간의 범위 내에서 자유로운 출입국 및 최대 4 년 10 개월까지 체류허용 -국내 취업을 원할 경우 취업교육 및 구직신청 등 절차를 거쳐 출입국관리법 시행령에서 정한 단순노무분야 허용업종에서 취업활동 가능.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

4.10.5. Place of application

IMMIGRATION_102. Place of application.

Can applicants file an application from outside the territory of the host country?

Answer: Yes

Code: 1

Explanation: Article 4 (Grant of Status of Sojourn as Overseas Korean) (3) When a foreign national Korean applies for status of sojourn as overseas Korean to diplomatic establishments abroad, the Minister of Foreign Affairs may present his/her opinion on grant of status of sojourn as overseas Korean to the Minister of Justice even in the absence of a request for consultation made by the Minister of Justice pursuant to paragraph (2). Article 7 (Report of Domestic Place of Residence) (2) When a foreign national Korean who resides in the Republic of Korea with a status of sojourn other than the status of sojourn as overseas Korean was granted permission to change his/her status of sojourn to overseas Korean from the Minister of Justice, he/she may report the domestic place of residence pursuant to paragraph (1).

Sources: Presidential Decree N°. 28245. 2017. Art. 4 and 7.

Can applicants file an application on host country's territory?

Answer: Yes

Code: 1

Explanation: Article 4 (Grant of Status of Sojourn as Overseas Korean) (3) When a foreign national Korean applies for status of sojourn as overseas Korean to diplomatic establishments abroad, the Minister of Foreign Affairs may present his/her opinion on grant of status of sojourn as overseas Korean to the Minister of Justice even in the absence of a request for consultation made by the Minister of Justice pursuant to paragraph (2). Article 7 (Report of Domestic Place of Residence) (2) When a foreign national Korean who resides in the Republic of Korea with a status of sojourn other than the status of sojourn as overseas Korean was granted permission to change his/her status of sojourn to overseas Korean from the Minister of Justice, he/she may report the domestic place of residence pursuant to paragraph (1).

Sources: Presidential Decree N°. 28245. 2017. Art. 4 and 7.

4.10.6. Date of birth

IMMIGRATION_103. Do applicants need to be born before or after a certain date to be eligible?

Answer: No

Code: 0

Explanation: No such requisite in main regulations.

Sources: Presidential Decree N°. 28245. 2017. Art. 4 and 7.

4.10.7. Permit validity

IMMIGRATION_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?

Answer: Temporary, between 12 and 24 months

Code: 5

Explanation: They are eligible for: Permanent resident permit: F-5 Permanent Residency for Foreign Nationality Koreans or Temporary resident permit: H-2 Visa for 4 years and 10 months; F-4 Visa for two years and the period of stay is extendable by application.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRATION_105. Permit renewal.

Is it possible to renew a temporary residence permit for co-ethnics?

Answer: Yes

Code: 1

Explanation: Possible to renew permit.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is it possible to apply for a permanent resident permit for co-ethnics?

Answer: Yes, possible to apply for permanent permit after 2-4 years

Code: 2

Explanation: For H-2 Visa holders, those who are working in low-skilled sectors (agricultural production, fisheries, manufacturing, etc.) and have been working at the same place for more than four years; has more than approx. 30,000 USD or other means for financial support of visa holder and family members; completed a skills training program from an industrial association or a social integration program or has an annual salary that is higher than the GNI per capita. For F-4 holders, they are eligible after 2 years of stay and must fulfill one of the following conditions: annual salary that is equal to or higher than twice the GNI per capita, those over the age of 60 who are receiving pension payments from abroad of higher than GNI per capita annually, those who own a certain amount of wealth, those who have done trade with Korean companies, those who have invested a lot of money in the Korean economy, those who are active for longer than 3 years in diaspora organizations and are recommended by such overseas Korean community leaders.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

5. Immigrant policies

5.1. Permanent residence

5.1.1. Eligibility

IMMIGRANT_1: General existence of a permanent residence scheme.

Answer: Yes

Code: 1

Explanation: The F-5 Permanent Residence Visa allows immigrants to have a permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?

Answer: No

Code: 0

Explanation: Asylum seekers do not have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do refugees have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Refugees do have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do co-ethnics have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Co-ethnics do have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do domestic workers have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Domestic workers do have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do agricultural workers have access to permanent residence?

Answer: No

Code: 0

Explanation: Agricultural workers do not have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do medical doctors have access to permanent residence?

Answer: Yes

Code: 1

Explanation: Medical doctors do have access to permanent residence.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_3: Required time of habitual residence.

How many months of habitual residence are required from asylum seekers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from refugees for accessing permanent residence?

Answer: 60

Code: 60

Explanation: Refugees are eligible for the F-2 visa, which is a residence permit that then makes one eligible for permanent residency under the F-5 visa. F-2 visa holders who have resided in Korea for longer than 5 years can apply for the F-5.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

How many months of habitual residence are required from co-ethnics for accessing permanent residence?

Answer: 24

Code: 24

Explanation: F-4 visa holders are eligible after longer than 2 years of continuous stay.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

How many months of habitual residence are required from domestic workers for accessing permanent residence?

Answer: 48

Code: 48

Explanation: H-2 visa holders are eligible after fulfilling all of the following requirements: working at the same workplace for 4 continuous years, ability to support any family members who are living with them in Korea, (one of the following) successful completion of a social integration program / special skill / annual income higher than GNI per capita.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

How many months of habitual residence are required from agricultural workers for accessing permanent residence?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

How many months of habitual residence are required from medical doctors for accessing permanent residence?

Answer: 60

Code: 60

Explanation: E-5 visa holders are eligible after longer than 5 years of stay.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_4: Periods of absence allowed.

Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 3

Code: 3

Explanation: Shorter periods. Up to 3 months is allowed.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 3

Code: 3

Explanation: Shorter periods. Up to 3 months is allowed.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 3

Code: 3

Explanation: Shorter periods. Up to 3 months is allowed.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.

Answer: 3

Code: 3

Explanation: Shorter periods. Up to 3 months is allowed.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_5. Result of a regularization process.

The regularization process leads to:

Answer: temporal residence permit

Code: 0.25

Explanation: In 2011, there was a regularization program aimed at those with familial connections in Korea (through marriage with a national and/or children born in Korea) as well as those with long

residence (10+ years) and visa overstayers who entered on a H-2 Visa. The successful applicants could have their visa status converted to a regular permit, either D-4 or F-4 for ethnic Koreans.

Sources: Seoul Information Exchange Forum 서울시 정보소통광장. “외국인-불법체류자합법화 [Irregular Overstay Foreigners – Regularization]”. Access date not available.
<https://opengov.seoul.go.kr/civilappeal/2894480>.

IMMIGRANT_6: Language test.

Is there a language requirement for asylum seekers to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for refugees to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: A requirement is to pass Level 2 of the Korean Language Skills Exam or to successfully complete a social integration program.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: A requirement is to pass Level 2 of the Korean Language Skills Exam or to successfully complete a social integration program.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there a language requirement for domestic workers to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: A requirement is to pass Level 2 of the Korean Language Skills Exam or to successfully complete a social integration program.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there a language requirement for co-ethnics to access permanent residence?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there a language requirement for medical doctors to access permanent residence?

Answer: yes, basic knowledge of language of state of reception is required

Code: 0.5

Explanation: A requirement is to pass Level 2 of the Korean Language Skills Exam or to successfully complete a social integration program.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_7: Economic resources.

Is there an economic resources requirement for applying to permanent residence for asylum seekers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for refugees?

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Applicants must have an annual income that is more than twice the GNI per capita.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there an economic resources requirement for applying to permanent residence for co-ethnics?

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Applicants must have an annual income that is more than twice the GNI per capita.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there an economic resources requirement for applying to permanent residence for domestic workers?

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Applicants must have an annual income that is more than twice the GNI per capita.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Is there an economic resources requirement for applying to permanent residence for agricultural workers?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Is there an economic resources requirement for applying to permanent residence for medical doctors?

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Applicants must have an annual income that is more than twice the GNI per capita.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_8: Cost of application.

What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?

Answer: 200,000

Code: 200,000

Explanation: On 1st January 2014, the South Korean government increased fees for many visa and immigration services by 100%. Converting to permanent resident status has increased the most and has quadrupled from KRW 50,000 to KRW 200,000. South Korea has increased their immigration service fees for the first time since 1998.

Sources: HiKorea. "The Instruction Guide for Newly Revised Fees for All Visa & Immigration-Related Services". Access date not available.
https://www.hikorea.go.kr/pt/NtcCotnDetailR_en.pt?pageSpec=&targetRow=&lafjOrderBy=&sRange=&sKeyword=&bbsGbCd=BS10&bbsSeq=2&ntccttSeq=47&pageCode=list&langCd=EN&bbsNm=Notice%E2%80%9D

What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?

Answer: 166.82

Code: 166.82

Explanation: On 1st January 2014, the South Korean government increased fees for many visa and immigration services by 100%. Converting to permanent resident status has increased the most and has quadrupled from KRW 50,000 to KRW 200,000. South Korea has increased their immigration service fees for the first time since 1998. In September 2019, KRW 200,000 are 166,82 USD.

Sources: HiKorea. "The Instruction Guide for Newly Revised Fees for All Visa & Immigration-Related Services". Access date not available.
https://www.hikorea.go.kr/pt/NtcCotnDetailR_en.pt?pageSpec=&targetRow=&lafjOrderBy=&sRange=&sKeyword=&bbsGbCd=BS10&bbsSeq=2&ntccttSeq=47&pageCode=list&langCd=EN&bbsNm=Notice%E2%80%9D

IMMIGRANT_9: Employer sponsorship.

Do asylum seekers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do refugees have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Refugees do not require sponsorship by an employer.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do co-ethnics have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Co-ethnics do not require sponsorship by an employer.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do domestic have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Domestic workers do not require sponsorship by an employer.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Do agricultural workers have to be sponsored by an employer?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do medical doctors have to be sponsored by an employer?

Answer: no, sponsorship is not required

Code: 1

Explanation: Medical doctors do not require sponsorship by an employer.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

5.1.2. Security of status

IMMIGRANT_10: Maximum length of application procedure.

Maximum length of application procedure for asylum seekers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for asylum seekers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for refugees in months:

Answer: 997

Code: 997

Explanation: No regulation of maximum length of application procedure for refugees.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for refugees:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation of maximum length of application procedure for refugees.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for co-ethnics in months:

Answer: 997

Code: 997

Explanation: No regulation of maximum length of application procedure for co-ethnics.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for co-ethnics:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation of maximum length of application procedure for co-ethnics.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for domestic workers in months:

Answer: 997

Code: 997

Explanation: No regulation of maximum length of application procedure for domestic workers.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for domestic workers:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation of maximum length of application procedure for domestic workers.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for agricultural workers in months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for agricultural workers:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Maximum length of application procedure for medical doctors in months:

Answer: 997

Code: 997

Explanation: No regulation of maximum length of application procedure for medical doctors.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Maximum length of application procedure for medical doctors:

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation of maximum length of application procedure for medical doctors.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_11: Grounds for rejection.

Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:

Answer: no

Code: 0

Explanation: There is a differentiation made between those who are subject to “change in eligibility for permanent residence” and those who are subject to “loss of permanent residence status”. For the former, it is those who have violated immigration law within the three years of application, those who have previously been sentenced to imprisonment, those who may threaten the national security of the country, those who submitted false documents, those with a criminal record abroad (elaboration on type of crime). For the latter, it is those who have been issued a deportation order, who used false documents to obtain approval, those who have violated immigration law, and if a spousal applicant used someone else’s passport to enter the country or the marriage deemed to be fraudulent.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_12: Legal guarantees.

Rejection of applications must be reasoned:

Answer: no

Code: 0

Explanation: There is no regulation on legal guarantees and redress in case of refusal, non-renewal, or withdrawal.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Rejected applicants have the right to appeal:

Answer: no

Code: 0

Explanation: There is no regulation on legal guarantees and redress in case of refusal, non-renewal, or withdrawal.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_13: Expulsion is precluded for victims of violence or crime.

Expulsion is precluded for immigrants of all categories who are victims of violence or crime:

Answer: yes

Code: 1

Explanation: In order to protect migrants who are victims of serious crimes, a 2013 amendment to the Enforcement Decree of the Immigration Act allows for filing of police reports regardless of legal status.

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2018. Art. 92-2.

5.2. Policies of representation

IMMIGRANT_14: Regulation of electoral rights.

Subnational electoral rights can be regulated at the subnational level:

Answer: no

Code: 0

Explanation: Electoral rights for both national and local levels are regulated at the national level by the Public Official Election Act.

Sources: Public Official Election Act. 2005. Art. 2.

5.2.1. Electoral rights

IMMIGRANT_15: Voting eligibility for non-citizens.

Does the country have presidential elections?

Answer: yes

Code: 1

Does the country have a bicameral system (composed of a lower house and an upper house)?

Answer: no, the country only has a lower house

Code: 2

Can non-citizen residents vote in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens of any nationality are enfranchised at the local level but not at the national level.

Sources: Public Official Election Act. 2005.

Can non-citizen residents vote in national legislative elections (lower house)? :

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens of any nationality are enfranchised at the local level but not at the national level.

Sources: Public Official Election Act. 2005.

Can non-citizen residents vote in national legislative elections (upper house)? :

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_16: Residence duration-based requirements for active electoral rights.

Previous residence required for being eligible to vote in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to vote in upper house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_17: Registration in the electoral roll for non-citizen residents.

Registration in the electoral roll for non-citizen residents:

Answer: not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_18: Passive electoral rights for non-citizen residents.

Can non-citizen residents stand as candidates in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: A person who is non-national of the Republic of Korea cannot engage in an election campaign.

Sources: Public Official Election Act. 2005. Art. 60.

Can non-citizen residents stand as candidates in national legislative elections (lower house)?

Answer: generally disenfranchised

Code: 0

Explanation: A person who is non-national of the Republic of Korea cannot engage in an election campaign.

Sources: Public Official Election Act. 2005. Art. 60.

Can non-citizen residents stand as candidates in national legislative elections (upper house)?

Answer not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_19: Residence duration-based restrictions for passive electoral rights.

Previous residence required for being eligible to stand as candidate in presidential elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Previous residence required for being eligible to stand as candidate in lower house elections:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.2.2. Regulation of participation in parties

IMMIGRANT_20: Emigrant membership to home country political parties.

Non-citizen resident membership to state or reception political parties:

Answer: not legally allowed

Code: 0

Explanation: Membership in a political party is reserved to nationals.

Sources: Political Parties Act. 2005. Art. 22.

5.2.3. Consultative bodies

IMMIGRANT_21: Existence of a consultative body of immigrants acting at the national level.

Existence of a consultative body on immigrant issues:

Answer: no

Code: 0

Explanation: While there is a policy committee working on issues concerning foreigners, the membership is comprised solely of ministerial staff. As well, the Ministry of Justice held a public hearing in 2017 to gather opinions and perspectives for the establishment of a new basic plan for foreigner policy, but this does not qualify as a consultative body.

Sources: Framework Act on Treatment of Foreigners Residing in the Republic of Korea. 2007.

IMMIGRANT_22: Structural or ad hoc consultation.

The consultation is:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_23: Composition of the consultative body.

Composition of the consultative body:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_24: Leadership of the consultative body.

Who chairs the consultative body?

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_25: Right of initiative to make its own reports or recommendations.

The body has the right of initiative to make its own reports or recommendations, even when not consulted:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_26: Right to get a response from the government to recommendation.

Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

IMMIGRANT_27: Selection criteria to ensure representativeness.

Existence of selection criteria to ensure a gender-balanced consultative body:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Existence of selection criteria to ensure a geographic-balanced consultative body:

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

5.3. Economic policies

5.3.1. Access to labor market

IMMIGRANT_28: Migrant access to labor market.

Can asylum seekers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers can access the labor market as nationals but under certain conditions. Article 40 of the Refugee Act establishes that: (1) The Minister of Justice may subsidize the living costs, etc. of refugee applicants as prescribed by Presidential Decree; (2) Where six months have passed from the date on which refugee status is applied, the Minister of Justice may permit the refugee applicant to obtain a job as prescribed by Presidential Decree.

Sources: Refugee Act. 2012. Art. 40.

Can refugees access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Refugees can access the labor market as nationals but under certain conditions. Article 18 of the Enforcement Decree of the Refugee Act establishes that work permits prescribed in Article 40 (2) of the Act shall be granted by the same method as for granting permission for activities not covered by status of stay prescribed in Article 20 of the Immigration Act.

Sources: Enforcement Decree of the Refugee Act. 2013. Art. 20.

Can co-ethnics access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Article 10 of the Act on the Immigration and Legal Status of Overseas Koreans establishes that “employment and other economic activities of a foreign nationality Korean who has been granted qualification for sojourn as overseas Korean shall be freely permitted to the extent that he/she does not impair social order or economic stability”.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999. Art. 10.

Can domestic workers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Domestic workers (H-2 visa holders) are restricted to specific occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can agricultural workers access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Can medical doctors access the labor market?

Answer: yes, but under certain conditions

Code: 0.5

Explanation: While E-5 visa holders can change workplaces, they are required to report this change within 15 days of the change occurring, and also this does not include those who did not receive approval for transfer from the previous employer.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can permanent residents access the labor market?

Answer: yes, equal access

Code: 1

Explanation: Permanent residents can access the labor market with the same conditions as nationals.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_29: Migrant access to self-employment.

Can asylum seekers access self-employment?

Answer: no

Code: 0

Explanation: Work permits are given for jobs, but not for self-employment.

Sources: Refugee Act. 2012.

Can refugees access self-employment?

Answer: no

Code: 0

Explanation: No regulation in the law regarding equal access to self-employment as nationals for refugees. Lack of regulation is interpreted by coders negatively.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can co-ethnics access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Article 10 of the Act on the Immigration and Legal Status of Overseas Koreans establishes that: "Employment and other economic activities of a foreign nationality Korean who has been granted qualification for sojourn as overseas Korean shall be freely permitted to the extent that he/she does not impair social order or economic stability".

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999. Art. 10.

Can domestic workers access self-employment?

Answer: no

Code: 0

Explanation: H-2 visa holders are restricted to certain occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can agricultural workers access self-employment?

Answer: no

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Can medical doctors access self-employment?

Answer: no

Code: 0

Explanation: In order to retain the visa status, the visa holder needs to hold another formal employment contract.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can permanent residents access self-employment?

Answer: yes, equal access

Code: 1

Explanation: Permanent residents have access to employment, “not limited by activity classification” (“체류자격의 구분에 따른 활동의 제한을 받지 않음”).

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_30: Migrant access to civil service.

Can asylum seekers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can refugees access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can co-ethnics access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can domestic workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: H-2 visa holders are restricted to certain occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / Public Servants Act. 1948.

Can agricultural workers access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers. This pool does not include public sector positions.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>. / Public Servants Act. 1948.

Can medical doctors access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / Public Servants Act. 1948.

Can permanent residents access employment in schools (primary and secondary)?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can asylum seekers access employment in public administration?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can refugees access employment in public administration?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can co-ethnics access employment in public administration?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can domestic workers access employment in public administration?

Answer: no

Code: 0

Explanation: H-2 visa holders are restricted to certain occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / Public Servants Act. 1948.

Can agricultural workers access employment in public administration?

Answer: no

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers. This pool does not include public sector positions.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>. / Public Servants Act. 1948.

Can medical doctors access employment in public administration?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018. / Public Servants Act. 1948.

Can permanent residents access employment in public administration?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can asylum seekers access employment in the police?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can refugees access employment in the police?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can co-ethnics access employment in the police?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Can domestic workers access employment in the police?

Answer: no

Code: 0

Explanation: H-2 visa holders are restricted to certain occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can agricultural workers access employment in the police?

Answer: no

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers. This pool does not include public sector positions.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Can medical doctors access employment in the police?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>. / Public Servants Act. 1948.

Can permanent residents access employment in the police?

Answer: no

Code: 0

Explanation: No specific regulation on public sector access for this proxy. According to the law on public sector employees, presidential decrees can determine access of foreigners to the public sector. However, the general principle is that public servants will hold Korean nationality.

Sources: Public Servants Act. 1948.

Quotas for preferential hiring of asylum seekers exist:

Answer: no

Code: 0

Explanation: There is no regulation on public sector access for asylum seekers.

Sources: Public Servants Act. 1948.

Quotas for preferential hiring of refugees exist:

Answer: no

Code: 0

Explanation: There is no regulation on public sector access for refugees.

Sources: Public Servants Act. 1948.

Quotas for preferential hiring of co-ethnics exist:

Answer: no

Code: 0

Explanation: No regulation on public sector access for co-ethnics.

Sources: Public Servants Act. 1948.

Quotas for preferential hiring of domestic workers exist:

Answer: no

Code: 0

Explanation: No, H-2 visa holders are restricted to certain occupations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Quotas for preferential hiring of agricultural workers exist:

Answer: no

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers. This pool does not include public sector positions.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Quotas for preferential hiring of medical doctors:

Answer: no

Code: 0

Explanation: There is no regulation on public sector access for medical doctors.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Quotas for preferential hiring of permanent residents:

Answer: no

Code: 0

Explanation: There is no regulation on public sector access for permanent residents.

Sources: Public Servants Act. 1948.

Can asylum seekers access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can refugees access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can co-ethnics access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can domestic workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can agricultural workers access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can medical doctors access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

Can permanent residents access employment in the armed forces?

Answer: no

Code: 0

Explanation: No access to the armed forces for non-Korean nationals. As per the unique conscription rules of South Korea, access to the armed forces is limited to citizens.

Sources: Military Service Act. 1993. Art. 3.

5.3.2. Access to support

IMMIGRANT_31: Public employment services.

Can asylum seekers access public employment services?

Answer: No

Code: 0

Explanation: A study from 2016 says that asylum seekers and refugees could only access private employment bureaus and that there is lack of national-level support.

Sources: Kim, Sijung, Jieun Kim, Juyeong Shin, Byeongho Lee, Hyobin Jeon, and Bokyeong Choi. 2016. "A Study on Employment Condition of Refugees in South Korea". *Public Interest and Human Rights* 16 (0). <http://kiss.kstudy.com/thesis/thesis-view.asp?key=3475588>.

Can refugees access public employment services?

Answer: No

Code: 0

Explanation: A study from 2016 says that asylum seekers and refugees could only access private employment bureaus and that there is lack of national-level support.

Sources: Kim, Sijung, Jieun Kim, Juyeong Shin, Byeongho Lee, Hyobin Jeon, and Bokyeong Choi. 2016. "A Study on Employment Condition of Refugees in South Korea". *Public Interest and Human Rights* 16 (0). <http://kiss.kstudy.com/thesis/thesis-view.asp?key=3475588>.

Can co-ethnics access public employment services?

Answer: No

Code: 0

Explanation: The public employment services are only available to nationals.

Sources: Ministry of Employment and Labor. "취업지원 [Employment Support]". Accessed 30 July 2018. <https://www.moel.go.kr/policy/policyinfo/support/list1.do>.

Can domestic workers access public employment services?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: There is a special process for H-2 visa holders to undergo employment training and then receive assistance for job placement. These foreign workers may visit Employment Centers to receive support for job applications.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Can agricultural workers access public employment services?

Answer: No

Code: 0

Explanation: EPS (Employment Permit System) workers, including agricultural workers, are unable to seek employment independently and once successfully accepted into the EPS pool, they need to be selected by employers.

Sources: Ministry of Employment and Labor. “외국인 고용 관리시스템 [Employment Permit System]”. Accessed July 20, 2018. <https://www.eps.go.kr/>.

Can medical doctors access public employment services?

Answer: No

Code: 0

Explanation: The public employment services are only available to nationals.

Sources: Ministry of Employment and Labor. “취업지원 [Employment Support]”. Accessed 30 July 2018. <https://www.moel.go.kr/policy/policyinfo/support/list1.do>.

Can permanent residents access public employment services?

Answer: No

Code: 0

Explanation: The public employment services are only available to nationals.

Sources: Ministry of Employment and Labor. “취업지원 [Employment Support]”. Accessed 30 July 2018. <https://www.moel.go.kr/policy/policyinfo/support/list1.do>.

IMMIGRANT_32: Recognition of qualifications.

Recognition of qualifications acquired abroad by asylum seekers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs

for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by refugees:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by co-ethnics:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by domestic workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by agricultural workers:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by medical doctors:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille ServiceApostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

Recognition of qualifications acquired abroad by permanent residents:

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: South Korea is a signatory to the Apostille Convention and where the country from which the qualification originates is also a signatory, all that is required is the Apostille verification document and there are no additional documents/costs involved in recognition of those qualifications. The costs for getting this documentation in the country of origin may vary. Where the country of origin is not a signatory to the Convention, they must go through the consular services and there is no indication that costs will differ between foreigners and nationals. South Korea also offers an electronic service for certificate validation, available in several languages.

Sources: Act on Notarial Acts Done at Diplomatic Missions Abroad. 1963. / 대한민국 아포스티유 | Republic of Korea e-Apostille Service. "Republic of Korea e-Apostille Service/Apostille/Consular Legalization". Access date not available. <https://www.apostille.go.kr/index.do>.

5.3.3. Worker's rights

IMMIGRANT_33: Membership in trade unions.

Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can refugees be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?

Answer: Yes, equal access

Code: 1

Explanation: Eligibility for membership is based on being employed.

Sources: Trade Union and Labor Relations Adjustment Act. 2009. Art. 5.

IMMIGRANT_34: Job transferability.

Can asylum seekers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers have freedom to change their employer only under certain circumstances. Article 21 of the Immigration Act establishes that: '(1) If an alien staying in the Republic of Korea intends to change or add his/her workplace within the scope of his/her status of stay, he/she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days of change or addition of his/her workplace; (2) No person shall employ any alien who fails to obtain prior permission to change or add his/her workplace under the main sentence of paragraph (1), nor arrange the employment of such alien: Provided, That this shall not apply where the employment is arranged pursuant to other Acts.'

Sources: Immigration Act. 1992. Art. 21.

Can refugees change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Refugees have freedom to change their employer only under certain circumstances. Article 21 of the Immigration Act establishes that: '(1) If an alien staying in the Republic of Korea intends to change or add his/her workplace within the scope of his/her status of stay, he/she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days of change or addition of his/her workplace; (2) No person shall employ any alien who fails to obtain prior permission to change or add his/her workplace under the main sentence of paragraph (1), nor arrange the employment of such alien: Provided, That this shall not apply where the employment is arranged pursuant to other Acts'.

Sources: Immigration Act. 1992. Art. 21.

Can co-ethnics change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: Co-ethnics can change their employer without any conditions. Article 10 of the Act on the Immigration and legal status of overseas Koreans establishes that: '(1) The length of sojourn under qualification for sojourn as overseas Korean shall be up to three years at the longest. ; (2) The Minister of Justice may grant permit for extension of the length of sojourn to a foreign nationality Korean who is going to stay continuously in the Republic of Korea exceeding the length of sojourn under paragraph (1) as prescribed by Presidential Decree: Provided, That where there is any reason falling under any subparagraph of Article 5 (2), the same shall not apply; (3) Where a foreign nationality Korean who has reported the domestic place of residence departs from and reenters the Republic of Korea within the length of sojourn, reentry permit under Article 30 of the Immigration Act shall not be required; (4) A foreign nationality Korean who has reported the place of residence in the Republic of Korea or the change of such place of residence shall be deemed to have completed the foreigner registration under Article 31 of the Immigration Act and the report on change of the place of sojourn under Article 36 of the same Act; (5) Employment and other economic activities of a foreign nationality Korean who has been granted qualification for sojourn as overseas Korean shall be freely permitted to the extent that he/she does not impair social order or economic stability.

Sources: Act on the Immigration and Legal Status of Overseas Koreans. 1999. Art. 10.

Can domestic workers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers have freedom to change their employer only under certain circumstances. Article 21 of the Immigration Act establishes that: '(1) If an alien staying in the Republic of Korea intends to change or add his/her workplace within the scope of his/her status of stay, he/she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days of change or addition of his/her workplace; (2) No person shall employ any alien who fails to obtain prior permission to change or add his/her workplace under the main sentence of paragraph (1), nor arrange the employment of such alien: Provided, That this shall not apply where the employment is arranged pursuant to other Acts'.

Sources: Immigration Act. 1992. Art. 21.

Can agricultural workers change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers have freedom to change their employer only under certain circumstances. Article 21 of the Immigration Act establishes that: '(1) If an alien staying in the Republic of Korea intends to change or add his/her workplace within the scope of his/her status of stay, he/she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days of change or addition of his/her workplace; (2) No person shall employ any alien who fails to obtain prior permission to change or add his/her workplace under the main sentence of paragraph (1), nor arrange the employment of such alien: Provided, That this shall not apply where the employment is arranged pursuant to other Acts'.

Sources: Immigration Act. 1992. Art. 21.

Can medical doctors change their employer without risking their immigration status?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Asylum seekers have freedom to change their employer only under certain circumstances. Article 21 of the Immigration Act establishes that: '(1) If an alien staying in the Republic of Korea intends to change or add his/her workplace within the scope of his/her status of stay, he/she shall obtain prior permission from the Minister of Justice: Provided, That a person prescribed by Presidential Decree who has expert knowledge, skill or ability shall report to the Minister of Justice within 15 days of change or addition of his/her workplace; (2) No person shall employ any alien who fails to obtain prior permission to change or add his/her workplace under the main sentence of paragraph (1), nor arrange the employment of such alien: Provided, That this shall not apply where the employment is arranged pursuant to other Acts'.

Sources: Immigration Act. 1992. Art. 21.

Can permanent residents change their employer without risking their immigration status?

Answer: Yes, without conditions

Code: 1

Explanation: There is no restriction on a change or addition of economic activity for permanent residents.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_35: Right to redress.

Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do refugees have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do domestic workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do medical doctors have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

Do permanent residents have the right to redress if the terms of their employment contracts have been violated?

Answer: Yes, without restrictions

Code: 1

Explanation: The Ministry of Employment and Labor has two mechanisms for redress as of 2018: National Labor Consultation Center; and Ministry of Employment and Labor Counseling Center.

Sources: Ministry of Employment and Labor. "Contact Us". Accessed October 1, 2019.
<http://www.moel.go.kr/english/contac/contacCon.jsp>.

5.3.4. Property rights

IMMIGRANT_36: Property rights.

Can asylum seekers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can refugees acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can co-ethnics acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can domestic workers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can agricultural workers acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can medical doctors acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

Can permanent residents acquire property in the state of reception?

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: The 'Foreigner Land Acquisition Act' specifically regulates foreigners' acquisition of land in Korea.

Sources: Foreigner Land Acquisition Act. 2008.

5.4. Social policies

5.4.1. Family reunification

Can asylum seekers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: There is no regulation on family reunification for asylum seekers.

Sources: Refugee Act. 2012.

Can refugees bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Refugees have a right to family reunification, for which there is no residence requirement.

Sources: Refugee Act. 2012.

Can co-ethnics bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Co-ethnics have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-4 holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the F-4 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Can domestic workers bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Domestic workers have a right to family reunification, for which there is no residence requirement. Spouses and minor children of H-2 visa holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the H-2 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Can agricultural workers bring their families to their country of residence?

Answer: no

Code: 0

Explanation: E-9 visa holders are not able to sponsor family members to obtain the F-1-9 visa.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Can medical doctors bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Medical doctors have a right to family reunification, for which there is no residence requirement. E-5 visa holders may sponsor F-3 visas for spouses and minor children for the duration of their own permit.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Can permanent residents bring their families to their country of residence?

Answer: yes

Code: 1

Explanation: Permanent residents have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-5 visa holders (permanent residents) are able to obtain permanent residence as well. However, the dependents need to have resided in Korea for at least 2 years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Eligibility

IMMIGRANT_37: Resident requirement for ordinary legal residents.

Residence requirement for ordinary legal residents (asylum seekers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (refugees). In months:

Answer: 0

Code: 0

Explanation: Refugees have a right to family reunification, for which there is no residence requirement.

Sources: Refugee Act. 2012.

Residence requirement for ordinary legal residents (refugees):

Answer: no residence requirement

Code: 1

Explanation: Refugees have a right to family reunification, for which there is no residence requirement.

Sources: Refugee Act. 2012.

Residence requirement for ordinary legal residents (co-ethnics). In months:

Answer: 0

Code: 0

Explanation: Co-ethnics have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-4 holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the F-4 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Residence requirement for ordinary legal residents (co-ethnics):

Answer: no residence requirement

Code: 1

Explanation: Co-ethnics have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-4 holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the F-4 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Residence requirement for ordinary legal residents (domestic workers). In months:

Answer: 0

Code: 0

Explanation: Domestic workers have a right to family reunification, for which there is no residence requirement. Spouses and minor children of H-2 visa holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the H-2 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Residence requirement for ordinary legal residents (domestic workers):

Answer: no residence requirement

Code: 1

Explanation: Domestic workers have a right to family reunification, for which there is no residence requirement. Spouses and minor children of H-2 visa holders may obtain the F-1-9 visa, valid for 1 year, upon submitting an application form, proof of family relation, and residence permit of the H-2 visa holder.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Residence requirement for ordinary legal residents (agricultural workers). In months:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Residence requirement for ordinary legal residents (medical doctors). In months:

Answer: 0

Code: 0

Explanation: Medical doctors have a right to family reunification, for which there is no residence requirement. E-5 visa holders may sponsor F-3 visas for spouses and minor children for the duration of their own permit.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Residence requirement for ordinary legal residents (medical doctors):

Answer: no residence requirement

Code: 1

Explanation: Medical doctors have a right to family reunification, for which there is no residence requirement. E-5 visa holders may sponsor F-3 visas for spouses and minor children for the duration of their own permit.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Residence requirement for ordinary legal residents (permanent residents). In months:

Answer: 0

Code: 0

Explanation: Permanent residents have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-5 visa holders (permanent residents) are able to obtain permanent residence as well. However, the dependents need to have resided in Korea for at least 2 years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Residence requirement for ordinary legal residents (permanent residents):

Answer: no residence requirement

Code: 1

Explanation: Permanent residents have a right to family reunification, for which there is no residence requirement. Spouses and minor children of F-5 visa holders (permanent residents) are able to obtain permanent residence as well. However, the dependents need to have resided in Korea for at least 2 years.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_38: Family members considered for reunification.

Family member eligible for reunification (asylum seekers): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Children.

Answer: not applicable

Code: Not applicable

Explanation:

Sources:

Family member eligible for reunification (asylum seekers): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (asylum seekers): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (refugees): Spouse.

Answer: yes

Code: 1

Explanation: Art. 37 of the Refugee Act establishes that the Minister of Justice should permit the entry into the country, upon request, of the spouse (and minor children) of a recognized refugee.

Sources: Refugee Act. 2012. Art. 37.

Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: Art. 37 of the Refugee Act establishes that the Minister of Justice should permit the entry into the country, upon request, of the spouse and minor children of a recognized refugee.

Sources: Refugee Act. 2012. Art. 37.

Family member eligible for reunification (refugees): Children.

Answer: yes

Code: 1

Explanation: Art. 37 of the Refugee Act establishes that the Minister of Justice should permit the entry into the country, upon request, of the (spouse and) minor children of a recognized refugee.

Sources: Refugee Act. 2012. Art. 37.

Family member eligible for reunification (refugees): Parents.

Answer: no

Code: 0

Explanation: Art. 37 of the Refugee Act establishes that the Minister of Justice should permit the entry into the country, upon request, of the spouse and minor children of a recognized refugee.

Sources: Refugee Act. 2012. Art. 37.

Family member eligible for reunification (refugees): Grandparents.

Answer: no

Code: 0

Explanation: Art. 37 of the Refugee Act establishes that the Minister of Justice should permit the entry into the country, upon request, of the spouse and minor children of a recognized refugee.

Sources: Refugee Act. 2012. Art. 37.

Family member eligible for reunification (co-ethnics): Spouse.

Answer: yes

Code: 1

Explanation: The Visa Issuance Introductory Manual stipulates that the spouse (and minor children) of a co-ethnic is eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the minor children and the spouse of a co-ethnic are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (co-ethnics): Children.

Answer: yes

Code: 1

Explanation: The Visa Issuance Introductory Manual stipulates that the minor children (and spouse) of a co-ethnic are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (co-ethnics): Parents.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the minor children and the spouse of a co-ethnic are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (co-ethnics): Grandparents.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the minor children and the spouse of a co-ethnic are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (domestic workers): Spouse.

Answer: yes

Code: 1

Explanation: The Visa Issuance Introductory Manual stipulates that the spouse (and minor children) of a domestic worker is eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the spouse and the minor children of a domestic worker are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (domestic workers): Children.

Answer: yes

Code: 1

Explanation: The Visa Issuance Introductory Manual stipulates that the minor children (and spouse) of a domestic worker are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (domestic workers): Parents.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the spouse and the minor children of a domestic worker are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (domestic workers): Grandparents.

Answer: no

Code: 0

Explanation: The Visa Issuance Introductory Manual stipulates that the spouse and the minor children of a domestic worker are eligible for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Family member eligible for reunification (agricultural workers): Spouse.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Children.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Parents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (agricultural workers): Grandparents.

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Family member eligible for reunification (medical doctors): Spouse.

Answer: yes

Code: 1

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse (and minor children) of a medical doctor is eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a medical doctor are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (medical doctors): Children.

Answer: yes

Code: 1

Explanation: The Foreigner Stay Introduction Manual stipulates that (the spouse and) minor children of a medical doctor are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (medical doctors): Parents.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a medical doctor are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (medical doctors): Grandparents.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a medical doctor are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (permanent residents): Spouse.

Answer: yes

Code: 1

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse (and minor children) of a permanent resident is eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a permanent resident are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (permanent residents): Children.

Answer: yes

Code: 1

Explanation: The Foreigner Stay Introduction Manual stipulates that (the spouse and) minor children of a permanent resident are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (permanent residents): Parents.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a permanent resident are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Family member eligible for reunification (permanent residents): Grandparents.

Answer: no

Code: 0

Explanation: The Foreigner Stay Introduction Manual stipulates that the spouse and minor children of a permanent resident are eligible for family reunification.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Security of status

IMMIGRANT_39: Length of application procedure.

Length of application procedure in months (asylum seekers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (asylum seekers).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (refugees).

Answer: 97

Code: 97

Explanation: No regulation of maximum length in main regulations.

Sources: Refugee Act. 2012.

Length of application procedure (refugees).

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length in main regulations.

Sources: Refugee Act. 2012.

Length of application procedure in months (co-ethnics).

Answer: 97

Code: 97

Explanation: No regulation of maximum length in main regulations.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Length of application procedure (co-ethnics).

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length in main regulations.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Length of application procedure in months (domestic workers).

Answer: 97

Code: 97

Explanation: No regulation of maximum length in main regulations.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Length of application procedure (domestic workers).

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length in main regulations.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Length of application procedure in months (agricultural workers).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure (agricultural workers).

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Length of application procedure in months (medical doctors).

Answer: 97

Code: 97

Explanation: No regulation of maximum length in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Length of application procedure (medical doctors).

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Length of application procedure in months (permanent residents).

Answer: 97

Code: 97

Explanation: No regulation of maximum length in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

Length of application procedure (permanent residents).

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length in main regulations.

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_40: Duration of permit.

Duration of validity of permit (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (refugees):

Answer: less than a year

Code: 0

Explanation: C-3-1 visas are issued for 90 days and this entry visa serves as the basis for applying for family reunification.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Duration of validity of permit (co-ethnics):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: The visas are issued as one-year permits that are renewable.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Duration of validity of permit (domestic workers):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: The visas are issued as one-year permits that are renewable.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Duration of validity of permit (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Duration of validity of permit (medical doctors):

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Duration of validity of permit (permanent residents):

Answer: not equal to sponsor's but more or equal a year

Code: 0.5

Explanation: F-2 visas are issued for as long as 3 year durations.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

IMMIGRANT_41: Grounds for rejection, withdrawing or refusing to renew status.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: Refugee Act. 2012.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: Refugee Act. 2012.

Break-up of family relationship is a ground for rejecting family reunification application (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: Refugee Act. 2012.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding the grounds for rejecting, withdrawing or refusing to renew status.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

IMMIGRANT_42: Special circumstances.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: Refugee Act. 2012.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: Refugee Act. 2012.

Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: Refugee Act. 2012.

Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: Refugee Act. 2012.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding due account taken of special circumstances before refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

**IMMIGRANT_43: Legal guarantees and redress in case of refusal or withdrawal.
Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: not applicable

Code: not applicable

Explanation: Not applicable.

Sources: Not applicable.

Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):

Answer: not applicable

Code: not applicable

Explanation: not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: Refugee Act. 2012.

Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: Refugee Act. 2012.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: Refugee Act. 2012.

Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):

Answer: no

Code: 0

Explanation: There are no regulations regarding legal guarantees and redress in case of refusal or withdrawal.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

IMMIGRANT_44: Right to autonomous permit.

Right to autonomous residence permit for partners and children at age of majority (asylum seekers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (refugees):

Answer: right after reunification

Code: 1

Explanation: Spouses and minor children of recognized refugees can also gain refugee recognition, but it is not automatically granted.

Sources: 한국 체류 난민 등의 실태조사 및 사회적 처우 개선을 위한 정책 방안 [Fact-finding mission and policy recommendations for social status improvement of refugees in South Korea].

Right to autonomous residence permit for partners and children at age of majority (co-ethnics):

Answer: after less or equal 3 years

Code: 0.75

Explanation: Those who meet the eligibility criteria for the F-2 residence visa and have resided in Korea for more than 3 years can be granted the F-5 permanent residence visa upon approval from the Minister of Justice.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Right to autonomous residence permit for partners and children at age of majority (domestic workers):

Answer: after less or equal 3 years

Code: 0.75

Explanation: Those who meet the eligibility criteria for the F-2 residence visa and have resided in Korea for more than 3 years can be granted the F-5 permanent residence visa upon approval from the Minister of Justice.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Right to autonomous residence permit for partners and children at age of majority (agricultural workers):

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Right to autonomous residence permit for partners and children at age of majority (medical doctors):

Answer: after less or equal 3 years

Code: 0.75

Explanation: Those who meet the eligibility criteria for the F-2 residence visa and have resided in Korea for more than 3 years can be granted the F-5 permanent residence visa upon approval from the Minister of Justice.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

Right to autonomous residence permit for partners and children at age of majority (permanent residents):

Answer: after less or equal 3 years

Code: 0.75

Explanation: Permanent residents' partners and children at age of majority have a right of an autonomous residence permit after 2 years.

Sources: 사증발급 안내매뉴얼 [Visa Issuance Introductory Manual]. 2018.

5.4.2. Education

IMMIGRANT_45: Access to education.

Children of asylum seekers have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 43 of the Refugee Act establishes that: 'A refugee applicant and a minor foreigner of his/her family may receive the same level of elementary education and secondary education as that of the Korean people'.

Sources: Refugee Act. 2012. Art. 43.

Children of refugees have access to compulsory education:

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 33 of the Refugee Act establishes that: '(1) Where a recognized refugee or his/her child is a minor under the Civil Act, he/she shall receive the same elementary education and secondary education as the Korean people; (2) The Minister of Justice may support recognized refugees to receive necessary education in consideration of their age, learning ability, educational conditions, etc. as prescribed by Presidential Decree'.

Sources: Refugee Act. 2012. Art. 33.

Children of co-ethnics have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While this right is not regulated explicitly, there is a provision that Korea, having ratified the Convention on the Rights of the Child, shall provide for education of all children. Article 4 of the Child Welfare Act establishes that: '(1) The State and local governments shall formulate and implement policies for supporting children, their protectors, and their homes, to promote the safety, health, and welfare of children; (2) The State and local governments shall formulate and implement policies for enhancing the rights and interests of children subject to protection and children subject to support; (3) The State and local governments shall devise policies necessary for protecting the rights and interests of children with disability; (4) The State and local governments shall devise policies necessary to protect children from experiencing any kind of discrimination on the grounds of their or their parent's gender, age, religion, social status, property, disability, birthplace, race, etc.; (5) The State and local governments shall formulate and implement policies necessary for the enhancement, etc., of rights and welfare of children prescribed by the Convention on the Rights of the Child, and shall provide education necessary for such policies and publicize them; (6) The State and local governments shall provide educational support necessary for children's protectors to rear their children happily and safely'.

Sources: Act N° 14224. 2016. Art. 4.

Children of domestic workers have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While this right is not regulated explicitly, there is a provision that Korea, having ratified the Convention on the Rights of the Child, shall provide for education of all children. Article 4 of the Child Welfare Act establishes that: '(1) The State and local governments shall formulate and implement policies for supporting children, their protectors, and their homes, to promote the safety, health, and welfare of children; (2) The State and local governments shall formulate and implement policies for enhancing the rights and interests of children subject to protection and children subject to support; (3) The State and local governments shall devise policies necessary for protecting the rights and interests of children with disability; (4) The State and local governments shall devise policies necessary to protect children from experiencing any kind of discrimination on the grounds of their or their parent's gender, age, religion, social status, property, disability, birthplace, race, etc.; (5) The State and local governments shall formulate and implement policies necessary for the enhancement, etc., of rights and welfare of children prescribed by the Convention on the Rights of the Child, and shall provide education necessary for such policies and publicize them; (6) The State and local governments shall provide educational support necessary for children's protectors to rear their children happily and safely'.

Sources: Act N° 14224. 2016. Art. 4.

Children of agricultural workers have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While this right is not regulated explicitly, there is a provision that Korea, having ratified the Convention on the Rights of the Child, shall provide for education of all children. Article 4 of the Child Welfare Act establishes that: '(1) The State and local governments shall formulate and implement policies for supporting children, their protectors, and their homes, to promote the safety, health, and welfare of children; (2) The State and local governments shall formulate and implement policies for enhancing the rights and interests of children subject to protection and children subject to

support; (3) The State and local governments shall devise policies necessary for protecting the rights and interests of children with disability; (4) The State and local governments shall devise policies necessary to protect children from experiencing any kind of discrimination on the grounds of their or their parent's gender, age, religion, social status, property, disability, birthplace, race, etc.; (5) The State and local governments shall formulate and implement policies necessary for the enhancement, etc., of rights and welfare of children prescribed by the Convention on the Rights of the Child, and shall provide education necessary for such policies and publicize them; (6) The State and local governments shall provide educational support necessary for children's protectors to rear their children happily and safely'.

Sources: Act N° 14224. 2016. Art. 4.

Children of medical doctors have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While this right is not regulated explicitly, there is a provision that Korea, having ratified the Convention on the Rights of the Child, shall provide for education of all children. Article 4 of the Child Welfare Act establishes that: '(1) The State and local governments shall formulate and implement policies for supporting children, their protectors, and their homes, to promote the safety, health, and welfare of children; (2) The State and local governments shall formulate and implement policies for enhancing the rights and interests of children subject to protection and children subject to support; (3) The State and local governments shall devise policies necessary for protecting the rights and interests of children with disability; (4) The State and local governments shall devise policies necessary to protect children from experiencing any kind of discrimination on the grounds of their or their parent's gender, age, religion, social status, property, disability, birthplace, race, etc.; (5) The State and local governments shall formulate and implement policies necessary for the enhancement, etc., of rights and welfare of children prescribed by the Convention on the Rights of the Child, and shall provide education necessary for such policies and publicize them; (6) The State and local governments shall provide educational support necessary for children's protectors to rear their children happily and safely'.

Sources: Act N° 14224. 2016. Art. 4.

Children of permanent residents have access to compulsory education:

Answer: yes, implicit obligation for all children to access education

Code: 0.5

Explanation: While this right is not regulated explicitly, there is a provision that Korea, having ratified the Convention on the Rights of the Child, shall provide for education of all children. Article 4 of the Child Welfare Act establishes that: '(1) The State and local governments shall formulate and implement policies for supporting children, their protectors, and their homes, to promote the safety, health, and welfare of children; (2) The State and local governments shall formulate and implement policies for enhancing the rights and interests of children subject to protection and children subject to support; (3) The State and local governments shall devise policies necessary for protecting the rights and interests of children with disability; (4) The State and local governments shall devise policies necessary to protect children from experiencing any kind of discrimination on the grounds of their or their parent's gender, age, religion, social status, property, disability, birthplace, race, etc.; (5) The State and local governments shall formulate and implement policies necessary for the enhancement, etc., of rights and welfare of children prescribed by the Convention on the Rights of the Child, and shall provide education necessary for such policies and publicize them; (6) The State and local

governments shall provide educational support necessary for children's protectors to rear their children happily and safely'.

Sources: Act N° 14224. 2016. Art. 4.

IMMIGRANT_46: Access to higher education.

Asylum seekers and their children have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlizjRaIbRLYKPVOfkQPs2kb1YaADcMikBl8.studyinkorea20>.

Refugees have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlizjRaIbRLYKPVOfkQPs2kb1YaADcMikBl8.studyinkorea20>.

Co-ethnics have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlizjRaIbRLYKPVOfkQPs2kb1YaADcMikBl8.studyinkorea20>..

Domestic workers have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlIZjRaIbRLYKPVOfkQPs2kb1YaADcMikBI8.studyinkorea20>.

Agricultural workers have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlIZjRaIbRLYKPVOfkQPs2kb1YaADcMikBI8.studyinkorea20>.

Medical doctors have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlIZjRaIbRLYKPVOfkQPs2kb1YaADcMikBI8.studyinkorea20>.

Permanent residents have access to higher education:

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: There is no law that regulates access to higher education. As well, the Korean government actively recruits international students to attend university in Korea. Therefore, access to higher education in Korea is deemed to granted implicitly.

Sources: Ministry of Education. "Study in Korea | Run by Korean Government". Accessed May 19, 2021.
<https://www.studyinkorea.go.kr/en/main.do;jsessionid=aJmSlizjRaIbRLYKPVOfkQPs2kb1YaADcMikBl8.studyinkorea20>.

IMMIGRANT_47: Support for language instruction.

Provision of education support in language(s) of instruction for migrant pupils:

Answer: yes

Code: 1

Explanation: Migrant pupils have language support in compulsory education (both primary and secondary). Article 10 of the Multicultural Families Support Act establishes that: '(1) Neither the State nor local governments shall discriminate against children and youth of any multicultural family in providing care and education services for children and youth. ; (2) The State and local governments shall prepare measures for educational assistance to children and youth of multicultural families to help them quickly adapt to school life; and the Superintendent in each Special Metropolitan City, Metropolitan City, Special Self-Governing City, Do, and Special Self-Governing Province, may provide children and youth of multicultural families with extracurricular or after-school educational programs. ; (3) The State and local governments shall endeavor to support preschool care and education services for members of multicultural families under 18 years of age, and to help such members develop language skills, may provide assistance necessary for improving their linguistic proficiency, such as teaching materials and learning support in teaching Korean language and the mother tongue of their father or mother who is an immigrant by family. ; (4) Principals of child-care centers under Article 10 of the Infant Care Act, heads of kindergartens under Article 7 of the Early Childhood Education Act, heads of all types of schools under Article 2 of the Elementary and Secondary Education Act, and heads of other organizations prescribed by Presidential Decree shall take necessary measures to prevent children and youth of multicultural families from being discriminated against in providing care and education services for children and youth.'

Sources: Multicultural Families Support Act. 2008. Art. 10.

IMMIGRANT_48: Intercultural education.

Intercultural education is included in pre-service training in order to qualify as a teacher:

Answer: yes

Code: 1

Explanation: Article 13 of the Multicultural Families Support Act establishes that: 'The State and local governments may provide educational programs for public officials who engage in any affairs related to supporting multicultural families with the aim of enhancing their understanding of multicultural families and improving their expertise.' Moreover, Article 13-2 establishes that: '(1) The State or local governments shall endeavor to train professional human resources necessary for supporting multicultural families and promoting programs, such as the education for understanding diverse cultures; (2) In order to train professional human resources prescribed in paragraph (1), the Minister of Gender Equality and Family may designate and manage an institution or organization, such as a university, college or research center that has appropriate human resources, facilities, etc., as a training agency of professional human resources, as prescribed by Presidential Decree; (3) The State

or local governments may subsidize all or some of the expenses incurred by a training agency for professional human resources designated under paragraph (2), within budget limits; (4) Criteria and procedures for designation of a training agency for professional human resources under paragraph (2) and other relevant matters shall be prescribed by Presidential Decree. [This Article Newly Inserted by Act No. 11284, Feb. 1, 2012].

Sources: Multicultural Families Support Act. 2008. Art. 13.

IMMIGRANT_49: Integration in teachers' syllabus.

Migration and integration are obligatory topics in professional development training:

Answer: yes

Code: 1

Explanation: Article 13-2 of the Multicultural Families Support Act establishes that: '(1) The State or local governments shall endeavor to train professional human resources necessary for supporting multicultural families and promoting programs, such as the education for understanding diverse cultures; (2) In order to train professional human resources prescribed in paragraph (1), the Minister of Gender Equality and Family may designate and manage an institution or organization, such as a university, college or research center that has appropriate human resources, facilities, etc., as a training agency of professional human resources, as prescribed by Presidential Decree; (3) The State or local governments may subsidize all or some of the expenses incurred by a training agency for professional human resources designated under paragraph (2), within budget limits; (4) Criteria and procedures for designation of a training agency for professional human resources under paragraph (2) and other relevant matters shall be prescribed by Presidential Decree. [This Article Newly Inserted by Act No. 11284, Feb. 1, 2012].

Sources: Multicultural Families Support Act. 2008. Art. 13.

5.4.3. Health care

IMMIGRANT_50: Conditions for inclusion in the health care system

Conditions for inclusion of asylum seekers in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: Article 42 of the Refugee Act establishes that: 'The Minister of Justice may provide refugee applicants with medical services as prescribed by Presidential Decree'.

Sources: Refugee Act. 2012.

Conditions for inclusion of refugees in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Article 31 of the Refugee Act establishes that: 'Notwithstanding Article 8 of the Framework Act on Social Security, a foreigner staying in Korea after becoming a recognized refugee shall be covered by social security at the same level as that of the citizens of the Republic of Korea'.

Sources: Refugee Act. 2012. Art. 31.

Conditions for inclusion of co-ethnics in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: For the inclusion of co-ethnics in the system of health care coverage, an employment contract or self-employment declaration is needed.

Sources: National Health Insurance Act. 2011. Art. 109.

Conditions for inclusion of domestic workers in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: Article 14 of the Act on the foreign workers' employment establishes that: 'For the purposes of applying the National Health Insurance Act to employers and foreign workers employed by them, such employers shall be deemed employers under Article 3 of the aforesaid Act, while foreign workers employed by such employers shall be deemed employment-provided policy holders under Article 6 (1) of the same Act, respectively'.

Sources: Act on the Foreign Workers' Employment, etc. 2003. Art. 14.

Conditions for inclusion of agricultural workers in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Article 14 of the Act on foreign workers' employment establishes that: 'For the purposes of applying the National Health Insurance Act to employers and foreign workers employed by them, such employers shall be deemed employers under Article 3 of the aforesaid Act, while foreign workers employed by such employers shall be deemed employment-provided policy holders under Article 6 (1) of the same Act, respectively'.

Sources: Act on the Foreign Workers' Employment. 2003. Art. 14.

Conditions for inclusion of medical doctors in the health care system:

Answer: inclusion is unconditional

Code: 1

Explanation: Article 14 of the Act on foreign workers' employment, etc. establishes that: 'For the purposes of applying the National Health Insurance Act to employers and foreign workers employed by them, such employers shall be deemed employers under Article 3 of the aforesaid Act, while foreign workers employed by such employers shall be deemed employment-provided policy holders under Article 6 (1) of the same Act, respectively'.

Sources: Act on the Foreign Workers' Employment. 2003. Art. 14.

Conditions for inclusion of permanent residents in the health care system:

Answer: some conditions for inclusion (e.g. length of stay)

Code: 0.5

Explanation: For the inclusion of permanent residents in the system of health care coverage, an employment contract or self-employment declaration is needed.

Sources: National Health Insurance Act. 2011. Art. 109.

IMMIGRANT_51: Coverage of health care services.

Health care coverage for asylum seekers.

Answer: more than emergency care, but less than for nationals

Code: 0.75

Explanation: Article 42 of the Refugee Act establishes that: 'The Minister of Justice may provide refugee applicants with medical services as prescribed by Presidential Decree.'

Sources: Refugee Act. 2012. Art. 42.

Health care coverage for refugees.

Answer: same coverage as nationals

Code: 1

Explanation: Article 31 of the Refugee Act establishes that: 'Notwithstanding Article 8 of the Framework Act on Social Security, etc., a foreigner staying in Korea after becoming a recognized refugee shall be covered by social security at the same level as that of the citizens of the Republic of Korea.'

Sources: Refugee Act. 2012. Art. 31.

Health care coverage for co-ethnics.

Answer: same coverage as nationals

Code: 1

Explanation: Co-ethnics can access national health insurance benefits after residing in Korea for a period specified by the Ministry of Health. Article 76-2 of the Enforcement Decree of the National Health Insurance Act establishes that: '(1) An overseas Korean national or a foreigner residing in the Republic of Korea (hereinafter referred to as "foreigner, etc. residing in Korea) shall become eligible as the self-employed insured on any of the following dates, whichever is relevant, pursuant to the proviso to Article 109 (6) of the Act: 1. Where the relevant person falls under Article 109 (3) 2 of the Act and resides in Korea during the period referred to in subparagraph 1 of the same paragraph: The date the period expires; 2. Where the relevant person falls under Article 109 (3) 2 of the Act and constitutes the grounds on which he/she is expected to reside in Korea continuously pursuant to subparagraph 1 of the same paragraph: The date the person enters Korea; 3. Other cases where the Minister of Health and Welfare deems it necessary to determine the time to acquire the eligibility as the insured for foreigners, etc. differently from that for Korean nationals residing in Korea in consideration of the status, period, circumstances, etc. of sojourn, and publicly notifies such time: The date prescribed in the relevant notice.

Sources: Enforcement Decree of the National Health Insurance Act. 2012.

Health care coverage for domestic workers.

Answer: same coverage as nationals

Code: 1

Explanation: Workers who can access employer-sponsored health insurance (the employer needs to consent and opt in) have the same coverage as nationals. However, in reality, many employers renege on this duty. Article 6 of the National Health Insurance Act establishes that: '(1) The insured shall be divided into the employee insured* and the self-employed insured; (2) Workers and employers of all workplaces and public officials and school employees shall become the employee insured: Provided, That any of the following persons shall be excluded here from: ; 1. Daily-paid workers who are employed for a period of less than one month; 2. Soldiers in active service under the Military Service Act (including staff sergeants appointed without volunteering), secondment personnel, and candidates for military officers; 3. Public officials who assume office by winning an election, and who do not receive monthly remuneration or salary equivalent thereto; 4. Workers and employers of workplaces prescribed by Presidential Decree, in light of the characteristics of workplace, forms of employment, and types of business, and public officials and school employees; (3) Persons who are neither the employee insured nor their dependents shall be the self-employed insured; (4) Workers and employers under paragraph (2) 4 may either become the employee insured or withdraw from such status, according to the procedures prescribed by Presidential Decree.

Sources: National Health Insurance Act. 2011. Art. 6.

Health care coverage for agricultural workers.

Answer: same coverage as nationals

Code: 1

Explanation: Workers who can access employer-sponsored health insurance (the employer needs to consent and opt in) have the same coverage as nationals. However, in reality, many employers renege on this duty. Article 6 of the National Health Insurance Act establishes that: '(1) The insured shall be divided into the employee insured* and the self-employed insured; (2) Workers and employers of all workplaces and public officials and school employees shall become the employee insured: Provided, That any of the following persons shall be excluded herefrom: 1. Daily-paid workers who are employed for a period of less than one month; 2. Soldiers in active service under the Military Service Act (including staff sergeants appointed without volunteering), secondment personnel, and candidates

for military officers; 3. Public officials who assume office by winning an election, and who do not receive monthly remuneration or salary equivalent thereto; 4. Workers and employers of workplaces prescribed by Presidential Decree, in light of the characteristics of workplace, forms of employment, and types of business, and public officials and school employees; (3) Persons who are neither the employee insured nor their dependents shall be the self-employed insured; (4) Workers and employers under paragraph (2) 4 may either become the employee insured or withdraw from such status, according to the procedures prescribed by Presidential Decree.

Sources: National Health Insurance Act. 2011. Art. 6.

Health care coverage for medical doctors.

Answer: same coverage as nationals

Code: 1

Explanation: Workers who can access employer-sponsored health insurance (the employer needs to consent and opt in) have the same coverage as nationals. However, in reality, many employers renege on this duty. Article 6 of the National Health Insurance Act establishes that: '(1) The insured shall be divided into the employee insured* and the self-employed insured; (2) Workers and employers of all workplaces and public officials and school employees shall become the employee insured: Provided, That any of the following persons shall be excluded herefrom: 1. Daily-paid workers who are employed for a period of less than one month; 2. Soldiers in active service under the Military Service Act (including staff sergeants appointed without volunteering), secondment personnel, and candidates for military officers; 3. Public officials who assume office by winning an election, and who do not receive monthly remuneration or salary equivalent thereto; 4. Workers and employers of workplaces prescribed by Presidential Decree, in light of the characteristics of workplace, forms of employment, and types of business, and public officials and school employees; (3) Persons who are neither the employee insured nor their dependents shall be the self-employed insured; (4) Workers and employers under paragraph (2) 4 may either become the employee insured or withdraw from such status, according to the procedures prescribed by Presidential Decree.

Sources: National Health Insurance Act. 2011. Art. 6.

Health care coverage for permanent residents.

Answer: same coverage as nationals

Code: 1

Explanation: Permanent residents are eligible for the same national health insurance scheme under the "self-employed" track which does not require employment. Article 109 of the National Health Insurance Act establishes that: '(8) The insurance contribution for the self-employed insured who fall under foreigners, etc. residing in Korea (excluding foreigners who reside permanently in Korea) shall be paid by the 25th day of the immediately preceding month, notwithstanding the main sentence of Article 78 (1): Provided, That in any of the following cases, the insurance contribution shall be paid as determined by the NHIS: ; 1. Where the insurance contribution for the month in which the date the eligibility is acquired falls are collected; 2. Where the eligibility is acquired during the period from the 26th day to the end of any month.'

Sources: National Health Insurance Act. 2011. Art. 109.

5.4.4. Unemployment benefits

IMMIGRANT_52: Unemployment benefits.

Access of asylum seekers to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of refugees to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of co-ethnics to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of domestic workers to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of agricultural workers to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of medical doctors to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

Access of permanent residents to unemployment benefits as compared to citizen residents:

Answer: no access

Code: 0

Explanation: Article 64 of the Employment Insurance Act establishes that: '(1) Early re-employment allowances shall be payable to an eligible recipient (excluding foreign workers defined in Article 2 of the Act on the Employment, etc. of Foreign Workers) who secures a stable job or commences one's own for-profit business and meets the standards prescribed by Presidential Decree.'

Sources: Employment Insurance Act. 2008. Art. 64.

5.4.5. Retirement benefits

IMMIGRANT_53: Retirement benefits.

Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of refugees to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire

entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of domestic workers to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of agricultural workers to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training

activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of medical doctors to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

Access of permanent residents to retirement benefits as compared to citizen residents:

Answer: limited access

Code: 0.5

Explanation: There is priority to nationals in the retirement pension scheme. Foreigners have to meet certain conditions and are also not eligible for lump sum refunds. Article 126 of the National Pension Act establishes that: '(4) Articles 77 through 79 shall not apply to a foreigner who participates or participated in the National Pension Plan, etc.: Provided, That the foregoing shall not apply to any of the following foreigners: ; 1. A foreigner where a citizen of the Republic of Korea fails to acquire entitlement to receive benefits (referring to benefits corresponding to benefits under subparagraphs 1 through 3 of Article 49) pursuant to the Acts of a foreign country to which the foreigner belongs, and falls under any subparagraph of Article 77 (1), and it is provided by the Acts of the foreign country that a certain amount (referring to an amount calculated based on pension premiums paid during the period of participation in the National Pension Plan) shall be paid to the citizen of the Republic of Korea in a lump sum; 2. A foreign employee under the Act on the Employment, etc. of Foreign Workers employed at a workplace governed by this Act; 3. A person employed at a workplace governed by this Act who has the qualification to stay for him/her to participate in industrial training activities pursuant to Article 10 of the Immigration Act and does not leave a designated place where he/she receives training for the period of necessary training.

Sources: National Pension Act. 1986. Art. 77.

5.5. Cultural policies

IMMIGRANT_54: Funding for bilingual education.

Is there public funding for bilingual education in the language of majoritarian migrant groups?

Answer: yes

Code: 1

Explanation: Article 11 of the Multicultural Families Support Act establishes that: 'The State and local governments shall, in promoting support policies prescribed in Articles 5 through 10, endeavor to provide multilingual services in order to remove communication barriers facing immigrants by marriage, etc. and improve accessibility to such services.'

Sources: Multicultural Families Support Act. 2008. Art. 11.

IMMIGRANT_55: Funding for media on main migrant group's language.

Is there public funding for media in the language of the main migrant group?

Answer: no

Code: 0

Explanation: No regulations exist in this regard.

Sources: Multicultural Families Support Act. 2008.

5.6. Mobility policies

5.6.1. Identity documents

IMMIGRANT_56: Confiscation of identification documents.

Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: As per Korean law, passports may be held under certain conditions. Otherwise, identification documents may be inspected but only with the holder's permission. There is no explicit right against having documents confiscated. Article 6 of the Enforcement Decree of the Immigration Act establishes that: '(1) When an immigration control official takes custody of a passport or a seafarer's identity document under Article 5 of the Act, he/she shall notify the holder of the passport or seafarer's identity document of the ground therefor and may notify the head of an issuing agency of such fact. (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of

a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?

Answer: no

Code: 0

Explanation: (2) In either of the following cases, the head of an immigration office (hereinafter referred to as "head of an office") or the head of an immigration branch office (hereinafter referred to as "head of a branch office") may send a passport or a seafarer's identity document in his/her custody under Article 5 of the Act to the head of a requesting agency or issuing agency: ; 1. Where requested to submit by the head of an investigative agency for investigations; 2. Where requested by the head of the issuing agency.' [This Article Wholly Amended by Presidential Decree No. 23274, Nov. 1, 2011].

Sources: 출입국관리법 시행령 [Enforcement Decree of the Immigration Act]. 2012. Art. 5.

5.6.2. Freedom of movement

IMMIGRANT_57: Freedom of movement within country.

Do asylum seekers have the right to move freely within the country?

Answer: Yes

Code: 1

Explanation: This right is not regulated in the law, but the Enforcement Decree of the Refugee Act indicates that asylum seekers have a choice of living in a refugee support facility or not. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Enforcement Decree of the Refugee Act. 2013. / Immigration Act. 1992. Art. 22.

Do refugees have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: This right is not regulated in the law. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 22.

Do co-ethnics have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: This right is not regulated in the law. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 22.

Do domestic workers have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: This right is not regulated in the law. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 22.

Do agricultural workers have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: This right is not regulated in the law. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 22.

Do medical doctors have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: This right is not regulated in the law. However, the right to freedom of residence for all aliens is subject to Minister of Justice discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 22.

Do permanent residents have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: According to the visa conditions for permanent residents, they have freedom of movement. However, the right to freedom of residence for all aliens is subject to Minister of Justice

discretion for restriction as per the Immigration Act. Article 22 of the Immigration Act establishes that: 'If it is deemed necessary for maintaining public peace and order or important interests of the Republic of Korea, the Minister of Justice may restrict the residence or scope of activities of any alien staying in Korea or determine necessary matters to be observed by such alien.' [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: 외국인체류 안내매뉴얼 [Foreigner Stay Introduction Manual]. 2018.

IMMIGRANT_58: Freedom to move outside the country.

Do asylum seekers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (asylum seekers):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do refugees have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: '(1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010]'

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (refugees):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do co-ethnics have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (co-ethnics):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do domestic workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (domestic workers):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do agricultural workers have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (agricultural workers):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do medical doctors have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (medical doctors):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Do permanent residents have the right to leave the country?

Answer: yes

Code: 1

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

Number of months of absence allowed per year (permanent residents):

Answer: 12

Code: 12

Explanation: Restrictions on departure apply when the migrant in question has committed criminal or administrative offences. There is no mention on periods of absence from the country allowed. Article 29 of the Immigration Act (Suspension of Foreigners' Departure) establishes that: (1) The Minister of Justice may suspend the departure of a foreigner falling under any subparagraph of Article 4 (1) or (2). ; (2) Articles 4 (3) through (5) and 4-2 through 4-5 shall apply mutatis mutandis to paragraph (1). [This Article Wholly Amended by Act No. 10282, May 14, 2010].

Sources: Immigration Act. 1992. Art. 29.

5.6.3. Obligations

5.6.4. Military service

IMMIGRANT_59: Military service.

Do asylum seekers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do refugees have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do co-ethnics have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do domestic workers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do agricultural workers have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do medical doctors have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

Do permanent residents have the obligation to comply with military service?

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male nationals are required to serve in the military.

Sources: Military Service Act. 1993. Art. 3.

5.6.5. Social service

IMMIGRANT_60: Social service.

Do asylum seekers have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do refugees have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do co-ethnics have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do domestic workers have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do agricultural workers have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do medical doctors have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

Do permanent residents have the obligation to comply with social service?

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Social service is performed in lieu of military service, which is only compulsory for male nationals.

Sources: Military Service Act. 1993.

5.6.6. Taxes

IMMIGRANT_61: Income taxes.

Do asylum seekers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do refugees have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do co-ethnics have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do domestic workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do medical doctors have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

Do permanent residents have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: A resident, defined as any individual with a place of residence in the ROK for at least 183 days, must pay income tax.

Sources: Income Tax Act. 1994. Art 1-2.

5.7. Administration

IMMIGRANT_62: Existence of immigrant integration agency in state of reception.

Existence of institution/agency with competencies for immigrant policies:

Answer: yes

Code: 1

Explanation: The Ministry of Justice has social integration education programs (Initial Adjustment Support Program and Korea Immigration & Integration Program (KIIP)) to help immigrants. The Ministry of Justice's (MOJ) social integration education (Initial Adjustment Support Program and Korea Immigration & Integration Program (KIIP)) helps immigrants' successful integration into Korea by offering a range of courses to develop Korean language skills and learn about Korea's culture and society and essentials for settlement into the Korean life. It prevents conflicts immigrants may face with Korean residents due to different cultural backgrounds, and facilitates their communication; Initial Adjustment Support Program for immigrants: The Program was initially designed to assist marriage immigrants in 2009, and has expanded to all immigrants since October 2013. It teaches foreigners who are not familiar with Korean language and culture basic laws and policies, immigration laws and rules, and tips for everyday life in the language that the learner speaks. Courses delivered by foreign lecturers who have successfully settled in Korea help students understand basic law and policies of the country; KIIP offers opportunities to learn Korean language, culture and society: KIIP is a standardized set of courses that teach immigrants basic knowledge to settle into and secure employment in the country. Its ever-increasing enrollment shows this Program provides great opportunities for migrant workers, foreigners from Korean descent, foreign students and immigrants married to Korean nationals to learn Korean language and culture. If a student completes the KIIP courses, he or she will not need to prove Korean language proficiency in changing his or her status for stay, and will be exempted from the written test and interview for naturalization. KIIP is delivered at 300 organizations including colleges, local governments, multicultural family support centers, and agricultural cooperatives. Those who hold Test of Proficiency in Korean scores can directly sign up for a KIIP Korean course at a matching level.

Sources: Ministry of Justice. "Initial Adjustment Support Program for Immigrants". Accessed October 1, 2019.

http://www.immigration.go.kr/immigration_eng/1833/subview.do;jsessionid=s8ntbXzBX4rkdxbljPMn6Iz3tt66MaYEXR2tizZs.wizard-89-fv8qh?enc=Zm5jdDF8QEB8JTJGYmJzJTJGaW1taWdyYXRpb25fZW5nJTJGMjMwJTJGMzc4NTk3JTJGYXJ0Y2xWaWV3LmRvJTNG.

Name of the institution with competencies for immigrant policies in original language:

Answer: 법무부

Name of the institution with competencies for immigrant policies in English:

Answer: Ministry of Justice

Access to antidiscrimination body.

Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as

eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):

Answer: Yes

Code: 1

Explanation: Yes. The National Human Rights Commission has to investigate discriminatory acts and the whole act applies to citizens as well as resident foreigners. The National Human Rights Commission of Korea, according to Article 19 (Duties): "The Commission shall perform the following duties: 3. Investigation and remedy with respect to discriminatory acts;" And this Act applies to resident foreigners as well: "Article 4 (Scope of Application) This Act shall apply to all citizens of the Republic of Korea and foreigners residing therein. [This Article Wholly Amended by Act No. 10679, May 19, 2011]".

Sources: National Human Rights Commission of Korea Act. 2001. Art. 19.

6. Immigrant citizenship and nationality

6.1. Immigrant nationality

6.1.1. Immigrant dual nationality

IMNAT_1: Renunciation of previous nationality.

Does the country require applicants to naturalization by residence to renounce their previous nationality?

Answer: Yes

Code: 0

Explanation: Article 10 (Obligation of Persons who Acquire Nationality of the Republic of Korea to Renounce Foreign Nationality) establishes that: (1) An alien who has acquired the nationality of the Republic of Korea but retains a nationality of a foreign country shall renounce the nationality of the foreign country within one year after acquiring the nationality of the Republic of Korea.

Sources: 國籍法 [Nationality Act]. 2016. Art. 10.

Citizenship can be withdrawn only if person resides outside the country:

Answer: No

Code: 0

Explanation: If the Minister of Justice deems it obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may determine the loss of the nationality of the Republic of Korea after holding a hearing: Provided, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth: 1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.; 2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea. (2) A person for whom determination under paragraph (1) is made shall lose the nationality of the Republic of Korea at the time when such determination is made. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: 國籍法 [Nationality Act]. 2016.

Are there exceptions?

Answer: Only in exceptional personal circumstances

Code: 3

Explanation: 1. A person who had any ground falling under Article 6 (2) 1 or 2, or Article 7 (1) 2 or 3 when he/she obtained permission for naturalization; 2. A person who has obtained permission to recover nationality under Article 9 and is recognized to fall under Article 7 (1) 2 or 3 by the Minister of Justice; 3. A person who has obtained permission to acquire nationality under Article 9, while living in

a foreign country after he/she was adopted by an alien and acquired the nationality of the foreign country before he/she came of age under the Civil Act of the Republic of Korea; 4. A person who has obtained permission to acquire nationality under Article 9 by entering the Republic of Korea for the purpose of permanently residing therein after fully turning 65 years of age after having resided in a foreign country; 5. A person prescribed by Presidential Decree who has difficulty in complying with paragraph (1) despite his/her intention, due to the laws and institutions of a foreign country.

Sources: 國籍法 [Nationality Act]. 2016.

IMNAT_1_1: Sanctions.

Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?

Answer: Yes

Code: 1

Explanation: Yes, the person will lose their Korean nationality. Article 10 (Obligation of Persons who Acquire Nationality of the Republic of Korea to Renounce Foreign Nationality) establishes that a person who fails to comply with paragraph (1) or (2) shall lose the nationality of the Republic of Korea upon the expiration of a period specified therein.

Sources: 國籍法 [Nationality Act]. 2016. Art. 10.

6.1.2. Emigrant dual nationality for immigrants who naturalized

IMNAT_2: Emigrant dual nationality for naturalized immigrants.

Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?

Answer: Procedure for loss is withdrawal

Code: 0.25

Explanation: A Korean national loses the nationality of the Republic of Korea at time of naturalization.

Sources: 國籍法 [Nationality Act]. 2016. Art. 15.

6.1.3. Loss of nationality after residence abroad for naturalized immigrants

IMNAT_3: Loss after residence abroad for naturalized immigrants

For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad

Answer: No provision

Code: 1

Explanation: No. The conditions of loss of nationality for naturalized persons only apply in certain cases that deal with security threat or public order.

Sources: 國籍法 [Nationality Act]. 2016. Art. 14-3.

After how many years abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.1.4. Unrestrictive jus soli

IMNAT_4: Unrestrictive jus soli.

Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?

Answer: No

Code: 0

Explanation: Nationality by birth is only provided if a parent is/was a Korean national, if both parents are unknown/stateless or if the child is deemed stateless due to abandonment.

Sources: 國籍法 [Nationality Act]. 2016. Art. 2.

6.1.5. Qualified jus soli

IMNAT_5: Qualified jus soli.

Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?

Answer: No

Code: 0

Explanation: No. *Ius Soli* is only possible when at least one parent is/was a Korean national or if both parents are unknown or stateless.

Sources: 國籍法 [Nationality Act]. 2016. Art. 2.

6.1.6. Standard naturalization procedure for immigrants due to residence

IMNAT_6: Ordinary naturalization.

Does the country provide for standard naturalization procedure for immigrants due to residence in it?

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Number of years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Number of continuous years of residence required for naturalization:

Answer: 5

Code: 5

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of

the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Permanent residence status is required for naturalization:

Answer: No

Code: 0

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Renunciation of previous nationality is required:

Answer: No renunciation requirement in case of unreasonable burden or high cost

Code: 0.5

Explanation: Article 10 (Obligation of Persons who Acquire Nationality of the Republic of Korea to Renounce Foreign Nationality): (1) An alien who has acquired the nationality of the Republic of Korea but retains a nationality of a foreign country shall renounce the nationality of the foreign country within one year after acquiring the nationality of the Republic of Korea. Article 10 (Obligation of Persons who Acquire Nationality of the Republic of Korea to Renounce Foreign Nationality) (2) Notwithstanding paragraph (1), any of the following persons shall either renounce the nationality of the foreign country or vow his/her intention not to exercise his/her foreign nationality in the Republic of Korea to the Minister of Justice, as prescribed by the Minister of Justice, within one year from the date he/she acquires the nationality of the Republic of Korea: 1. A person who had any ground falling under Article 6 (2) 1 or 2, or Article 7 (1) 2 or 3 when he/she obtained permission for naturalization; 2. A person who has obtained permission to recover nationality under Article 9 and is recognized to fall under Article 7 (1) 2 or 3 by the Minister of Justice; 3. A person who has obtained permission to acquire nationality under Article 9, while living in a foreign country after he/she was adopted by an alien and acquired the nationality of the foreign country before he/she came of age under the Civil Act of the Republic of Korea; 4. A person who has obtained permission to acquire nationality under Article 9 by entering the Republic of Korea for the purpose of permanently residing therein after fully turning 65 years of age after having resided in a foreign country; 5. A person prescribed by Presidential Decree who has difficulty in complying with paragraph (1) despite his/her intention, due to the laws and institutions of a foreign country.

Sources: 國籍法 [Nationality Act]. 2016. Art. 10.

Language condition for naturalization:

Answer: Without tests or certification and discretionary assessment of level of competence or with certification and specified level of competence at A2

Code: 0.5

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Civil knowledge is a requisite for naturalization:

Answer: Language general cultural integration/assimilation condition, also if assessed informally during an interview

Code: 0.25

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Clean criminal record is a requisite:

Answer: Specific good character clause applying only to naturalization applicants OR no crimes carrying sentences of less than 1 years

Code: 0.75

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

Economic resources as requisite for naturalization:

Answer: Includes employment condition or no welfare dependency ONLY at time of application

Code: 0.75

Explanation: The immigrant shall have lived in Korea for at least five consecutive years. Article 5 establishes the requirements for ordinary naturalization: He/she shall have had a domicile in the Republic of Korea for at least five consecutive years; He/she shall be an adult under the Civil Act of the Republic of Korea; He/she shall be a man of good conduct; He/she shall be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with; He/she shall have basic knowledge as a national of the Republic of Korea, such as Korean language proficiency and understanding of Korean custom.

Sources: 國籍法 [Nationality Act]. 2016. Art. 5.

6.1.7. Socialization based acquisition of citizenship

IMNAT_7: Naturalization by socialization.

Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?

Answer: No provision

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.8. Special procedure for immigrants with very long residence in country

IMNAT_8: Long residence.

Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.9. Preferential naturalization for immigrants from specific countries

IMNAT_9: Preferential naturalization by country.

Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.10. Cultural affinity/Ethnic ties

IMNAT_10: Preferential naturalization due to cultural or ethnic ties.

Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?

Answer: No

Code: 0

Explanation: No. It is only possible through standard procedures and there is no specific mention of co-ethnics in the Nationality Act.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.11. Spousal transfer

IMNAT_11: Spousal transfer.

Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: Yes. While the acquisition of nationality is not immediate, there is a special facilitated track for spouses of nationals.

Sources: 國籍法 [Nationality Act]. 2016. Art. 6.

6.1.12. Filial transfer

IMNAT_12: Filial transfer.

Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?

Answer: Yes

Code: 1

Explanation: Yes. Article 3 (Attainment of Nationality by Acknowledgement): (1) Where a person, who is not a national of the Republic of Korea (hereinafter referred to as "alien"), is acknowledged by his/her father or mother who is a national of the Republic of Korea, and meets all the following requirements, the person may attain the nationality of the Republic of Korea by notifying the Minister of Justice thereof: 1. The alien shall be a minor under the Civil Act of the Republic of Korea; 2. At the time of the alien's birth, his/her father or mother was to be a national of the Republic of Korea. (2) A person who makes a notification under paragraph (1) shall attain the nationality of the Republic of Korea at the time of notification. (3) Procedures for notification under paragraph (1) and other necessary matters shall be determined by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 3.

6.1.13. Special naturalization for refugees

IMNAT_13: Refugees.

Does the country facilitate the acquisition of nationality by a refugee in its territory?

Answer: No

Code: 0

Explanation: There is no special facilitated track for refugees aside from the standard naturalization procedures which refugees could also access.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.14. Naturalization for special achievements/talents

IMNAT_14: Special talents.

Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?

Answer: Yes

Code: 1

Explanation: Article 7 (Requirements for Special Naturalization): (1) Any of the following aliens, who has a domicile in the Republic of Korea, may obtain permission for naturalization, even without meeting the requirements under subparagraph 1, 2 or 4 of Article 5: (...) A person who has contributed greatly to the Republic of Korea; 3. A person acknowledged to contribute to the national interests of the Republic of Korea, who has very excellent ability in a specific field, such as science, economy, culture and sport. (2) The standards and procedures for determining a person falling under paragraph (1) 2 and 3 shall be prescribed by Presidential Decree. [This Article Wholly Amended by Act No. 8892, Mar. 14, 2008].

Sources: 國籍法 [Nationality Act]. 2016. Art. 7.

6.1.15. Naturalization due to investment/financial assets

IMNAT_15: Special talents.

Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.16. Transfer to other relatives

IMNAT_16: Transfer to other relatives.

Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.17. Nationality for the stateless

IMNAT_17: Stateless.

Does the country facilitate the naturalization of a stateless person in its territory?

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.18. Nationality for regularized immigrants

IMNAT_18: Regularization.

Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?

Answer: No differentiation

Code: 0.5

Explanation: No differentiation in main regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.1.19. Naturalization possible even if applicant had irregular status before

IMNAT_19: Irregular status.

Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?

Answer: No

Code: 0

Explanation: No provision in min regulations.

Sources: 國籍法 [Nationality Act]. 2016.

6.2. Immigrant citizenship

6.2.1. Restrictions on citizenship for naturalized immigrants

IMCIT_1: Restrictions for naturalized immigrants.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?

Answer: Yes

Code: 1

Explanation: Yes. The Minister of Justice may decide to take away the nationality of a person with multiple nationalities under certain grounds, and this provision only applies to naturalized persons and not nationals by birth. Article 14-3 (Determination on Loss of Nationality of the Republic of Korea) (1) If the Minister of Justice deems it obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may determine the loss of the nationality of the Republic of Korea after holding a hearing: Provided, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth: 1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.; 2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea. (2) A person for whom determination under paragraph (1) is made shall lose the nationality of the Republic of Korea at the time when such determination is made. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: 國籍法 [Nationality Act]. 2016. Art. 14-3.

For how long are the restrictions applied?

Answer: Indefinitely

Code: 0

Explanation: Indefinitely, unless the person renounces to the other nationality: (2) When a person with multiple nationalities intends to engage in a field in which he/she is not allowed to perform official duties while maintaining the nationality of a foreign country under relevant statutes, the person shall renounce the nationality of a foreign country. (3) When the head of a central administrative agency intends to enact or amend statutes, to allow a person with multiple nationalities to be treated the same as with an alien, he/she shall consult with the Minister of Justice in advance. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: Act N° 10275. 2010.

Do the restrictions apply to electoral rights?

Answer: No

Code: 0

Explanation: The Minister of Justice may decide to take away the nationality of a person with multiple nationalities under certain grounds, and this provision only applies to naturalized persons and not nationals by birth. Article 14-3 (Determination on Loss of Nationality of the Republic of Korea) (1) If the Minister of Justice deems it obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may determine the loss of the nationality of the Republic of Korea after holding a hearing:

Provided, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth: 1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.; 2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea. (2) A person for whom determination under paragraph (1) is made shall lose the nationality of the Republic of Korea at the time when such determination is made. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: 國籍法 [Nationality Act]. 2016. Art. 14-3.

Do the restrictions apply to public office posts?

Answer: No

Code: 0

Explanation: The Minister of Justice may decide to take away the nationality of a person with multiple nationalities under certain grounds, and this provision only applies to naturalized persons and not nationals by birth. Article 14-3 (Determination on Loss of Nationality of the Republic of Korea) (1) If the Minister of Justice deems it obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may determine the loss of the nationality of the Republic of Korea after holding a hearing: Provided, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth: 1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.; 2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea. (2) A person for whom determination under paragraph (1) is made shall lose the nationality of the Republic of Korea at the time when such determination is made. [This Article Newly Inserted by Act No. 10275, May 4, 2010]

Sources: 國籍法 [Nationality Act]. 2016. Art. 14-3.

Other type of restrictions

Answer: Yes

Code: 1

Explanation: The Minister of Justice may decide to take away the nationality of a person with multiple nationalities under certain grounds, and this provision only applies to naturalized persons and not nationals by birth. Article 14-3 (Determination on Loss of Nationality of the Republic of Korea) (1) If the Minister of Justice deems it obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may determine the loss of the nationality of the Republic of Korea after holding a hearing: Provided, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth: 1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.; 2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea. (2) A person for whom determination under paragraph (1) is made shall lose the nationality of the Republic of Korea at the time when such determination is made. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: 國籍法 [Nationality Act]. 2016. Art. 14-3.

6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized

IMCIT_2. Loss or suspension of citizenship.

Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?

Answer: No

Code: 0

Explanation: No. There are no restrictions or conditions for loss/suspension associated with residence abroad for any national.

Sources: 國籍法 [Nationality Act]. 2016.

Are these rights recovered upon return?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals

IMCIT_3: Restrictions for naturalized immigrants who are dual nationals.

Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?

Answer: Yes

Code: 1

Explanation: While not a restriction per se, the dual national may need to renounce the nationality of a foreign country in order to engage in certain official duties. Article 11-2 (Legal Status, etc. of Persons with Multiple Nationalities) (1) A person who has both the nationality of the Republic of Korea and that of a foreign country by birth or under other conditions prescribed by this Act and who is prescribed by Presidential Decree (hereinafter referred to as "person with multiple nationalities") shall be treated only as a national of the Republic of Korea only in applying the laws and regulations of the Republic of Korea. (2) When a person with multiple nationalities intends to engage in a field in which he/she is not allowed to perform official duties while maintaining the nationality of a foreign country under relevant statutes, the person shall renounce the nationality of a foreign country. (3) When the head of a central administrative agency intends to enact or amend statutes, to allow a person with

multiple nationalities to be treated the same as with an alien, he/she shall consult with the Minister of Justice in advance. [This Article Newly Inserted by Act No. 10275, May 4, 2010].

Sources: Act N° 10275. 2010. Art. 11-2.

How long do the restrictions apply?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to electoral rights?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Do the restrictions apply to public office post?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

Other type of restrictions (beyond electoral and public office posts).

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable