

Republic of Korea

Executive Summary

In general, whether or not a foreign national is required to obtain a visa to visit Korea depends on a variety of factors including nationality, the purpose and expected duration of stay, occupation and family relations.

Many nationalities are permitted to visit Korea without a visa. However, certain foreign nationals and usually everyone who wants to stay longer than 90 days (depending on your nationality) plus those planning to work must apply for a visa.

In general, applications for visas need to take place outside of Korea at a Korean consulate or at the consular section of the Korean embassy in the foreign national's country of residence.

The specific meaning of the term "visa" differs from country to country, although it is often used to mean either the 'permission to enter' a given country or the 'consul's recommendation for a foreigner national's entry request.' The latter definition is used in Korea, which means that even if a foreign national has received a Korean visa, such person can still be denied entry into Korea if an immigration officer finds any requirements unsatisfactory after inspection.

Key Government Agencies

Immigration policy is overseen by the Ministry of Justice through the Korea Immigration Service. The Korea Immigration Service has jurisdiction over immigration and residence matters in Korea and primary functions include supervision of visa affairs at Korean consulates abroad, entry and exit clearance service, management of foreign nationals' residence status and registration, determination of refugee status and investigation of unlawful foreign nationals.

The Korea Immigration Service consists of ten teams, including Immigration Administration Team, Policy Development & Evaluation Team, Border Control Team, Residence Policy Team and Investigation & Enforcement Team under the Director General for Immigration Policy, Nationality & Refugee Team, Social Integration Team, Overseas Koreans Team, International Cooperation Team and IT Planning & Statistics Team under the Director General for Nationality & Integration Policy.

Related ministries include Ministry of Employment and Labor, Ministry of Health and Welfare, and Ministry of Foreign Affairs and Trade. The Nationality Act, Act on the Employment, etc. of Foreign Workers, Immigration Control Act, Multicultural Families Support Act, and Framework Act on Treatment of Foreigners are the foundation of immigration policy in Korea.

Current Trends

After the 1988 Seoul Olympics, Korea opened its borders to general public and resulted in increased exchanges with foreign countries. The UN declared Korea as an official receiving country in 2007 and the number of foreign residents in Korea grew from 0.39 million in 1997 to over 1 million as of the end of 2007. The majority of foreign residents in Korea are temporarily visiting migrants or students and accounts for only 2.2 per cent of the country's total population.

As Koreans shun the so-called “3D” workplaces — those that are difficult, dirty and dangerous — small- and medium-sized enterprises (SMEs) in Korea need low-cost labor. Despite the increasing demand for and supply of migrant workers, the only system for supplying low-skilled migrant workers is the industrial training system. It was introduced in 1993 to enable SMEs to employ a total of 80,000 foreigners in the form of industrial trainees. The industrial training system has been criticized by the international community, since it is

designed to channel migrant workers into labor-intensive jobs rather than train them.

As described in the new national plan for Immigration Policy, the Korean government claims that the policy line on foreigners needs to be changed into a strategic opening to tap into the talent and capital of the rest of the world and states that access to Korea will be improved for professionals, foreign investors, international students, and other highly-skilled people. Furthermore, Korean diaspora will receive preferred treatment over other foreigners when all the other conditions are the same and Korean diaspora will get more convenient entry/exit clearance services and employment permits.

Business Travel

Business Visitor Visa

Unless by terms of a treaty between Korea and the foreign national's country of nationality, the business visitor is required to obtain a short term business visitor visa (C-2) prior to entry.

Nationals of those countries listed below with which Korea has signed a visa waiver agreement can enter without visas. However, such nationals can enter without visas on the condition that they will not engage in remunerative activities during their stay in Korea.

Countries under Visa Exemption Agreements (as of October 2009)

	Countries	
90 days (60 countries)	Asia (4 countries)	Thailand, Singapore, New Zealand, Malaysia
	America (24 countries)	Barbados, Bahamas, Costa Rica, Colombia, Panama, Dominican Republic, Commonwealth of Dominica, Grenada, Jamaica, Peru, Haiti, Saint Lucia, Saint Kitts and Nevis, Brazil, Saint Vincent and the Grenadines, Trinidad and Tobago, Suriname, Antigua and Barbuda, Nicaragua, El Salvadore, Mexico, Chile, Guatemala, Venezuela
	Europe (29 countries)	Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland, Turkey, United Kingdom.

	Africa & Middle East (3 countries)	Morocco, Liberia, Israel
60 days (2 countries)		Portugal, Lesotho
30 days (1 country)		Tunisia

Other Visa Exemption Countries

		Countries
6 months (1 country)	America (1 country)	Canada
90 days (6 countries)	Asia (3 countries)	Hong Kong, Japan, Macao
	America (1 country)	United States of America
	Europe (1 country)	Slovenia
	Others (1 country)	Australia

30 days (43 countries)	Asia (2 countries)	Brunei, Taiwan
	America (6 countries)	Argentina, Honduras, Uruguay, Paraguay, Guyana, Ecuador
	Europe (10 countries)	Monaco, Curia, Croatia, Albania, Cyprus, San Marino, Andorra, Bosnia Herzegovina, Serbia, Montenegro
	Others (25 countries)	Guam, Nauru, New Caledonia, Micronesia, Solomon Islands, Kiribati, Fiji, Marshall Islands, Palau, Samoa, Tuvalu, Tonga, Republic of South Africa, Lebanon, Mauritius, Bahrain, Saudi Arabia, Seychelles, Swaziland, United Arab Emirates, Yemen, Oman, Egypt, Qatar, Kuwait

Visa exemption has been suspended for ordinary passport holders from Pakistan and Bangladesh.

Individuals may enter Korea as a business visitor for a limited, defined duration provided that their purpose of visit is to conduct allowable business visitor activities. The visa is to be obtained from a Korean consulate with jurisdiction over the applicant's legal place of

residence. The requirements to obtain a business visitor visa include having a residence and an employer outside of Korea, not receiving remuneration (except incidental expenses such as accommodation travel and meals may be paid by the host), having specific, realistic and pre-determined plans for the stay in Korea, and the period of the intended stay must be consistent with the intended purpose of the trip. The permitted activities as a business visitor include the following:

- attend business meetings or discussions;
- attend sales calls to potential Korean clients; and
- attend seminars or “fact-finding” meetings.

It is possible to extend a business visa while in Korea. The extension should be obtained from the Korean immigration authorities prior to the expiration of the initial visa. An extension is very discretionary and valid business reasons must be shown in order to extend a stay.

Work Visas

All foreign nationals who enter Korea must obtain an appropriate visa from the Korean embassy or consulate in their home country prior to entering Korea. A foreigner entering Korea for the purpose of employment must possess a valid employment visa. An employment visa is given only for jobs that require high-level skills and expertise.

In Korea, there are no legislative restrictions on the type of skills that may be brought in nor on the numbers of staff. However, under government policy, employment visas to foreigners are issued only for those jobs which require high skills and expertise, or for positions which could otherwise not be filled by Koreans. In practice, immigration officials sometimes — although increasingly less these days — declare that a given company has “too many” foreign employees for its stated business purpose.

Laws applicable to foreign employees are the same laws which apply to local employees. Principally, this would be the Labor Standards Act and related statutes. Expatriate employees are required to register with the immigration authorities within 90 days of entry into Korea on any long-term visa. No government approval or registration is necessary with reference to the pay and benefits of expatriate employees. Several types of visas are of most common interest to foreign businesses with commercial presence or interests in Korea as briefly described below.

General Work Visas

For business-related visits, both long-term and short-term work visas are available. In general, there are three long-term work visas: D-8, D-7 and E-7. Depending on the nature of the assignment/employment, type of entity located in Korea, etc., an appropriate visa type may be determined for each foreigner. Even if the duration of the stay in Korea is for a short-term or if the nature of the visit is for business purposes, a short-term business visitor visa (C-2) should be considered.

D-8 Visa

In general, D-8 long-term visa applies to expatriates of a Korean subsidiary or joint venture who are being assigned from the foreign affiliate. In applying for a D-8 visa, for most nationalities (with exceptions), upon entering Korea with either no visa, tourist visa or a short-term work visa, a request for a visa status change from the entry visa to long-term work visa can be made.

D-7 Visa

In general, D-7 long-term visa applies to expatriates of a branch or liaison office of foreign national enterprises in Korea who have been

assigned from and worked with the head office, branch or other affiliates for at least one year prior to the Korea assignment.

D-7 via processing requires a pre-approval certificate. Upon receipt of the pre-approval certificate from the Immigration Office, expatriates may visit the Korean consulate for visa stamping.

E-7 Visa

This visa type applies to foreigner directly hired by a Korean company including a branch or a foreign invested company. Thus, in general, a foreigner applying for E-7 visa is not an assignee seconded from the foreign affiliates as with expatriates under D-8 and D-7 visas. This, too, requires pre-approval certificate and visa stamping outside Korea by visiting a Korean consulate.

Special Work Visas

There are a few commonly applied special work visas in relation to the highly specialized areas of expertise. They include E-4, D-5 and D-9 visas.

E-4 Visa

Technological Supervision visa is granted to a foreigner who enters Korea with a view to providing expertise in the industrial technologies with an invitation from a Korean company. An inviting company should file the application and supporting documents to the Korean authorities. If accepted, the Korean authorities will issue a pre-approval certificate. The remaining procedure is the same as for D-7 and E-7 visas.

D-5 Visa

This visa applies to a special correspondent from a foreign media or broadcasting companies on a mission to Korea. In addition to submitting application to the Korean Immigration Office, a separate report needs to be made with the Ministry of Justice. Then, together with Ministry of Culture and Tourism, the Ministry of Justice will review the documents for approval. Upon approval, a pre-approved certificate is issued. The remaining procedure is the same for D-7 and E-7 visas.

D-9 Visa

This visa is known as treaty trade visa and generally applies to foreign technicians dispatched to Korea for supervision of shipbuilding and manufacture of industrial equipment. The technicians are generally dispatched from the foreign entity importing the ships or industrial equipment.

Family Associated Visas

In addition to applying for an appropriate work visas for foreigners who will be performing service in Korea, it is essential to have the visa processing done for their family members simultaneously if they will join them throughout their assignment in Korea. Family related visas include F-1, F-2 and F-3.

F-1 Visa

This is a long-term visiting visa provided for the visiting relatives, living with family (with special background), invited foreign household servants, etc. F-1 visa is often requested by diplomatic personnel and D-8 visa holders (as there are restrictions) for inviting the household maids from foreign countries for taking care of their household affairs.

F-2 Visa

This resident visa is permitted to selective applicants. They include the foreign spouse of Korean national or foreigner with permanent resident status holding F-5 visa.

F-3 Visa

This is the most common dependent visa allowed for family members of foreigners working in Korea. Generally, the period of this dependent visa runs the same as that of the work visa of the foreigner.

Special Resident Visas

There are two special resident visas which allow foreigners to live and work in Korea without a separate work permit. They are F-4 and F-5 visas.

F-4 Visa

This visa is given exclusively to a foreigner with Korean national background. With this resident visa, no employer sponsorship is required and working in Korea without obtaining other work visas is possible.

F-5 Visa

This is a long-term resident visa given to the foreigners meeting the list of qualifications, including making investment into Korea, holding long-term work visa for at least five years, etc.

Training

D-3 Industrial Training Visa

The D-3 industrial training visa is generally used to allow foreign nationals to come to Korea to acquire skills or knowledge by training at public organizations or private companies. However, a law was enacted in Korea which, as of January 1, 2007, allowed D-3 visa holders to change the status of their visa to an E-9 non-professional work visa, permitting immigrant workers to remain and work in Korea.

The applicant must be a trainee from one of the following types of firms: (i) an enterprise with outward foreign direct investment under the foreign Exchange Law; (ii) an enterprise which exports technology abroad with the Minister of Justice's confirmation for the industrial training; or (iii) an enterprise which exports industrial equipment abroad under the Overseas Trade Law.

A Certificate of Confirmation of Visa Issuance must be obtained from the Immigration Office in Korea before the application for a D-3 visa is submitted to the Korean Embassy or Consulate abroad. The Certificate of Confirmation of Visa Issuance will not be issued to anyone who has violated the Immigration Act or if the inviting enterprise has violated the Immigration Act by illegally employing a foreigner in the past.

D-4 General Training Visa

The D-4 general training visa is for those that study Korean at university language institutes, those that are educated at the educational facilities other than academic research organization or educational organization under a D-2 visa and those that learn technology or skills at a national or public research organization.

A Certificate of Confirmation of Visa Issuance must be obtained from the Immigration Office in Korea before the application for a D-4 visa is submitted to the Korean Embassy or Consulate abroad. This visa is generally for educational and research purposes and is effective for up to 2 years.

Employment Assignment

D-7 Intracompany Transfer Visa

The D-7 visa is for an intra-company transferee. This visa is initially valid for assignments up to 2 years, although 1 year terms are most commonly approved, which can be extended in 1 year increments. The qualified foreign national must have been employed by the foreign parent company of the branch office in Korea or by an affiliate of the parent company for more than 1 year immediately preceding the D-7 visa request, and is being dispatched as a specialist at the Korean branch office.

The D-7 intra-transfer visa application should be obtained at the Korean embassy or consulate with jurisdiction over the applicant's place of legal residence. The work permit application is initially filed by the sponsoring employer in Korea with the Ministry of Justice and Entry Inspection Division of the Immigration office in Korea. The Ministry of Justice then confers with the representing agency and determines whether the visa should be authorized. Upon approval, the Ministry of Justice issues a Certificate of Confirmation of Visa Issuance that should be submitted by the applicant to a Korean embassy or consulate abroad.

The spouse and/or children of a dependent should also apply for their visas, permits, and alien registration at the same time. All members of the applicant's family over the age of 16 are subject to finger printing at the time of application. If the accompanying spouse plans to work while abroad, he/she must also apply for employment authorization.

D-8 Corporate Investment Visa

A D-8 visa is applicable to an employee who has been dispatched to a Korean subsidiary as a specialist participating in administration, management or technological development of a foreign investment company in Korea as outlined by the Foreign Investment Promotion Act. This visa is initially valid for assignments up to 5 years, although 1 year terms are most commonly approved, and can be extended in 1 or 2 year increments. In practice, this category of work visa is usually only available to a foreign national who is dispatched from the foreign parent company to a Korean subsidiary which qualifies as a foreign investment company as an executive or manager. A company which has been established in Korea with foreign investment in the amount of KRW 50 million or more with the proper foreign investment reporting at the time of establishment qualifies as a foreign investment company.

The D-8 corporate investment visa application can be obtained at the Korean embassy or consulate with jurisdiction over the applicant's place of legal residence and the procedures are the same as for a D-7 visa.

As an alternative, a D-8 visa can also be applied for after the applicant arrives in Korea pursuant to a different visa by changing the status of sojourn within 1 week upon arrival in Korea. This option is only available for a D-8 visa which does not require prior obtainment of a Certificate of Confirmation of Visa Issuance and does not require the application to be submitted to a Korean embassy or consulate abroad. For such process in Korea, the visa application and foreign resident registration will be made simultaneously and the visa applicant should go to the Seoul Immigration Office in person to receive the D-8 visa.

Other Comments

Scope of Activities and Employment for Foreigners Nationals Staying in Korea

Foreigners are granted rights to any activities granted by their visa, and may stay as long as their given period of stay. They are not, however, allowed to participate in any political activities except when specifically allowed by law. Foreigners seeking employment during their stay in Korea must have a visa that allows it, and may only work in workplaces designated by local or district Immigration Office. If they wish to change their workplace, permission must be received from the local Immigration Office prior to the change.

It is unlawful to hire, recommend, or arrange for hiring of foreign nationals who do not have appropriate visa status, and doing so is punishable offence under the Immigration Act. Therefore, one must check for the following before hiring any foreign national in Korea: (i) valid foreigner registration card; and (ii) appropriate visa status (since employment may be restricted depending on visa status).

Foreigner Registration

Foreign nationals intending to stay in Korea for more than 90 days after entry are required to submit an application to register as a foreigner with the Immigration Office within 90 days from the arrival date. Upon acceptance of such application, the foreigner will be issued an Alien Registration ID Card and registration as a foreigner will be affixed in their respective passports.

The following are exempt from registering as foreigners: (i) those carrying out diplomacy (A-1), official business (A-2), or conventions/agreements (A-3) and their family members; (ii) those undertaking diplomatic, industrial, or other important duties for the national security and their family members; (iii) those found to be unnecessary to register as foreigners by the Minister of Justice; and

(iv) Canadians intending to stay for less than 6 months who have a cultural arts (D-1), religious affairs (D-6), family visitation (F-1), dependent family (F-3) or miscellaneous (G-1) visa.

Change Status of Stay

Foreigners must receive permission to change the status of their stay if they want to participate in new activities which is not relevant or permitted for their current status. As a general rule, foreigners seeking to participate in activities not permitted under their current status must first depart from Korea, obtain a new status that corresponds with the desired status, then re-enter Korea with the newly obtained status. However, if it is possible to meet the requirements for the new status without having to depart from Korea, limited change of status can be made upon passing an examination.

In order to engage in activities not permitted by the current status of stay, a permission to change the status must be obtained from the local Immigration Office prior to engaging in the said new activities. Some examples of when one would need to apply for change of status of stay include, among others, the following: (i) a short term (C-2) status foreigner wants to invest (D-8) in Korea; (ii) a D-3 status foreigner wants to get a job (D-7) after 1 year training; (iii) a D-4 status foreigner wants to study in Korea(D-2); and (iv) foreigners who married Korean wants to change residence status of stay (F-2).

Re-entry Permit

All long-term (more than 90 days) visas are for a single visit. Therefore, all registered foreigners and foreigners who were exempted from foreigner registration who intend to depart and re-enter Korean within the permitted period of stay should obtain a re-entry permit from the Immigration Office. A single reentry permit, which can be applied for at the airport immigration office on the departure date, is good for a single entry and is valid for up to one year and a multiple

re-entry permit is good for multiple entries and is valid for up to two years.

Online Information

The Korea Immigration Service runs the website <www.g4f.go.kr> where foreign nationals can obtain relevant information and file e-applications. The website has information about living in Korea and administrative processes regarding entry, exit, sojourn, investment and employment. Non-Korean residents can electronically make an appointment with the Korea Immigration Service and apply for extension of stay and re-entry permission. They can also report changes in their employment status through the website's e-application channel. The Immigration Contact Center provides counseling services in 18 languages.