Immigrants by marriage



법제처

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[Immigrants by marriage]

An international marriage is a marriage between two people of different nationalities.

In order for an international marriage to be valid in the Republic of Korea, the parties to a marriage shall meet the marriage conditions prescribed by the laws of their own countries respectively and report their marriage to an administrative agency so that their marital status is registered on the family relation register.

If a foreigner marries a national of the Republic of Korea and resides in the Republic of Korea, he/she is granted the status as the spouse of a national of the Republic of Korea. Therefore, he/she may change his/her preexisting status of sojourn to the Residence (F-2) visa which is issued to spouses of Korean nationals.

In addition, a foreigner who has married a national of the Republic of Korea may attain the nationality of the Republic of Korea through naturalization, as prescribed by the Nationality Act. In case his/her spouse dies during the marriage, he/she may inherit the property of his/her spouse according to the order of inheritance, as prescribed by the Civil Act of the Republic of Korea.

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1. General Information of International Marriage

1.1. Formation of International Marriage

1.1.1. Meaning of International Marriage

What is an International Marriage?

■ Definition of International Marriage

- An international marriage generally refers to "a marriage between a man and a woman of different nationalities." In order for an international marriage to be legally valid, it shall meet both the contextual requirements such as marriageable age, prohibition of consanguineous marriage, prohibition of bigamy, and the procedural requirements such as a marriage report.

Civil Marriage

- As the Republic of Korea acknowledges civil marriages, the rights and obligations in civil marriages are partially recognized for a foreigner who has been the common-law-spouse of a national of the Republic of Korea.

1.1.2. Requirements for International Marriage

Contextual Requirements for Marriage

■ Contextual requirements for marriage when the Civil Act of the Republic of Korea is the applicable law

1. Both parties shall agree to marry; (subparagraph 1 of Article 815 of the Civil Act);

2. Both parties shall be of the marriageable age (18 years old) (Article 807 of the Civil Act);

※ In assessing the marriageable age, the day on which one was born shall be included.

3. In case a minor or an adult ward marries, he/she shall go through the following procedures for consent (Article 808 of the Civil Act);

A. A minor (under the age of 19) shall obtain the consent of both parents in order to marry. If one parent is unable to exercise the right of consent, the minor shall obtain the consent of the other parent, and if neither parent is able to exercise the right of consent, the minor shall obtain the consent of his/her guardian of minor (Article 808 (1) of the Civil Act).

B. An adult ward may marry upon obtaining the consent of his/her parents or adult guardian (Article 808 (2) of the Civil Act).

4. The marriage shall not constitute a consanguineous marriage (Article 809 of the Civil Act).

5. The marriage shall not constitute bigamy (Article 810 of the Civil Act).

Procedural Requirements for Marriage

- In order for a marriage to take effect, the parties to a marriage shall report their marriage in accordance with the provisions of the Act on the Registration, etc. of Family Relationships (Article 812 (1) of the Civil Act).

  ※ Once the official in charge accepts a marriage report, the marriage takes effect even though the marriage status is not registered on the family relation register.

- The following is the procedure and the method of a marriage report.

  · Subjects of marriage report

  √ Both parties in a marriage shall report their marriage in person (Article 812 (2) of the Civil Act).

  · Place of marriage report

  √ A marriage report may be filed at the place of registration of the family relation register of a national of the Republic of Korea, who is the spouse of a foreigner, or the domicile or current address of the parties to a marriage (Article 20 (1) of the Act on the Registration, etc. of Family Relationships).

  · Matters to be entered in reports of marriage, etc.

  √ The following matters shall be entered in a report of marriage, an agreement of the parties to a marriage shall be attached in case falling under subparagraph 3 (Article 71 of the Act on the Registration, etc. of Family Relationships)

  1. Name, origin of surname, date of birth, resident registration number and place of registration of the parties to a marriage;

  ※ Name, date of birth, nationality and alien registration number when any party to a marriage is a foreigner

  2. Name, place of registration and resident registration number of the parents and adoptive parents of the parties to a marriage;

  3. The fact that the parties to a marriage agree about their child's surname (Article 781 (1) of the Civil Act);

  4. The fact that the marriage does not constitute a consanguineous marriage (Article 809 (1) of the Civil Act).

  · Method of marriage report

  √ A marriage report shall be submitted in writing with co-signatures of both parties and two adult witnesses (Article 812 (2) of the Civil Act).

1.2. Procedure for International Marriage

1.2.1. Procedure for Report of Marriage between a National of the Republic of Korea and a Foreigner

Marriage Report in the Republic of Korea

▪ General procedure for marriage report

- The parties to a marriage shall report their marriage according to the procedure prescribed in "Procedural Requirements for Marriage" of <International Marriage-Establishment ofInternational Marriage-Requirements of International Marriage>.

- In order to prove that a foreign spouse meets all the requirements for marriage prescribed by the laws of his/her country, he/she shall submit the following evidential documents.

1. Documents proving a relation between the alien and the applicable laws of his/her country for formation of marriage (Family relation register, birth certificate, copy of passport, other registration certificates, etc. by the laws of his/her country);

2. Documents which are issued by a competent authority of the country of the alien and prove that he/she meets the requirements for marriage.

- Complements to certificates required for formation of marriage

· In case the foreigner's country is not able to issue the certificates mentioned in 2., he/she may submit a written oath after taking an oath in front of his/her country's consul, etc. in Korea.

· In case the foreigner cannot submit the certificates mentioned in 2 or a written oath, he/she shall prepare the documents proving that he/she is not able to get those certificates but meets the contextual requirements for marriage prescribed by the laws of his/her country and have them notarized. Then, he/she may submit a document proving his/her identification issued by a competent authority of his/her country (e.g. birth certificate, copy of passport, etc.) or a foreigner registration certificate (writing his/her identification information written in the foreign register) instead.

- If the documents are prepared in a foreign language, translated copies shall be attached (Article 30 (2) of the Regulation on the Registration, etc. of Family Relationships).

Marriage Report in Foreign Countries

General procedure for marriage report

- Even though a national of the Republic of Korea and a foreigner have married in a foreign country according to its marriage procedure, they shall report their marriage in accordance with the Civil Act of the Republic of Korea so that their marital status is registered on the family relation register of the Korean national.

Verification of marriage

- Submission of marriage relation certificate

· When submitting a marriage report, the parties to a marriage shall attach documentary evidence (a certified copy of the marriage certificate issued by a competent authority of the country where they have married in and its translation) proving their marriage status recognized by the foreign country where they have married in (Article 35(1) of the Act on the Registration, etc. of Family Relationships, Article 30(2) of Rules on the Registration, etc. of Family Relationships).

- Where to submit a marriage relation certificate

· Where a Korean citizen residing in a foreign country has prepared documentary

evidence concerning a marriage relation by the method adopted by the foreign country, he/she shall submit a certified copy of the documentary evidence to the head of a Korean diplomatic mission abroad having jurisdiction over the relevant area, within three months (Article 35 (1) of the Act on the Registration, etc. of Family Relationships).

1.2.2. Procedure for Report of Marriage between a Korean National and a Chinese National

Marriage Report in the Republic of Korea

▪ General procedure for marriage report

- The parties to a marriage shall report their marriage according to the procedure prescribed in "Procedural Requirements for Marriage" of <International Marriage-Establishment ofInternational Marriage-Requirements for International Marriage>.

▪ Submission of certificates required for formation of marriage

- When submitting a marriage report, the parties to a marriage shall attach documentary evidence (the certificate proving that the Chinese spouse is single shall be issued by a competent authority of the People's Republic of China and certified by the Ministry of Foreign Affairs of the People's Republic of China or any of the foreign affairs offices of provinces, autonomous regions and municipalities) proving that the Chinese spouse meets the requirements for marriage prescribed by the laws of the People's Republic of China.

Marriage Report in China

▪ General procedure for marriage report

- Even though a Korean national and a Chinese national have married in China according to the method adopted by China, they shall report their marriage in accordance with the Civil Act of the Republic of Korea so that their marital status is registered on the family relation register of the Korean national.

▪ Verification of marriage

- Submission of marriage relation certificate

  · When submitting a marriage report, the parties to a marriage shall attach documentary evidence proving that their marriage has been made by the method adopted by China, which has been certified by the Ministry of Foreign Affairs of the People's Republic of China or any of the foreign affairs offices of provinces, autonomous regions and municipalities (Article 35(1) of the Act on the Registration, etc. of Family Relationships).

- Where to submit a marriage relation certificate

  · Where a Korean citizen residing in China has prepared documentary evidence concerning a marriage relation by the method adopted by China, he/she shall submit a certified copy of the documentary evidence to the head of a Korean diplomatic mission abroad having jurisdiction over the relevant area, within three months (Article 35 (1) of the Act on the Registration, etc. of Family Relationships).

1.2.3. Procedure for Report of Marriage between a Korean National and a

Vietnamese National

Marriage Report in the Republic of Korea

▪ General procedure for marriage report

In cases where a Korean national marries a Vietnamese national in the Republic of Korea, the parties to the marriage shall report their marriage according to the procedure prescribed in "Procedural Requirements for Marriage" of <General Information on International Marriage - Establishment of Marriage - Requirements for Marriage>.

- In order to prove that the Vietnamese spouse meets all the requirements for marriage prescribed by the laws of the Socialist Republic of Vietnam, he/she shall submit the following evidential documents.

▪ Submission of certificates required for formation of marriage

- When submitting a marriage report, the parties to a marriage shall attach the following documents proving that the Vietnamese spouse meets the requirements for marriage prescribed by the laws of the Socialist Republic of Vietnam.

  1. A marriage prerequisite certificate issued by the Vietnamese ambassador or a consul in South Korea (Form 9 of the Guideline for Administrative Process of Marriage between a Korean National and a Vietnamese National)

  2. Documents proving the Vietnamese spouse's nationality (certified copy of the family relation register, birth certificate, copy of passport, etc. by the laws of the Socialist Republic of Vietnam) and their translations in Korean

- In accordance with the Marriage and Family Law of the Socialist Republic of Vietnam, the marriageable age is 20 years old for men and 18 years old for women. If a Vietnamese national is younger than the marriageable age as of the day of the report, the marriage report cannot be accepted even though the marriage consent prepared by his/her parents, etc. is submitted.

Marriage Report in Vietnam

▪ General procedure for marriage report

- Even though a Korean national and a Vietnamese national have married in Vietnam according to the method adopted by Vietnam, they shall report their marriage in accordance with the Civil Act of the Republic of Korea so that their marital status is registered on the family relation register of the Korean national.

▪ Verification of marriage

- Submission of marriage relation certificate

  · When submitting a marriage report, a certified copy of a marriage certificate issued by the head of the people's committee having jurisdiction over the Vietnamese spouse's final address (or domicile) in Vietnam and its Korean translation shall be attached (Forms 5 and 6 of the Guideline for Administrative Process of Marriage between a Korean National and a Vietnamese National) (Article 35(1) of the Act on the Registration, etc. of Family Relationships, Article 30(2) of Rules on the Registration, etc. of Family Relationships).

- Where to submit a marriage relation certificate

· Where a Korean citizen residing in Vietnam has prepared documentary evidence concerning a marriage relation by the method adopted by Vietnam, he/she shall submit a certified copy of the documentary evidence to the head of a Korean diplomatic mission abroad having jurisdiction over the relevant area, within three months (Article 35 (2) of the Act on the Registration, etc. of Family Relationships).

1.3. Effect of International Marriage

1.3.1. Legal Effect of International Marriage

In Case the Civil Act of the Republic of Korea is the Applicable Law

▪ General effects of marriage and changes in position

- Generation of relative relation

· Husband and wife become relatives by obtaining the status of the spouse of each other at the time of marriage (subparagraph 3 of Article 777 of the Civil Act). One spouse has affinity relations with the affinity relatives of another spouse's parental and maternal lines within the fourth degree of relationship (subparagraph 2 of Article 777 of the Civil Act).

- Surname of husband and wife

· Husband and wife retain their original surnames even after marriage.

- Qualification of inheritor

· If one spouse dies, another spouse has the right to inherit his/her property (Article 1003 of the Civil Act).

- Attaining majority by marriage

· If a minor who has attained the marriageable age (18 years old) enters into marriage, he/she shall be deemed to have attained majority and have the same capacity as a person of full age.

▪ Effect of marriage on property

- Prenuptial agreement

· A prenuptial agreement is a contract entered into prior to marriage by the people intending to marry. It commonly includes provisions for their property relation after marriage. Once a prenuptial agreement is concluded, husband and wife are obliged to fulfill the contract. In principle, such agreement may not be altered during the marriage.

· Provided that if there is a due reason to alter such agreement, it may be altered upon approval of the court (Article 829 (2) of the Civil Act).

· The prenuptial agreement shall be registered prior to marriage report so that such agreement may be enforced against a successor in title of the husband or wife or a third party (Article 829 (4) of the Civil Act).

- Legal property system: Separate property system

· If there is no prenuptial agreement, the property relations of husband and wife

is settled under Articles 830 through 833 of the Civil Act. The Civil Act adopts the separate property system where husband and wife own and manage their own property separately.

· Thus, unless a prenuptial agreement has been concluded, ① inherent property belonging to either husband or wife from the time before the marriage and property acquired during the marriage in his or her own name shall constitute his or her peculiar property; ② any property, of which title is uncertain between the husband and wife, shall be presumed to be in their co-ownership (Article 830 of the Civil Act); and ③ husband or wife shall separately manage, use and take profit from his or her peculiar property (Article 831 of the Civil Act).

- Joint liability for obligations with respect to home affairs

· If, with respect to normal home affairs, one spouse has effected a juristic act with a third person, the other spouse shall be jointly and severally liable for the obligation therefrom:

· Provided that this shall not apply where a previous notice, to the effect that the other spouse will not assume such liability, has been clearly given to the third person (Article 832 of the Civil Act).

- Sharing living expenses

· The expenses necessary for the communal life of husband and wife shall be jointly and severally borne by them, unless a special stipulation has been made between them (Article 833 of the Civil Act).

1.4. Dissolution of International Marriage

1.4.1. Nullity and Annulment of Marriage

Nullity of Marriage When the Civil Act of the Republic of Korea is the Applicable Law

▪ Causes for nullity of marriage

- A marriage is null and void where there is no agreement to marry between the parties (Article 815 of the Civil Act).

▪ Litigations over nullity of marriage

- Conciliation is not required to institute the litigation over a nullity of marriage. The Family Litigation Act defines jurisdiction, persons entitled to institute the litigation over nullity, other party to a litigation, etc. (Article 2 (1), Articles 22 through 24, and Article 50 (1) of the Family Litigation Act).

▪ Effect of nullity of marriage

- Effect on the parties to a marriage

· Once a marriage becomes null and void, the parties to the marriage are deemed not to have been husband and wife from the beginning. Inheritance and any alteration in rights relating to the marriage status become null as well.

· When a marriage has been dissolved between parties, one party may claim against

the other party in negligence the mental or property damages therefrom (Articles 806 and 825 of the Civil Act).

- Effect on children

· Children of the parties are deemed children born out of wedlock (Article 855 (1) of the Civil Act).

Annulment of Marriage When the Civil Act of the Republic of Korea is the Applicable Law

▪ Causes for annulment of marriage

- The parties to a marriage may file a lawsuit in court to annul their marriage if it falls under any one of the following subparagraphs

1. Where any of the parties to a marriage has not attained the marriageable age (18 years of age) (Article 807 and Subparagraph 1 of Article 816 of 「Civil Act」);

2. Where consent has not been obtained for a marriage requiring consent (Article 808 and Subparagraph 1 of Article 816 of 「Civil Act」);

3. Where the marriage constitutes a consanguineous marriage (Article 809 and Subparagraph 1 of Article 816 of 「Civil Act」);

※ Such cases become the causes for annulment of a marriage if they do not fall under any of the causes for nullity of marriage.

4. Where the marriage is a bigamy (Article 810 and Subparagraph 1 of Article 816 of 「Civil Act」)

5. Where, at the time of marriage, one of the parties was unaware that the other party had been suffering from a malignant disease or had any other serious reason which would make marital life unable to continue (Subparagraph 2 of Article 816 of 「Civil Act」);

※ No claim for annulment of marriage may be made after six months lapse from the day one of the parties becomes aware of the cause thereof.

6. When a marriage has been made under fraud or duress (subparagraph 3 of Article 816 of the Civil Act).

※ No claim for annulment of a marriage by fraud or duress may be made, if three months have elapsed from the day where the party discovered the fraud, or became free from said duress.

▪ Claimant for annulment of marriage

- The following parties may claim for annulment of a marriage (Articles 817 and 818 of the Civil Act).

1. Where consent has not been obtained for a marriage requiring consent or any of the parties to the marriage does not attain the marriageable age: Either party or legal representative

2. Where the marriage constitutes a consanguineous marriage: Either party, their lineal ascendants or collateral blood relatives within the fourth degree of relationship

3. Where the marriage constitutes bigamy: The principal, his/her spouse, lineal

ascendants, collateral blood relatives within the fourth degree of relationship or a public prosecutor

- A person who wishes to file a lawsuit to annul a marriage in family court must first make a request for conciliation (Item (b)(ii) of Subparagraph 1 of Article 2(1) and Article 50(1) of 「Family Litigation Act」).

▪ Effect of annulment of marriage

- Non-retroactivity of effect

· Once the annulment of a marriage has been determined by the court, it takes effect for the future and shall not be retrospectively effective (Article 824 of the Civil Act).

· Children born during the marriage do not lose their status as children born while the father and mother are in matrimonial relations.

- Responsibility of fostering children and visitation rights

· In cases of the annulment of marriage, the Family Court shall ex officio determine the custodian, and the provisions of fosterage of children and visitation rights of a divorce by agreement apply to the responsibility of fostering children and the visitation rights (Articles 909 (5) and 824-2 of the Civil Act).

· Thus, the parties shall determine by agreement matters concerning fostering their children. Where the agreement on fostering cannot or would not be made, the Family Court shall decide it upon a request of the party or ex officio (Article 837 (1) and former part of (4) of the Civil Act).

· In addition, a parent who does not foster children and his/her children shall both have the visitation right (Article 837-2(1) of 「Civil Act」).

· The lineal ascendants of a parent who does not foster children may request the Family Court to grant visitation with the children, where the parent is unable to visit the children due to death or any other extenuating circumstance such as illness and residency abroad. In such cases, the Family Court shall take into consideration circumstances such as the intent of the children, the relationship between the requesting person and the children, and the reasons for the request (Article 837-2(2) of 「Civil Act」).

· If it is required for the welfare of children, the Family Court may, upon a request of the party or ex officio, restrict or exclude such visitation right (Article 837-2(3) of 「Civil Act」).

1.4.2. Divorce

Divorce by Agreement in Case the Civil Act of the Republic of Korea is the Applicable Law (Article 834 of the Civil Act)

▪ Contextual requirements

- A divorce by agreement requires the following conditions:

1. Husband and wife's intentions to divorce shall agree with each other;

2. Husband and wife shall retain their intentions to divorce when the notification of divorce is filed as well as when it is prepared (Supreme Court Decision, June

11, 1993, 93 Meu 171);

3. The agreement of the intentions to divorce requires clear mental capacity. Thus, an adult ward may divorce upon obtaining the consent of his/her parents or adult guardian (Articles 835 and 808 (2) of the Civil Act).

▪ Procedural requirements

- Procedure for guidance on divorce and mediation period

· Any person who intends to seek a divorce by agreement shall receive guidance on divorce provided by the Family Court and, if necessary, the Family Court may recommend be consulted by a professional counselor with expertise and experience (Article 836-2 (1) of the Civil Act).

· The party who filed an application for the confirmation of intention to divorce may receive the confirmation of intention to divorce after three months if he/she has any child to take care of, and one month if not applicable. The parties shall reach an agreement on fostering their children and designation of the person of parental authority or the Family Court shall adjudicate on the matters substituting for such agreement (Article 836-2 (2) and (4) of the Civil Act).

※ The Family Court may exempt the party from or reduce the mediation period, when there are such urgent circumstances to proceed with a divorce as the party's unbearable suffering may be expected due to domestic violence (Article 836-2 (3) of the Civil Act).

- Divorce report

· Divorce by agreement shall take effect upon reporting in accordance with the Act on the Registration, etc. of Family Relationships after obtaining the confirmation of the Family Court (Article 836 (1) of the Civil Act).

Judicial Divorce in Case the Civil Act of the Republic of Korea is the Applicable Law (Article 840 of the Civil Act)

▪ Causes for judicial divorce

- Either husband or wife may apply to the Family Court for a divorce in each case of the following subparagraphs (Article 840 of the Civil Act):

1. If the other spouse has committed an act of unchastity;

2. If one spouse has been maliciously deserted by the other spouse;

3. If one spouse has been extremely maltreated by the other spouse or his or her lineal ascendants;

4. If one spouse's lineal ascendant has been extremely maltreated by the other spouse;

5. If the death or life of the other spouse has been unknown for three years;

6. If there exists any other serious cause for making it difficult to continue the marriage.

▪ Procedure for judicial divorce

- Procedure for conciliation

· A person who intends to institute a litigation of a judicial divorce to the

family court for family litigation cases of Category B under Article 2 of the Family Litigation Act shall first make a request for conciliation (Article 50 (1) of the Family Litigation Act).

- Procedure for trial

· If there is a ruling not to proceed with conciliation, an agreement has failed to be reached or the decision in lieu of conciliation loses its effect by an objection, a suit shall be regarded to have been filed at the time an application for conciliation is filed (Article 49 of the Family Litigation Act and Article 36 of the Judicial Conciliation of Civil Disputes Act).

· A judgment for divorce shall take effect by a pronouncement thereof and the person who filed such lawsuit shall report a divorce, attaching a certified copy of written judgment and a certificate of the final decision within one month from the date on which the final decision is made (Article 12 of the Family Litigation Act, Article 205 of the Civil Procedure Act and Articles 78 and 58 of the Act on the Registration, etc. of Family Relationships).

▪ Effect of judicial divorce

- General effect

· Once husband and wife divorce, their marriage shall be dissolved and all the rights and duties based on the marriage shall lapse. In addition, affinity shall be terminated by divorce (Article 775 (1) of the Civil Act).

- Effect on children

· If the parties have minor children when their divorce takes effect, they shall designate one who will exercise the parental authority. In addition, they shall determine by agreement concerning fostering their children such as protection of children, child support, etc. (Articles 836-2 (4) and 837 of the Civil Act).

· A parent who does not foster children and his/her children shall have the visitation right (Article 837-2 (1) of the Civil Act). If it is required for the welfare of children, the Family Court may, upon a request of the party or ex officio, restrict or exclude such visitation right (Article 837-2 (2) of the Civil Act).

- Effect on property

· The parties who have been divorced may claim a division of property against the other party. The claim for division of property shall be extinguished after two years have passed from the date of divorce (Paragraphs 1 and 3 of Article 839-2 and Article 843 of 「Civil Act」).

· In addition, one party may claim against the other party in negligence the damages therefrom (Articles 843 and 806 of the Civil Act).

2. International Marriage, Status and Nationality

2.1. Status of Sojourn

2.1.1. Status of Sojourn by Marriage

Status of Sojourn of Immigrants through Marriage

▪ Status as the spouse of a Korean national

- If a foreigner marries a national of the Republic of Korea, he/she is granted the status as the spouse of a national of the Republic of Korea.
- If a foreigner marries a national of the Republic of Korea in the Republic of Korea, he/she may change his/her preexisting status of sojourn to the Residence (F-2) status which is issued to spouses of Korean nationals. If they marry in a foreign country, the foreign spouse is granted the Marriage Migrant (F-6) status. In this case, he/she does not have to change his/her visa.

▪ Marriage Migrant (F-6) status

- The eligible applicants for the Marriage Migrant (F-6) visa are as follows (Attached Table 1 of the Enforcement Decree of the Immigration Control Act):

1. A spouse of a Korean citizen;
2. The father or mother who brings up a child born from a marital relationship (including common-law marriage) with a national and is recognized by the Minister of Justice;
3. A person who had stayed in the Republic of Korea as a spouse of a Korean citizen, but was unable to continue the marriage due to death or disappearance of his/her spouse or other causes unattributable to him/her, and recognized by the Minister of Justice.

Acquisition of the Status of Sojourn as the Spouse of a National of the Republic of Korea

▪ Meanings of the Marriage Migrant (F-6) status

- The Marriage Migrant (F-6) status is granted to a foreigner who has married a national of the Republic of Korea.
- The Marriage Migrant (F-6) status does not have any limitations in seeking jobs. If a foreigner with an F-6 visa stays in the Republic of Korea for at least two years, he/she may file an application to change his/her status of sojourn to Permanent Resident (F-5).

▪ Procedure for inviting a foreigner to stay in the Republic of Korea together after marriage

- A foreigner shall be invited by his/her spouse to be issued a visa falling under Marriage Migrant (F-6) (The Former part of the Article 9-4 (1) of the Enforcement Rule of the Immigration Act).
- The inviters who are the Korean spouses of those who fall under the following

conditions among foreigners who want a Marriage Migrant (F-6) visa shall attach a certificate of the International Marriage Guidance Program provided by the Minister of Justice or write a certificate number of the Program on the invitation when applying for a visa (Article 9-4 (2) of the Enforcement Rule of the Immigration Control Act and Targets of International Marriage Guidance Program and its Notification).

· A person who intends to invite a foreign national for the purpose of marriage or to live together without a legal marriage. The foreign national to be invited shall be from a nation notified by the Minister of Justice (China, Vietnam, Philippines, Cambodia, Mongolia, Uzbekistan and Thailand, hereinafter referred to as "certain countries") and shall be comprehensively analyzed for his/her status of attaining the nationality of the Republic of Korea based on the marriage/divorce status of the Korean and foreigner, the foreigner's marriage state, and the foreigner's illegal immigration status.

- Persons subject to the exemption from the International Marriage Guidance Program (Public Notice on Those Required to Complete the International Marriage Guidance Program and Operational Matters)

· Where a Korean citizen has continuously stayed in the foreign spouse's country for at least six months or a third country for study or dispatch work on a long-term visa, and has been in a relationship with the said foreign spouse

· Where the foreign spouse had been stayed in the Republic of Korea legally with a long-term status of residence according to the attached table 1 to 2「Enforcement Decree of the Immigration Control Act」 for at least 91 days and has been in a relationship with the Korean citizen

· Where the spouse is pregnant, gave birth or has other reasons requiring humane consideration

- Once an applicant files an application for a visa for staying in Korea after marriage, the foreigner shall be assessed and confirmed if he/she meets the following conditions (Articles 9-2 and 9-5 (1) of the Enforcement Rule of the Immigration Control Act):

· If the alien has a valid passport;

· If he/she is not subject to prohibition or refusal of entry under the provisions of Article 11 of the Immigration Control Act;

· If he/she is qualified to stay in Korea

· Whether it is recognized that he/she will return to his/her home country within the permitted stay period according to the respective residence qualification

· If he/she justifies the objective for entry into Korea according to the status of sojourn.

· If he/she meets the criteria of status of sojourn in Attached Tables 1 to 1-3 of the Enforcement Decree of the Immigration Control Act prescribed by the Minister of Justice.

· Requirements for a foreigner who has filed an application for a visa for staying in Korea after marriage and the inviter:

√ How they have met and an intention to marry;

√ If the marriage has been made under by decree of the competent country;

√ If the inviter has ever invited another spouse during the past five years;

√ If the inviter meets the income conditions (Notification of Income Conditions Required for Visa for Stay after Marriage) publicly notified every year by the Minister of Health and Welfare considering the standard median income under subparagraph 11 of Article 2 of the National Basic Living Security Act;

√ If the invitee has a basic or higher level of proficiency in the Korean language (in this case, the specific criteria for evaluation and verification follow the Public Notice of Standards on Requirements and Examination Exemptions for Issuance of Visas for the Purpose of Marriage and Cohabitation).

√ If the invitee's proficiency in Korean is a basic level or higher (the detail criteria for assessment and confirmation for his/her proficiency in Korean shall be determined and notified by the Minister of Justice);

√ If they have normal residential space where they can stay together continually (gosiwons (facilities packed with tiny flats), motels, greenhouses, etc. are not deemed normal residential space.)

√ If three years has passed since the inviter had attained the nationality of the Republic of Korea under subparagraphs 1 and 2 of Article 6 (2) of the Nationality Act or status of permanent residence in accordance with subparagraph 2 of Permanent Residence (F-5) in Attached Table 1-3 of the Enforcement Decree of the Immigration Control Act.

√ If the inviter has previously committed a crime of domestic violence under Article 2, subparagraph 3 of the Act on Special Cases Concerning the Punishment, Etc., it shall be determined if the inviter falls under any of the following cases.

A. Whether the period of temporary measures has been terminated or the jurisdiction canceled.

B. Whether the period of protective disposition has been terminated.

C. Whether 10 years have elapsed since the inviter was sentenced to actual imprisonment without labor or a heavier punishment and the execution of the sentence was terminated or exempted.

D. Whether ten years have elapsed since the inviter was sentenced to a suspended sentence of imprisonment without labor or a heavier punishment and the corresponding judgment was made final.

E. Whether ten years have elapsed since the inviter was penalized with a fine or a heavier punishment

√ If the inviter has previously committed a sex crime against a child or teenager under Article 2, subparagraph 2 of the Act on the Protection of Children and Youth Against Sex Offense, it shall be determined if 10 years have elapsed from the dates mentioned below:

A. The date when the execution has been completed or exempted since the inviter was sentenced to actual imprisonment without labor or a heavier punishment.

B. The date when judgement was made final since the inviter was sentenced to a suspended sentence of imprisonment without labor or a heavier punishment

C. The monetary penalty confirmation date

√ Whether 10 years have elapsed from the dates under the subparagraphs below for the following cases: If the inviter has previously committed a sex crime under any subparagraph of Article 2, paragraph 1 of the Act on Special Cases Concerning the Punishment, Etc. of Sexual Crimes, if the inviter has previously committed a specific violent crime under any subparagraph of Article 2, paragraph 1 of the Act on Special Cases Concerning the Punishment of Specific Violent Crimes, or if the inviter has previously committed murder under Part 2, Article 24 of the Criminal Law:

A. The date when the execution has been completed or exempted since the inviter was sentenced to actual imprisonment without labor or heavier punishment.

B. The date when judgement was made final since the inviter wassentenced to a suspended sentence of imprisonment without labor or a heavierpunishment

√ Whether five years have elapsed from the date under the following cases if the inviter has violated Article 228 of the "Criminal Law" by false marriage registration:

A. The date when the execution has been completed or exempted since the inviter was sentenced to actual imprisonment without labor or heavier punishment.

B. The date when judgement was made final since the inviter wassentenced to a suspended sentence of imprisonment without labor or a heavierpunishment

C. The monetary penalty confirmation date

※ In case a child was born between the inviter and the invitee or other cases prescribed by the Minister of Justice, they may be exempted from part of the conditions above. Moreover, if the circumstances correspond to those defined in the Public Notice of Standards on Requirements and Examination Exemptions for Issuance of Visas for the Purpose of Marriage and Cohabitation, exemptions from some of the above conditions can be applied (Proviso to Article 9-5 (1) of the Enforcement Rule of the Immigration Act).

▪ Application for permission to change status of sojourn

- Competent authorities

· If a foreigner intends to change his/her preexisting status of sojourn to the Marriage Migrant (F-6) status, he/she or his/her agent shall apply for permission to change status of sojourn at the competent Regional Immigration Service (Articles 24 (1) and 92 (1) of the Immigration Control Act).

- Required documents

· To change the status of sojourn, the applicant shall file documents necessary to apply for permission (Form 34 of the Enforcement Rule of the Immigration Control Act) to change status of sojourn (Article30, paragraph 1 of the Enforcement Rule of the Immigration Control Act).

※ The x-documents required for changing status of sojourn include x-documents regarding income requirements and residence requirements, x-documents regarding communication, as well as basic x-documents such as visa application form, invitation for marriage migrant, and inviter's certificate of family relations. For more information, please refer to the attached table 5-2 of the Enforcement Rule of the Immigration Control Act or visit Hi Korea (www.hikorea.go.kr), and go to

Information Sharing Corner - Immigration/Stay Guide for a sojourn manual for foreigners.

Acquisition of Permanent Resident (F-5) Status

Meanings of Permanent Resident (F-5) status

- If a foreigner with the Marriage Migrant (F-6) status has been married to a Korean citizen for at least two years, he/she may attain the nationality of the Republic of Korea through naturalization. If he/she intends to keep his/her original nationality, he/she may change his/her status of sojourn to the Permanent Resident (F-5) status which is the closest to the status as a national of the Republic of Korea, without attaining the nationality of the Republic of Korea.

- Obtaining the Permanent Resident (F-5) status has the following benefits:

1. An F-5 visa holder does not have to apply for permission to extend his/her period of stay during the period of survival;

2. An F-5 visa holder is exempted from applying for re-entry permit when he/she departs from the Republic of Korea (Proviso to Article 30 (1) of the Immigration Control Act);

3. Any foreign national aged 18 or older who is listed in the register of foreigners of the relevant local government as a foreigner as of the basis date of preparation of the electoral register for whom three years have passed after the acquisition date of the Permanent Resident (F-5) status shall have a right to vote in the elections of local council members and the head of the local government in the relevant district (subparagraph 3 of Article 15(2) of the Public Official Election Act);

4. Foreigners shall not be deported from the Republic of Korea unless they fall under any of the following cases (Article 46 (2) of the Immigration Control Act);

A. A person who has committed insurrection or foreign aggression stipulated under the Criminal Act;

B. A person who has committed a certain crime and has been released after having been sentenced to imprisonment with or without labor for at least five years. For this reason, the Minister of Justice will deem the person’s compulsory eviction reasonable.

C. A person who has illegally allowed foreigners to enter or depart from the Republic of Korea, has provided foreigners with means of transportation such as ships, passports, visas, boarding passes, or any other document/goods for illegal entrance into another country from the Republic of Korea, or has arranged, abetted, or aided foreigners for such purposes.

D. A person who secretly hid an illegal entrant or helped him/her to escape from the Republic of Korea by providing means of transportation, or has arranged, abetted, or aided the illegal entrant for such purposes.

5. An F-5 visa holder has no limitations in seeking jobs and his/her free economic activities in the Republic of Korea are guaranteed.

Application for Permanent Resident (F-5) status

- Eligible applicants

· A foreigner who intends to apply for a Permanent Residence status must not fall under any of the subparagraphs of Article 46 (1) of the Immigration Control Act, must satisfy any of the following qualifications, and must: ① meet the requirements regarding good conduct, including compliance with statutes; ② must be able to support himself/herself, relying on his/her own income or assets or those of the family he/she lives while ③ having basic knowledge required for residing in Korea, such as an understanding of Korean culture and society, etc. (Article 10-3 (2) of the Immigration Control Act, Article 12-2 (1) Attached Table 1-3 of the Enforcement Decree of the Immigration Control Act).

1. An adult under the Civil Act of the Republic of Korea who has been staying in the Republic of Korea for at least five years with one of the visas between 10. Supervisor (D-7) and 20. Designated Activities (E-7) or a Residence (F-2) visa in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act;

2. A person deemed eligible by the Minister of Justice, among spouses or minor children of nationals of the Republic of Korea or persons with a Permanent Residence (F-5) visa; a person who has been staying in the Republic of Korea for at least two years; or a person who applied for a visa under Article 23 of the Immigration Control Act on the grounds of being born in the Republic of Korea and, at the time of his/her birth, either of their parents was staying in Korea with a Permanent Residence (F-5) visa;

3. A foreign investor who invested USD 500,000 pursuant to the Foreign Investment Promotion Act, and employs at least five Republic of Korea nationals;

4. A person who has been staying in Korea with a 26. Overseas Koreans (F-4) visa in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act, and is deemed by the Minister of Justice as required to continue to reside in the Republic of Korea;

5. An overseas Korean under Article 2, subparagraph 2 of the Act on the Immigration and Legal Status of Overseas Koreans who meets the requirements for the acquisition of nationality under the Nationality Act;

6. A person who had a Residence (F-2) visa under subparagraph 27 in Attached Table 1 of the old Enforcement Decree of the Immigration Control Act (before the partial amendment by Presidential Decree No. 17579, which was promulgated and effectuated on April 18, 2002) (or a visa under the old Enforcement Decree equivalent to the same), and is deemed by the Minister of Justice as required to continue to reside in the Republic of Korea;

7. A person who falls under any of the following items and is deemed eligible by the Minister of Justice;

A. A person who acquired a doctorate outside of the Republic of Korea who, at the time of applying for a Permanent Residence (F-5) visa, is employed by an enterprise in the Republic of Korea;

B. A person who completed a regular course at a graduate school in the Republic of Korea and acquired a doctorate;

8. A person with a bachelor's degree or a higher diploma in a field prescribed by the Minister of Justice or a technical qualification certificate prescribed by the Minister of Justice who has been staying in the Republic of Korea for at least three years and, at the time of applying for a Permanent Residence (F-5) visa, is employed by an enterprise in the Republic of Korea and receives wages

not less than the amount prescribed by the Minister of Justice;

9. A person deemed eligible by the Minister of Justice among those who have a very excellent ability in a specific field, such as science, economy, culture, and sport;

10. A person deemed by the Minister of Justice to have made a special contribution to the Republic of Korea;

11. A person aged 60 or older who received pensions not less than the amount prescribed by the Minister of Justice from a country other than the Republic of Korea;

12. A person deemed eligible by the Minister of Justice taking account of his/her period of employment, area of employment, the characteristics of the relevant industry, workforce shortage, and Koreans' job preference, among those who are employed with a visa under 29. Working Visit (H-2) of Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act and satisfy all of the requirements under item (g) 1) through 3) of 24. Residence (F-2) of the same table;

13. A person who has been staying in the Republic of Korea for at least three years with a visa under item (i) of 24. Residence (F-2) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act, and is deemed by the Minister of Justice as required to continue to reside in the Republic of Korea;

14. A person who has been staying in the Republic of Korea for at least five years after acquiring a visa under item (j) of 24. Residence (F-2) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act, and is deemed by the Minister of Justice as required to continue to reside in the Republic of Korea, and such person's spouse and children (only the children who satisfy the requirements prescribed by the Minister of Justice);

15. A person who has been staying in the Republic of Korea for at least three years with a visa under item (c) of 11. Corporate Investor (D-8) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act, and satisfies the requirements prescribed by the Minister of Justice including attracting at least investments worth KRW 300,000 from investors and employing at least two nationals of the Republic of Korea;

16. A person who invested an amount prescribed and announced by the Minister of Justice under the condition of maintaining the investment for at least five years, his/her spouse and child, and satisfies the requirements prescribed by the Minister of Justice;

17. A person who has been staying in the Republic of Korea for at least three years as an essential expert at a research and development facility under subparagraph 4 of Article 25 (1) of the Enforcement Decree of the Foreign Investment Promotion Act with a visa under item (a) of 11. Corporate Investor (D-8) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act, and is deemed eligible by the Minister of Justice;

18. A person who has been staying in the Republic of Korea for at least two years with a visa under item (c) of 24. Residence (F-2) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act.

- Required documents

· To apply for permission to change status of sojourn to the Minister of Justice, the applicant shall file the documents necessary to apply for permission (Form 34 of the Enforcement Rule of the Immigration Control Act) to change status of sojourn (Article30, paragraph 1 of the Enforcement Decree of the Immigration Control Act).

※ For more information about the documents required to change status of sojourn, please visit Hi Korea (www.hikorea.go.kr),and go to Information - Immigration Guide.

- Those who cannot apply for a Permanent Resident (F-5) visa

· A person who falls under any of the following subparagraphs cannot apply for an F-5 visa (Article 10-3 (2) of the Immigration Control Act, Article 12-2 (1) Attached Table 1-3 of the Enforcement Decree of the Immigration Control Act)

1. A person who was sentenced to imprisonment without labor or a heavier punishment for violating the Immigration Control Act or any other Act, and five years has not passed since the execution of the punishment ended or it was decided that the punishment would not be executed.

2. A person who was sentenced to a fine for violating the Immigration Control Act or any other Act, and three years has not passed since the fine was paid.

3. A person who violated Article 7 (1) or (4) of the Immigration Control Act, or Article 12 (1) or (2) of the Immigration Control Act not more than five years ago;

4. A person who violated the Immigration Control Act three times or more over the five years prior to the date of application (excluding violations for which the person was sentenced to an administrative fine);

5. A person who left the Republic of Korea after receiving a deportation order under Article 59 (2) of the Immigration Control Act not more than seven years ago;

6. A person who left the Republic of Korea after receiving a departure order under Article 68 of the Immigration Control Act not more than five years ago;

7. A person who falls under any category equivalent to those under subparagraphs 1 to 6, as prescribed by the Minister of Justice

▪ Permission to extend period of stay

- Every alien with the Marriage Migrant (F-6) status who intends to continue to stay in excess of the permitted period of stay shall obtain permission to extend his/her period of stay from the Minister of Justice before the expiration of the permitted period of stay by submitting an application for permission to extend period of stay (Form 42 of the Enforcement Rule of the Immigration Control Act) and the following documents to the head of the competent Immigration Service, the head of the office of the Immigration Service, the head of the branch office of the Immigration Service or the head of the branch office of the office of the Immigration Service (Article 25 of the Immigration Control Act, Article 31(1) of the Enforcement Decree of the Immigration Control Act and subparagraph 6 of Article 76(2) and Attached Table 5-2 of the Enforcement Rule of the Immigration Control Act).

General documents required	-The applicant's passport and alien registration certificate -Document proving the applicant's place of residence -A copy of an airline ticket for departing from Korea if applying for permission to extend period of stay ※ An alien registration certificate shall be submitted if the applicant has been registered as a foreigner.
Those who fall under Item (a) of 27-4. Marriage Migrant (F-6) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act	-The Korean spouse's marriage relation certificate -The Korea spouse's resident registration
Those who fall undof 27-4. Marriage Migrant (F-6) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act	-Certificates concerning family relation records -Document proving the applicant is fostering children
Those who fall under Item (c) of 27-4. Marriage Migrant (F-6) in Attached Table 1-2 of the Enforcement Decree of the Immigration Control Act	-Document proving the death or disappearance of the spouse or that the applicant is unable to continue the marriage due to other causes unattributable to him/her

※ Formore information on permissions ofsojourn period extensions for aKorean spouse, please visit Hi Korea (www.hikorea.go.kr), and go to Information Sharing Corner –Immigration/Stay Guide – Foreigners' Stay – Extension of Sojourn Period for asojourn manual for foreigners.

- Where a foreigner who is the spouse of a national of the Republic of Korea, in whose case a trial in a court, an investigation by an investigative agency or procedures for remedying an infringement of his/her right under other Acts due to domestic violence defined in subparagraph 1 of Article 2 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence is proceeding, applies for an extension of his/her period of stay, the Minister of Justice may grant an extension of the period of stay until such procedures for remedying an infringement of his/her right are completed (Article 25-2 (1) of the Immigration Control Act).

※ Where the Minister of Justice deems it necessary for a foreigner to recover from an injury, etc. even after the expiration of the period of stay extended under the provision above, he/she may grant an extension of the period of stay (Article 25-2 (2) of the Immigration Control Act).

▪ Reporting on change in place of residence

- If a foreigner who has been registered as a foreigner has changed his/her place of residence, the alien shall file a moving-in report with the head of the Si/Gun/Gu or Eup/Myeon/Dong in the new place of residence, or with the head of the Regional Immigration Service having jurisdiction over the new place of residence within 15 days from the date on which the alien moves into the new place of residence (Article 36(1) of the Immigration Control Act).

2.2. Attainment of Nationality

2.2.1. Procedure and Method of Attainment of Nationality

Requirements for facilitated naturalization (subparagraph 1 of Article 5 and Article 6 (2) of the Nationality Act)

- A person who has been married to a national of the Republic of Korea;
- A person who has been residing in the Republic of Korea;

- Period of sojourn

  · The applicant should have a domicile in the Republic of Korea for at least two consecutive years, being married to a national of the Republic of Korea. Or three years should lapse since he/shebecame married to a national of the Republic of Korea and has a domicile in the Republic of Korea for at least one year consecutively.

- Calculation of the period of sojourn

  · Theday the applicant legally completed a foreigner registration process is deemedthe beginning of the period of sojourn since which the applicant shall stay inthe Republic of Korea for at least two consecutive years. However, if it fallsunder any of the following subparagraphs, the applicant is deemed to have beenstaying in the Republic of Korea consecutively, including all the periodshe/she had stayed in Korea (Article 5 of the Enforcement Rule of theNationality Act).

  1. Where the applicant who was granted re-entry permit in the Republic of Korea before the expiration of the permitted period of stay has departed from Korea and has reentered within the permitted period;
  2. Where the applicant has departed from the Republic of Korea temporarily because he/she had not been able to extend his/her period of stay during his/her stay in Korea and has reentered with an entry visa within one month;
  3. Where the Minister of Justice recognizes that adding up all the periods he/she had stayed in Korea is reasonable due to the reasons mentioned in subparagraphs 1 and 2 or other equivalent reasons.

- Exceptions concerning requirements for the period of sojourn

  · If it falls under any of the following subparagraphs and the Minister of Justice considers the case as reasonable, the applicant who failed to fulfill the requirements for the period of sojourn mentioned above may apply for permission for facilitated naturalization after he/she fulfills the requirements for the remaining period:

1. Where the applicant was unable to sustain marriage due to death or disappearance of his/her Korean spouse, divorce, or separation while being married to the said spouse;

2. Where the applicant is taking care of a minor born between him/her and his/her Korean spouse.

▪ A person who is an adult (aged 19 or above) in accordance with the Civil Act of the Republic of Korea;

▪ A person who is deemed an individual of good conduct;

▪ A person who is able to support himself/herself;

▪ A person with basic knowledge as a national of the Republic of Korea.

Procedure for Permission for Facilitated Naturalization

▪ Application for permission for naturalization

- General cases

· In order to obtain permission for facilitated naturalization, a person who had filed a marriage report and has been maintaining a normal matrimonial relationship with his/her Korean spouse shall submit an application for naturalization (Form 2 of the Enforcement Rule of the Nationality Act) and the following documents to the head of the competent Immigration Service, the head of the office of the Immigration Service, the head of the branch office of the Immigration Service or the head of the branch office of the office of the Immigration Service(hereinafter referred to as the "head of an immigration office, etc.") (Article 3 of the Enforcement Decree of the Nationality Act and Article 3(2) of the Enforcement Rule of the Nationality Act)

1. Document proving that the applicant is a foreigner;

2. Document falling under any of the following cases, proving that the applicant or any of his/her family members who live with him/her is able to support himself/herself.

A. Applicants for general naturalization shall submit one of the following documents:

① Income certificate proving the income exceeds the gross national income (GNI) per capita of the previous year notified by the Bank of Korea (issued by the head of a district tax office);

② Evidential document of financial assets (deposit, installment savings, stock, etc.) over KRW 60 million;

③ A document proving ownership over a property of which the officially assessed land price, the actual transaction price, or the market price announced by a bank is KRW 60 million or more, or a copy of a real estate lease contract where the lease deposit is KRW 60 million or higher, etc.;

④ Other documents deemed to be able to substitute for ① through ③ and reasonable by the Minister of Justice.

B. Applicants for facilitated naturalization shall submit one of the following documents:

① Evidential document of financial assets(deposit, installment savings, stock,

etc.) over KRW 30 million;

② A document proving ownership over a property of which the officially assessed land price, the actual transaction price, or the market price announced by a bank is KRW 30 million or more, or a copy of a real estate lease contract where the lease deposit is KRW 30 million or higher, etc.;

③ A certificate of employment or a certificate of prospective employment;

④ Other documents deemed to be able to substitute for ① through ③ and reasonable by the Minister of Justice.

3. When a person is applying for accompanying acquisition, documents proving the relationship.

4. Certificate regarding the family relationship details of the Korean spouse. However, if the person married abroad and the marriage is not recorded in the Korean spouse's family relationship registry, a document proving the fact of marriage may be subs

▪ Examination of applications for naturalization

- Examination of qualifications for naturalization

· The Justice Minister conducts a comprehensive assessment under Article 48 (2)-3 of the Enforcement Decree of the Immigration Control Act (hereinafter "comprehensive assessment") and interview-based examination for applicants for naturalization (Article 4 (3) of the Enforcement Decree of the Nationality Act).

※Those exempted from comprehensive assessment

· The comprehensive assessment shall be Facilitated Naturalization shall be exempted for those who have completed the societal integration program (hereinafter "societal integration program"), including education, provision of information and counseling the Justice Minister provides for societal adaptation by those who have applied for facilitated naturalization based on marriage-based immigration and foreigners who desire to obtain Republic of Korea nationality or a permanent sojourn permit and those who have obtained 60 or more points out of full 100 points in the comprehensive assessment within the last 3 years (Article 39(1) of the 「Immigration Act」, proviso to Article 4-2(1) of 「Enforcement Decree of the Nationality Act」, Subparagraphs 5, 5-2, and 6 of Article 4(1) of 「Enforcement Rule of the Nationality Act」, and Article 18 and attached Table 3 of 「Guidelines for Handling Nationality Related Services」).

▪ The interview examines the applicant's Korean language proficiency, and basic requirements for a Republic of Korea national, including posture as Republic of Korea citizen and belief in the basic free democratic order (Article 4 (4) of the Enforcement Rules of the Nationality Act).

※ The interview shall be exempted for those marriage-based immigrants who have maintained a normal married relationship with the spouse and those who have obtained 60 or more points out of full 100 points in the comprehensive assessment among those who have completed the societal integration program (proviso to Article 4-2(1) of 「Enforcement Decree of the Nationality Act」, Subparagraphs 3 and 4 of Article 4(3) of 「Enforcement Rule of the Nationality Act」, and Article 20 and attached Table 4 of 「Guidelines for Handling Nationality Related Services」).

▪ Issuance, etc. of a letter of permission for naturalization

- A foreigner who has been judged to be qualified for naturalization as a result of an examination of qualifications for naturalization shall attain the nationality of the Republic of Korea at the time he/she takes an oath of citizenship before the Minister of Justice and is granted a certificate of nationality (Article 4 (3) of the Nationality Act).

- Where an applicant for naturalization attains the nationality of the Republic of Korea, the Minister of Justice shall notify the head of the family register office at the place of registration without delay and make a public announcement thereof in the Official Gazette (Article 5 of the Enforcement Decree of the Nationality Act).

2.2.2. Procedure after Attaining Nationality

Renunciation of Foreign Nationality

▪ Obligation of persons who acquire the nationality of the Republic of Korea to renounce foreign nationality

- General cases

  · A foreigner who has acquired the nationality of the Republic of Korea shall renounce the nationality of the foreign country within one year after acquiring the nationality of the Republic of Korea. If he/she fails to renounce the nationality of the foreign country within the specified period, he/she shall lose the nationality of the Republic of Korea upon its expiration (Article 10 (1) and (3) of the Nationality Act).

- Exceptional cases

  · Notwithstanding an obligation to renounce the nationality of the foreign country within one year, 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 acquired the nationality of the Republic of Korea in order to retain his/her Korean nationality (Article 10 (2) of the Nationality Act and Article 13 of the Enforcement Decree of the Nationality Act).

  1. A person who had any ground falling under any of the following cases when he/she obtained permission for naturalization;

  A. A person who has had a domicile in the Republic of Korea for at least two consecutive years, being married to his/her Korean spouse;

  B. A person for whom three years have lapsed since he/she became married to his/her Korean spouse, having a domicile in the Republic of Korea for at least one year consecutively.

  2. A person who finds it impracticable to renounce a foreign nationality because of laws and institutions of the foreign country or a person who is deemed to be in circumstances corresponding thereto;

  3. A person who has submitted documents certifying the circumstantial difficulties in following the procedure for renunciation of nationality within the period

prescribed in Article 10 (1) of the Act to the Minister of Justice, because of the laws and scheme of the relevant foreign country, in spite that he/she has commenced a procedure for the renunciation of nationality of the relevant foreign country without delay after acquiring the nationality of the Republic of Korea.

· A person who has both the nationality of the Republic of Korea and that of a foreign country (hereinafter referred to as "persons with multiple nationalities") shall be treated only as a national of the Republic of Korea in applying the laws and regulations of the Republic of Korea (Article 11-2 (1) of the Nationality Act).

· 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 laws and regulations, the person shall renounce the nationality of a foreign country (Article 11-2 (2) of the Nationality Act).

- Submission of certificate of renunciation of nationality

· When a person falling under subparagraph 3 above completes the procedure for the renunciation of a foreign nationality, he/she shall submit his/her certificate, etc. of renunciation of nationality to the Minister of Justice without delay (Article 13 (2) of the Enforcement Decree of the Nationality Act).

· A person who has submitted a certificate, etc. of renunciation of nationality under the regulation above shall be issued a written verification of the renunciation of a foreign nationality by the Minister of Justice (Article 11 (2) of the Enforcement Decree of the Nationality Act).

Reporting on Resident Registration

▪ Obligation to report

- A person who has acquired the nationality of the Republic of Korea and completed a procedure for the renunciation of his/her foreign nationality shall file a report to be registered as a resident at an Eup/Myeon/Dong office having jurisdiction over his/her domicile in accordance with the Resident Registration Act (Articles 6 (1) and 8 of the Resident Registration Act).

▪ Documents to be submitted

- When filing a report to be registered as a resident, the person shall submit ① a copy of the notice of permission for naturalization, ② basic certificates, ③ a written verification of the renunciation of a foreign nationality (a written verification of the deferred renunciation of a foreign nationality), etc.

▪ Issuance of resident registration certificates

- A resident registration certificate shall be issued within 10 to 14 days after a report on resident registration is filed.

Surrender of Alien Registration Certificates

▪ Obligation to surrender an alien registration certificate

- If a foreigner has acquired the nationality of the Republic of Korea, the foreigner shall surrender his/her alien registration certificate to the head of a Gu who has jurisdiction over his/her place of sojourn (refer to Article 37, paragraph 2 of the Immigration Control Act and Article 46, paragraph 2,

subparagraph 1 of the Enforcement Decree of the Immigration Control Act).

▪ Timing and method of surrender

- The person himself/herself, his/her spouse, parents, de facto supporter, sibling, referee, or a cohabitant shall surrender his/her alien registration certificate within 30 days of the filing date of resident registration (Article 46 (2) 1 and Article 89 (1) of the Enforcement Decree of the Immigration Act).

▪ Documents to be submitted

- When surrendering an alien registration certificate, the person shall submit a copy of the notice of permission for naturalization, basic certificates, and his/her resident registration certificate as well.

▪ Administrative fines in the event of breaches

- Any person who fails to surrender his/her alien registration certificate in violation of such regulations shall be subject to an administrative fine of over KRW 100,000 or not exceeding KRW 1 million (subparagraph 1 of Article 100 (2) of the Immigration Control Act and subparagraph 2 (f) in Attached Table 2 of the Enforcement Decree of the Immigration Control Act).

Reacquisition of Nationality of the Republic of Korea

▪ Meanings of the nationality reacquisition reporting system

- When a person who has lost the nationality of the Republic of Korea renounces his/her nationality of a foreign country within one year after the loss of his/her nationality of the Republic of Korea, he/she may acquire the nationality of the Republic of Korea again, upon reporting to the Minister of Justice (Article 11 (1) of the Nationality Act).

- The person may acquire the nationality of the Republic of Korea again only by reporting, without going through the procedure for permission for the recovery of nationality.

▪ Procedure for reporting on reacquisition of nationality

- A person who intends to reacquire the nationality of the Republic of Korea shall submit a report on nationality acquisition (Form 1 of the Enforcement Rule of the Nationality Act) and the following documents to the Minister of Justice (Article 15 (1) of the Enforcement Decree of the Nationality Act, Article 10 of the Enforcement Rule of the Nationality Act, and Article 5 of the Guidelines on the Processing of Nationality Affairs).

1. Certificates concerning family relation records or documents proving the acquisition of the nationality of the Republic of Korea;
2. Documents proving the renunciation of a foreign nationality and stating its date;
3. Documents required for notice of nationality acquisition under Article 93 of the Act on the Registration, etc. of Family Relationships and for preparation, etc. of the family relation register, prescribed by the Minister of Justice.

3. International Marriage and Family Life

3.1. Social Welfare, etc.

3.1.1. Application of National Pension

National Pension

▪ Foreigners' attainment of insured status of the National Pension Plan

- Korean citizens residing in the Republic of Korea over the age of 18 and below the age of 60 shall be eligible to participate in the National Pension Plan. A foreigner employed in a workplace governed by this Act or resides in the Republic of Korea, other than a person prescribed by the laws and regulations, shall be a workplace-based insured person or individually insured person, as a matter of course. However, according to the principle of reciprocity, such foreigner may participate or not participate in the National Pension Plan, pursuant to the relevant laws of his/her home country (Articles 6 and 126 (1) of the National Pension Act).

▪ Categories and details of pension benefits

- Pension benefits can be divided into old age pension, disability pension, survivor pension, and lump-sum refund depending on the types of accidents and benefits (Article 49 of the National Pension Act).

※ Visit the website of the National Pension Service (http://www.nps.or.kr) and go to Social Security Agreement for further information on the attainment of insured status of the National Pension Plan.

3.1.2. Application of National Health Insurance

National Health Insurance

▪ Foreigners' purchase of National Health Insurance

- Requirements for foreigners to become the employee insured

· A foreigner residing in the Republic of Korea (hereinafter referred to as "alien") who is an employee, public official or school employee of a workplace of eligible persons and ① is registered pursuant to subparagraph 3 of Article 6 (1) of the Resident Registration Act, ② has reported on his/her place of residence in Korea pursuant to Article 6 of the Act on the Immigration and Legal Status of Overseas Koreans or ③ has filed for alien registration pursuant to Article 31 of the Immigration Control Act shall become the employee insured (Article 109 (2) of the National Health Insurance Act).

· However, any of the following persons shall not be able to become the employee insured (Articles 6 (2) and 109 (2) of the National Health Insurance Act and Article 9 of the Enforcement Decree of the National Health Insurance Act):

1. Daily-paid workers who are employed for a period of less than one month;

2. Public officials who assume office by winning an election, and who do not receive monthly remuneration or salary equivalent thereto;

3. Non-regular workers or part-time workers whose contracted working hours are less than 60 hours a month;

4. Non-regular teachers and staff, or part-time public officials and part-time teachers and staff whose contracted working hours are less than 60 hours a month;

5. Workers and employers in places of business, the location of which is not fixed;

6. Employers who employ no workers or only those falling under subparagraph 3.

- Requirements for foreigners to become the self-employed insured

· If a foreigner residing in Korea is not an insured employee and satisfies all the following requirements, he/she may become the self-employed ensured (Article 109 (3) of the National Health Insurance Act and Article 61-2, paragraphs 1 and 2 and Attached Table 9 of the Enforcement Rule of the National Health Insurance Act, and Article 4, paragraph 3 of the Standard of National Health Insurance Application of Korean Nationals Abroad and Foreigners Staying Long-Term).

√ The relevant foreigner shall constitute the following grounds that he/she resided in Korea for at least six months or is expected to reside therein continuously for at least six months:

1. If a foreigner is granted permanent residency pursuant to subparagraph 2 of Article 10 of the Immigration Act;

2. If a foreigner is granted the status of sojourn of Non-Professional Employment (E-9) pursuant to subparagraph 21 in Attached Table 1-2 of the Enforcement Decree of the Immigration Act;

3. If a foreigner is granted the status of sojourn of Marriage Migrant pursuant to subparagraph 27 in Attached Table 1-2 of the Enforcement Decree of the Immigration Act.

4. If a foreigner is granted the status of sojourn in Korea [only Korean nationals abroad or foreigners studying in Korea with the status of sojourn to Study Abroad (D-2) or as an Overseas Korean (F-4)] to learn or conduct research that qualifies the foreigner to stay pursuant to subparagraph 5 in Attached Table 1-2 of the Enforcement Decree of the Immigration Act.

5. If a foreigner is granted the status of sojourn in Korea [only Korean nationals abroad or foreigners staying for General Research (D-4) or as an Overseas Korean (F-4) to study abroad] to receive education at schools in Korea pursuant to Article 2 of the Elementary and Secondary Education Act.

√ Any of the following persons:

1. A person who is registered pursuant to subparagraph 3 of Article 6 (1) of the Resident Registration Act or has reported on his/her place of residence in Korea pursuant to Article 6 of the Act on the Immigration and Legal Status of Overseas Koreans;

2. A person who has filed for alien registration pursuant to Article 31 of the Immigration Control Act and has any of the following status of sojourn

A. Artist (D-1), Student (D-2), Industrial Trainee (D-3), General Trainee (D-4), Journalism (D-5), Religion (D-6), Intra-company Transfer (D-7), Corporate Investment (D-8), Trade/Management (D-9) or Job Seeking (D-10);

B. Professor (E-1), Foreign Language Instructor (E-2), Research (E-3), Technology Transfer (E-4), Professional Employment (E-5), Artistic Performer (E-6), Foreign National of Special Ability (E-7), Seasonal Workers (E-8), Non-professional (E-9) or Maritime Crew (E-10);

C. Visiting or Joining Family (F-1), Residence (F-2), Accompanying Spouse/Child (F-3), Overseas Korean (F-4), Permanent Resident (F-5) or Marriage Migrant (F-6);

D. Other (G-1) (limited to persons granted a humanitarian stay permit under the Refugee Act and persons prescribed by the Authority)

E. Working Holiday (H-1) or Work and Visit (H-2).

▪ How to attain the insured status of National Health Insurance and categories of benefits

- Benefits of the National Health Insurance can be divided into health care benefits, health care costs, health checkups and insurance benefits of supportive equipment for the disabled.

- The employee insured automatically attains the insured status by his/her workplace and the self-employed insured shall apply for the insured status at a regional office of the NHIS having jurisdiction over his/her domicile.

※ Visit the website of the National Health Insurance Service (http://www.nhis.or.kr/www.nhis.or.kr) and go to Online Customer Center for further information on the purchase of the National Health Insurance.

3.1.3. Application of Employment Insurance

Employment Insurance

▪ Attainment of Purchase of Employment Insurance

- Application of foreign workers, artists, and labor providers

· Employment Insurance shall apply to foreign workers subject to the Act on Employment, Etc. of Foreign Workers, and for other foreign workers, the Employment Insurance Act shall apply as follows (Article 10-2 of the Employment Insurance Act and Article 3-3 of the Enforcement Decree of the Employment Insurance Act)

1. Foreign workers who have entered into a labor contract as per Article 10-2 (2) of the Employment Insurance Act and who fall under any of the following: The Employment Insurance Act shall apply in its entirety.

√ A person who holds the status of sojourn for intra-company transfer (D-7), corporate investment (D-8) or trade/management (D-9) among the status of sojourn granted to foreigners as provided for in Article 12 of the Enforcement Decree of the Immigration Control Act (except where the laws of a foreigner's home country, which are relevant to premiums and benefits of insurance equivalent to

the employment insurance under the Act, are not applicable to nationals of the Republic of Korea)

√ A person who holds the status of sojourn of Permanent Resident (F-5) among the status of sojourn granted to foreigners as provided for in Article 12-2 of the Enforcement Decree of the Immigration Control Act

√ A person falling under any of the following items of Article 23(2) of the Enforcement Decree of the Immigration Control Act

2. Foreign workers who have entered into a labor contract as per Article 10-2 (2) of the Employment Insurance Act and who fall under any of the following: Where he/she has applied for the purchase of insurance as provided for in Article 2 of the Enforcement Regulations of the Employment Insurance Act, the Employment Insurance Act shall apply in its entirety.

√ A person who holds the status of sojourn of Overseas Korean (F-4) among the status of sojourn granted to foreigners as provided for in Article 12 of the Enforcement Decree of the Immigration Control Act

√ A person who holds the status of sojourn eligible for employment under Article 23(1) of the Enforcement Decree of the Immigration Control Act (except for foreign workers subject to the Act on Employment, Etc. of Foreign Workers)

3. Among foreigners as per Article 10-2 (2) of the Employment Insurance Act, foreigners who have entered into a contract related to cultural and artistic services (hereinafter referred to as "cultural and artistic service contract") as per Article 77-2 (1) of the Employment Insurance Act (hereinafter referred to as "foreign artists") or foreigners who have entered into a labor service contract (hereinafter referred to as "labor service contract") as per Article 77-6 (1) of the Employment Insurance Act (hereinafter referred to as "foreign labor providers"): the provisions concerning artists or labor providers in Chapter 1, Chapter 2, Chapter 4, Chapter 5-2, Chapter 5-3, Chapter 6, Chapter 8, or Chapter 9 of the Employment Insurance Act shall be applied.

√ People who possess the residency status of long-term resident (F-5) among foreigners stay qualification as per Article 12-2 of the Enforcement Decree of the Immigration Act

√ People corresponding to any of the subparagraphs in Article 23 (2) of the Enforcement Decree of the Immigration Act

4. Among foreigners as per Article 10-2 (2) of the Employment Insurance Act, foreign artists or foreign labor providers corresponding to any of the following: If they apply for insurance enrollment according to the Enforcement Regulations of the Employment Insurance Act, the provisions concerning artists or labor providers in Chapter 1, Chapter 2, Chapter 4, Chapter 5-2, Chapter 5-3, Chapter 6, Chapter 8, or Chapter 9 of the Employment Insurance Act shall be applied:

√ People who possess the residency status of overseas Koreans (F-4) among foreigners stay qualification as per Article 12 of the Enforcement Decree of the Immigration Act

√ People with a residency status that allows employment activities as per Article 23 (1) of the Enforcement Decree of the Immigration Act

■ **Categories of Insurance Benefits**

- The Employment Insurance Act stipulates that employment insurance programs shall be carried out for employment security and vocational skills development programs, and unemployment benefits and childcare/maternity leave benefits.

※ Visit the Employment Insurance Internet Service (http://www.ei.go.kr/http://www.ei.go.kr) for further information on the purchase of the Employment Insurance.

3.1.4. Application of Industrial Accident Compensation Insurance

Industrial Accident Compensation Insurance

▪ Purchase of Industrial Accident Compensation Insurance

- Application to foreigners

· The Industrial Accident Compensation Insurance shall apply to foreigners who are employed by any of the businesses or workplaces in the Republic of Korea (except businesses prescribed in consideration of their risk rates, sizes, places, etc.)

▪ Occupational accidents

- Workers who suffer from any injury, disease, disability or death caused by any occupational reasons shall be compensated in accordance with the Industrial Accident Compensation Insurance Act (Subparagraph 1 of Article 5 of 「Industrial Accident Compensation Insurance Act」).

- If an employee suffers any injury, disease, or disability or dies due to any of the following causes, it shall be deemed an accident on duty (main sentence of Article 37(1) of 「Industrial Accident Compensation Insurance Act」).

1. Accident on duty

A. Any accident that occurs while he/she performs a duty under his/her employment contract or other acts incidental thereto;

B. Any accident that occurs while he/she uses a facility, etc. provided by his/her business owner, due to any defect in or any careless management of such facility, etc.;

C. Any accident that occurs while he/she commutes to or from work using a transportation means provided by his/her business owner or other similar means under the control and management of his/her business owner;

D. Any accident that occurs while he/she participates in an event sponsored by or under the direction of his/her business owner or prepares for such event;

E. Any accident that occurs during a break due to an act deemed to be under the control and management of his/her business owner;

F. Any other accident that occurs in relation with his/her duties.

2. Occupational disease

A. Any disease caused by handling or being exposed to any physical agent, chemical substance, dust, pathogen, work imposing a burden on his/her body, or any other agent causing problems to his/her health while performing his/her duties;

B. Any disease caused by an occupational injury;

C. A disease attributed to mental stress at workplace caused by workplace harassment under Article 76-2 of the Labor Standards Act, verbal abuse by a customer, or other causes

D. Any other disease caused in connection with his/her duties.

3. Commuting accident

A. Accidents that occurs during commuting under the control and management of business owner, such as using means of transportation that the business owner provides or equivalent thereto.

B. Other accidents that occurs during commuting in ordinary route and ways

▪ Categories and details of insurance benefits

- Benefits of the Industrial Accident Compensation Insurance are divided into 8 types: medical care benefits, temporary layoff benefits, disability benefits, nursing benefits, survivors' benefits, injury and disease compensation pensions, funeral expenses and vocational rehabilitation benefits (Article 36 (1) of the Industrial Accident Compensation Insurance Act).

※ Visit the website of the Ministry of Employment and Labor (http://www.moel.go.kr) for further information on the Industrial Accident Compensation Insurance.

3.1.5. National Basic Living Security

Eligible Recipients of Benefits and its Application Procedure

▪ Application to foreigners

- A foreigner who has filed for alien registration shall become an eligible recipient upon meeting the qualification criteria under the National Basic Living Security Act (Article 5-2 of the National Basic Living Security Act and Article 4 of the Enforcement Decree of the National Basic Living Security Act).

1. A foreigner who falls under any of the following items, being married to a national of the Republic of Korea;

A. A person who is pregnant while married to a national of the Republic of Korea or whose spouse is pregnant;

B. A person who rears a minor child having the nationality of the Republic of Korea;

C. A person who earns a livelihood or dwells together with his/her spouse's lineal ascendant(s) having the nationality of the Republic of Korea.

2. A foreigner who has divorced his/her spouse having the nationality of the Republic of Korea or whose Korean spouse has died, and rears a minor child having the nationality of the Republic of Korea or is pregnant with the deceased spouse's child.

▪ Procedure for application for benefits of National Basic Living Security

- Application for benefits

· An eligible recipient, his/her relative, and other interested persons may file an application for the payment of benefits to the eligible recipient with a Special Self-Governing Province Governor or the head of a Si/Gun/Gu having jurisdiction over his/her domicile (Article 21 (1) of the National Basic Living Security Act).

- Documents to be submitted

· When an eligible recipient files an application for benefits, he/she shall submit the following written consent for provision of financial information, credit information or insurance information(Article 21(3) of the National Basic Living Security Act, Article 36 of the Enforcement Decree of the National Basic Living Security Act and Article 34(1) of the Enforcement Rule of the National Basic Living Security Act).

1. Financial information

1) Demand deposit such as regular savings, savings deposit, free savings deposit, and foreign currency deposit, etc.: The average bank balance and the total deposit over the past three months

2) Savings deposit such as time deposit, installment savings, periodical savings, etc.: The deposit balance or the total amount paid in

3) Stocks, profit-making securities, investment money, investment shares and real estate (pension) trust: Closing market prices. In this case, additional price of unlisted stocks shall be evaluated in accordance with the Article 54 (1) of the Enforcement Decree of the Inheritance Tax and Gift Tax Act

4) Bonds, promissory notes, checks, obligation certificates, certificates of preemptive right to new stocks and transferable deposit certificates: Par values

5) Annuity savings: The regularly paid amount or the closing balance

6) Interest and dividends or discounts generated from financial assets falling under 1) through 5)

2. Credit information

1) Information of loans and arrears

2) Unsettled credit card balance

3. Insurance information

1) Insurance policy: Surrender value or premiums paid in the past year

2) Annuity insurance: Surrender value or the regularly paid amount

※ Visit the website of the Ministry of Health and Welfare (http://www.mohw.go.kr) for further information on benefits of National Basic Living Security.

3.1.6. Driver´s License

Acquisition of Driver's License of the Republic of Korea

- Procedure for the driver's license tests

- The driver's license tests are largely divided into an aptitude test, written test, driving course test and on-road driving exam. A person should pass all such tests to obtain a driver's license (Article 83 of the Road Traffic Act).

▪ Exemption from driver's license tests

- Persons subject to the exemption from driver's license tests

  · Aperson with a foreign driver's license who ① completes theregistration for residency in the Republic of Korea, ② is registered as aforeigner or exempted from being registered as a foreigner, ③ recognized as a refugee, or ④reports his/her residency in the Republic of Koreaas an overseas Korean shall be exempted from some driver's license tests(subparagraph 3 of Article 84 (1) of the Road Traffic Act).

- Scope of the exemption of persons with a foreign driver's license from driver's license tests

  · Ifa foreigner with a foreign driver's license intends to obtain a driver'slicense of the Republic of Korea, he/she may be exempted from part of driver'slicense tests and the scope of the exemption varies depending on whether thecountry thatissued the foreign driver'slicense is included in the countries that recognize Korean driver’s licenses (Main Text of Article 84, paragraph 2 of the RoadTraffic Act, and Article 52, paragraph 1 and Attached Table 3 of theEnforcement Decree of the Road Traffic Act).

※ Which countries recognize Korean driver’s license?

Thecountry that issued the foreign driver’s license and exemptsall procedures required for the driver’s license test, exceptfor the aptitude test, for those who hold a driver’s license of theRepublic of Korea (refer to the Main Text of Article 84, paragraph 2 of theRoad traffic Act).

> ※ Visit the website and go to “Driver's License" through so as to check the countries that recognize Korean driver’s licenses.

※ Foreigndriver’s license held by those who hold the status of sojournfor the purpose of Diplomacy (A-1), Official Affairs (A-2), A Pact or Agreement(A-3), Intra-company Transfer (D-7), Corporate Investment (D-8),Trade/Management (D-9), Professor (E-1), Research (E-3), Technology Transfer(E-4), Foreign National of Special Ability (E-7) or Overseas Korean (F-4), asset forth in Attached Table 1 of the Enforcement Decree of the Immigration ControlAct, their spouses, and their unmarried children aged 19 or below are deemed tohave been issued by the authorities of the countries that recognize Koreandriver‘s license (conditions under Article 84, paragraph 2 of the Road Traffic Actand Article 52, paragraph 2 of the Enforcement Decree of the Road Traffic Act).

▪ Issuance of driver's license

- A person who has passed the driver's license tests shall be issued and receive a driver's license from the chief of a police station or the Korea Road Traffic Authority that held the driver's license tests, within 30 days after the date he/she passed the tests. He/She shall not be able to drive a motor vehicle before receiving a driver's license (Article 77 (1) of the Enforcement Rule of the Road Traffic Act).

- Ifa person with a foreign driver's license obtains a driver's license of theRepublic of Korea afterbeing exempt from part of the driver's license test, his/her foreigndriver's license shall be retrieved by the Road Traffic Authority (Article 84,paragraph 3 of the Road Traffic Act).

International Driver's License

▪ Driving using an international driver's license or a mutually recognized foreign driver's license

- Anyone who obtains an international driver's license or a mutually recognized foreign driver's license may drive a motor vehicle using such international driver's license or such mutually recognized foreign driver's license only for the period of one year from the date on which that person enters the Republic of Korea, without obtaining a driver's license of the Republic of Korea. In such cases, the types of motor vehicles that a person may drive shall be limited to the types of motor vehicles that are entered in the international driver's license or the mutually recognized foreign driver's license (Article 96 (1) of the Road Traffic Act).

▪ Application for issuance of an international driver's license in the Republic of Korea

- Anyone(except for those whoobtained a driver's license for motorizedbicycles or a student driver's license) who obtains a driver'slicense of the Republic of Korea and intends to be issued an internationaldriver's license shall file an application with a photo attached for the international driver's license (Form 59 ofthe Enforcement Rule of the Korea Road Traffic Act) with a city provincial policeagency or the Road Traffic Authority, and receive such license (Form 90 of theEnforcement Rule of the Road Traffic Act) from the city provincial policeagency or the Korea Road Traffic Authority (Article 98 (1) and (3) of the EnforcementRule of the Road Traffic Act).

▪ Effect of international driver's license

- The effective period of aninternational driver's license shall be one year from the date of issuance thereof(Article 98 (2) of the Road Traffic Act).

- An internationaldriver's license shall cease to have its effect, when the effect of thedriver's license of the Republic of Korea of the relevant person to whom theinternational driver's license is issued, is lost or revoked. In addition, theeffect of an international driver's license shall be suspended during thesuspension period, when the effect of the driver's license of the Republic ofKorea of the relevant person to whom the international driver's license isissued, is suspended (Article 98 (3) and (4) of the Road Traffic Act).

3.2. Birth and School Attendance of Children

3.2.1. Report of Birth of Children

Procedure for Report of Birth

▪ Submission of report of birth

- The report of birth of a child shall be filed by the father or the mother (only by

the mother if a child was born out of wedlock) within one month from the date of birth. The following matters shall be entered in a report of birth (Article 44 (1),(2)and (4) and Article 46 (1) and (2) of the Act on the Registration, etc. of Family Relationships):

1. Name, origin of surname, gender and place of registration of the child;

2. Whether the child was born in or out of wedlock;

3. Date and place of birth;

4. Names, origins of surname, places of registration and resident registration numbers of parents (in cases where either parent is a foreigner, his or her name, date of birth, nationality, and alien registration number);

5. If the parents agree to have the child assume his/her mother's surname and origin of surname at the time of filing a report on their marriage, such fact;

6. Where the child has multi-nationality, such fact and foreign nationality that the child has acquired.

- A birth certificate prepared by a doctor or midwife shall be attached (Article 44 (4) of the Act on the Registration, etc. of Family Relationships).

- In cases of a child born between a foreign father and a Korean mother, his/her birth may be reported to the Republic of Korea, even though his/her father has already filed a report of his/her birth with the father's country in accordance with the laws of the relevant country and the child has been registered in the identification register of the relevant country (subparagraph (b) of Article 1 of the Rule for Surname and Given Name of a Child Born in Wedlock between a Foreign Father and a Korean Mother and Procedure for Record in the Family Relation Register).

▪ Surname of a child in a birth report

- Principle

· A child shall succeed his or her father's surname and origin of surname: Provided, that when the parents agree to have the child assume his or her mother's surname and origin of surname at the time of filing a report on their marriage, he or she shall succeed the mother's surname and origin of surname.

· Where a child born out of wedlock is affiliated, the child shall succeed his or her father's surname and origin of surname: Provided, that the child may continue to use the previous surname and origin of surname subject to the agreement of the parents at the time of reporting the affiliation and the submission of the written agreement, in which case the family registration of the child shall state the effect that the child will continue to use his or her previous surname and origin of name (Article 8 (1) of the Family Registration Guidelines Regarding Children's Surnames and Origins of Surname).

- Exception

· Where the father is a foreigner, the child may succeed the mother's surname and origin of surname (Article 781 (2) of the Civil Act).

· A child who was born in wedlock between a foreign father and Korean mother may succeed his/her foreign father's surname or his/her Korean mother's surname and origin of surname when filing a birth report, whether he/she has been already registered in the identification register of his/her father's country with

succeeding his/her father's surname or his/her birth report has not been filed and he/she has not been registered in the identification register of his/her father's country (Article 781 (2) of the Civil Act and Article 3 of the Rule for Surname and Given Name of a Child Born in Wedlock between a Foreign Father and a Korean Mother and Procedure for Record in the Family Relation Register).

· A child born out of wedlock of a mother who is a Korean national is a Korean national. If the person that the mother recognizes as the father is a foreigner, the child may not be registered in the family relations register with the foreign father's surname until the father affiliates the child, and should be registered with the mother's surname and origin of surname (Article 11 (2) of the Guidelines on the Processing of Family Relations Registration Affairs Regarding the Surnames and Origins of Surname of Children).

▪ Name of a child in a report of birth

- A child born in wedlock (civil marriage)

· In cases of a child born in wedlock between a foreign father and a Korean mother, his/her birth may be reported with either his/her foreign name registered in the identification register of his/her father's country or his/her new Korean name when filing a report of birth, even though his/her foreign name has been already registered in the identification register of his/her father's country. Where a child has been registered in the identification register of his/her father's country with a foreign name and his/her father's surname, his/her birth shall not be reported with a new foreign name in the Republic of Korea (subparagraphs (a) and (b) of Article 4 of the Rule for Surname and Given Name of a Child Born in Wedlock between a Foreign Father and a Korean Mother and Procedure for Record in the Family Relation Register).

- A child born out of wedlock (common-law marriage)

· In cases of a child born out of wedlock between a foreign father and a Korean mother, his/her birth shall be reported with a foreign name if he/she has succeeded his/her foreign father's surname, and with a Korean name if he/she has succeeded his/her Korean mother's surname (Article 11 (2) of the Guideline for Administrative Process of Family Relation Registration Concerning a Child's Surname and Origin of Surname).

3.2.2. Support for Child Care

Child Care Subsidies for Multicultural Families

▪ Eligibility

- Child care subsidies for multicultural families are provided to the children of multicultural families, defined in subparagraph 1 of Article 2 of the Support for Multicultural Families Act, who are preschoolers under the age of six (the Ministry of Health and Welfare, refer to 2023 Child Care Services).

- A child who was not born between an immigrant by marriage (including those who have attained the nationality of the Republic of Korea through acknowledgement or permission for naturalization) of a multicultural family, defined in subparagraph 1 of Article 2 of the Support for Multicultural Families Act, and a person who has attained the nationality of the Republic of Korea under Articles 2 through 4 of the Nationality Act, but between an immigrant by marriage of a multicultural

family and his/her former spouse shall be entitled to child care subsidies only if the child lives with the multicultural family as a family member. The child shall have the nationality of the Republic of Korea in order to be entitled to child care subsidies.

- Where a child entitled to enter school (born between January 1 and December 31, 2016) defers entry to school, he/she may receive child care subsidies for children under the age of six. In case of a deferral of entry to school, child care subsidies for preschoolers under the age of six are provided only once, and the period of support for the Nuri Curriculum shall not exceed three years.

▪ Selection criteria

- Child care subsidies are provided regardless of the guardians' income levels.

- A child who was born between an immigrant by marriage (including those who have attained the nationality of the Republic of Korea through acknowledgement or permission for naturalization) of a multicultural family, defined in subparagraph 1 of Article 2 of the Support for Multicultural Families Act, and a person who has attained the nationality of the Republic of Korea under Articles 2 through 4 of the Nationality Act shall be entitled to child care subsidies regardless of whether the child lives with the multicultural family.

- However, children shall not be entitled to multicultural child care subsidies if an immigrant by marriage falls under any of the following cases:

  · Where a male immigrant by marriage who was born while his lineal ascendants had stayed abroad with no intention of residing in the relevant country permanently, and became a person with multiple nationalities by obtaining a foreign nationality has become a foreigner by renouncing the nationality of the Republic of Korea with the intention to evade military service;

  · Where a male national of the Republic of Korea has become a foreigner by obtaining a foreign nationality and losing the nationality of the Republic of Korea with the intention to evade military service;

  · Any Korean with foreign citizenship, defined in subparagraph 2 of Article 2 of the Act on the Immigration and Legal Status of Overseas Koreans, who has resided in a foreign country for less than 15 years.

- A child who was not born between an immigrant by marriage (including those who have attained the nationality of the Republic of Korea through acknowledgement or permission for naturalization) of a multicultural family, defined in subparagraph 1 of Article 2 of the Support for Multicultural Families Act, and a person who has attained the nationality of the Republic of Korea under Articles 2 through 4 of the Nationality Act, but between an immigrant by marriage of a multicultural family and his/her former spouse shall be entitled to child care subsidies only if the child lives with the multicultural family as a family member. The child shall have the nationality of the Republic of Korea in order to be entitled to child care subsidies.

▪ Documents to be submitted

- When evaluating the eligibility of applicants, their family relations, etc. are checked via Social Security Information System Haengbok-e eum (family lookup and family relation register). If such information is unable to be checked via Haengbok-e eum, an applicant shall submit evidential documents in person.

- An immigrant by marriage who intends to apply for child care subsidies shall submit a marriage relation certificate and alien registration certificate.

※ A report card of the place of residence of a Korean with foreign citizenship or documents such as a certificate of employment, etc. proving that the applicant is exempted from alien registration under Article 31 (1) of the Immigration Control Act may substitute for a foreigner registration certificate.

- Among immigrants by marriage, any Korean with foreign citizenship (those who have submitted a report card of the place of residence and some registered foreigners), defined in subparagraph 2 of Article 2 of the Act on the Immigration and Legal Status of Overseas Koreans, shall prove that he/she had stayed in a foreign country for at least 15 years, by submitting a certificate of the entry into and departure from Korea.

- Any person who has attained the nationality of the Republic of Korea through acknowledgment or naturalization under subparagraph 2 of Article 2 of the Support for Multicultural Families Act shall submit a marriage relation certificate and other basic certificates.

- In cases of a multicultural child who is not living with the multicultural family, the child's basic certificates, certificate of family relations, his/her parents' marriage relation certificate, basic certificates and certificate of the entry into and departure from Korea (foreigners or those who have attained the nationality of the Republic of Korea through acknowledgement or naturalization) shall be submitted.

3.2.3. Admission Procedure for Children

School Educational System of the Republic of Korea

- All nationals of the Republic of Korea have equal opportunities for elementary, secondary, and higher education without discrimination regardless of their abilities. All children shall receive compulsory education for nine years from elementary school to middle school, and tuition fees are free for this period.

Admission Procedure for Children with the Nationality of the Republic of Korea

▪ Admission procedure for compulsory education

- Procedure for admission to and transfer of elementary school

· The head of an Eup/Myeon/Dong shall give to prospective schoolchildren's guardians a notice to attend school by December 20 of the preceding year of the year to which the date of entrance to a school belongs, with designating prospective schools for them to attend and specifying admission dates (Article 17 (1) of the Enforcement Decree of the Elementary and Secondary Education Act).

· Where any elementary school student intends to change schools due to a change of address, his/her guardian shall inform the principal of the school which he/she attends and the school to which he/she intends to transfer through the head of the competent Eup/Myeon/Dong (Article 21(1) of the Enforcement Decree of the Elementary and Secondary Education Act).

· The above school principal of the school in which the student will transfer to will have been notified to check the computer information and data of the student's resident registration by sharing administrative information under

Article 36 (1) of the Electronic Government Act. However, if the guardian of the relevant students does not consent to such confirmation, he/she shall have the relevant guardian submit x-documents verifying the change of residence (Article 21 (3) of the Enforcement Decree of the Elementary and Secondary Education Act).

- Procedure for admission to middle school

· A person who intends to enter middle school shall submit an allocation form for a middle school to Middle School Admission Sortition Management Committees to which the elementary school from which he/she graduated belongs (Article 43 (2) of the Elementary and Secondary Education Act and Article 71 of the Enforcement Decree of the Elementary and Secondary Education Act).

· The head of the district office of education shall allocate schools for applicants for admission to middle schools to enter through sortition according to districts and school groups (Article 43 (2) of the Elementary and Secondary Education Act and Article 68 of the Enforcement Decree of the Elementary and Secondary Education Act).

Admission Procedure for Children with a Foreign Nationality

▪ Procedure for admission and transfer

- The guardian of a foreign child or student may apply for the admission or transfer of the foreign child or student to the head of an elementary school in the school district where his/her residence is located, instead of following the procedures for admission or transfer under Articles 17 and 21 of the Enforcement Decree of the Elementary and Secondary Education Act (Article 19 (1) of the Enforcement Decree of the Elementary and Secondary Education Act).

※ The head of an elementary school who receives such application shall verify the details of the certificate of the entry into and departure from Korea, or of the certificate of an alien registration under Article 88 of the Immigration Control Act by sharing administrative information under Article 36 (1) of the Electronic Government Act: Provided that where the guardian of a foreign child or student does not consent to such verification, the head of the relevant school shall have him/her submit any of the following documents (Article 19 (2) of the Enforcement Decree of the Elementary and Secondary Education Act):

· A document that proves the entry into and departure from Korea and verify the alien registration;

· A document that verifies his/her residence in Korea, such as a written lease contract or letter of guarantee from his/her neighbor.

3.3. Invitation and Visit of Family Members and Relatives

3.3.1. Procedure for Invitation (Entry) of Family Members and Relatives

Entry with Visa

▪ Application for issuance of visa

- A family member or relative of a foreigner who is married to a national of the Republic of Korea shall file an application for issuance of a visa with a

diplomatic mission (referring to embassies and consulates of the Republic of Korea; hereinafter the same shall apply) in order to enter the Republic of Korea. A foreigner who intends to enter the Republic of Korea for the purpose of tourism or for a visit to his/her relatives is issued a Short-term Visit (C-3) visa allowing him/her to stay in the Republic of Korea for up to three months.

- An applicant may be more easily issued a Short-term Visit (C-3) visa by submitting a letter of invitation, reference (notarized in the Republic of Korea), etc. proving the purpose of his/her visit, provided by the foreigner in the Republic of Korea, at the registration time of filing an application for visa.

▪ Documents to be submitted

- Documents required for visa issuance vary depending on the country. For more information, please contact the embassy of the country where you are applying for a visa.

▪ Cautions for issuance of visa

- Where an applicant intends to be issued a visa after a lapse of three months from the date on which an application for visa was filed, he/she shall file a new application for visa again (Article 12 (3) of the Enforcement Rule of the Immigration Control Act).

▪ Application for visa issuance certificate (number)

- In principle, a person who intends to enter the Republic of Korea shall apply for a visa in person. However, a person of foreign nationality Korea who has been married to a national of the Republic of Korea may file an application for the visa issuance certificate number of his/her child with the competent Regional Immigration Service having jurisdiction over the place of stay, in order to invite his/her minor child whose custody belongs to the person himself/herself, even before he/she attains the nationality of the Republic of Korea.

▪ Documents to be submitted

- An applicant who intends to be issued a visa issuance certificate (number) shall file an application for visa issuance certificate with the competent Regional Immigration Service having jurisdiction over his/her address, attaching the following documents (Article 17 (2), Form 21 and Attached Table 5 of the Enforcement Rule of the Immigration Control Act):

1. A passport and a copy of passport;

2. A tuberculosis (TB) certificate issued by a hospital designated by a diplomatic mission (to be attached where a national of a high-risk TB country residing in a high-risk TB country applies for a visa in order to stay in the Republic of Korea for over 90 days, or other cases prescribed by the Minister of Justice);

3. Document proving the purpose of entry such as business, etc.

▪ Issuance of visa after sending a visa issuance certificate (number)

- If the issuance of a visa is deemed reasonable, the inviter (immigrants by marriage) shall be notified by the Minister of Justice of the details of a visa issuance certificate including a visa issuance certificate number (Article 17 (5) of the Enforcement Rule of the Immigration Control Act). If a diplomatic mission does not have an immigration information system, he/she may be issued a visa issuance certificate (Article 17 (6) of the Enforcement Rule of the Immigration

Control Act).

- Once the inviter is issued a visa issuance certificate (number), he/she shall inform the invitee (who intends to enter the Republic of Korea) of it so that the invitee can enter the visa issuance certificate number in an application for issuance of a visa or attach a visa issuance certificate when filing the application with a diplomatic mission of the invitee's country (Article 17-2 (1) and (2) of the Enforcement Rule of the Immigration Control Act).

▪ Effect of visa issuance certificate (number)

- A visa issuance certificate (number) shall be valid for a period of three months, and only one issuance of a visa is valid. However, the term of validity may be subject to change, if deemed particularly necessary by the Minister of Justice (Article 18 of the Enforcement Rule of the Immigration Control Act).

Prohibition of False Invitations, etc.

- No one shall engage in any of the following conduct to enable a foreigner to enter the Republic of Korea (Article 7-2 of the Immigration Control Act):

1. Inviting a foreigner by illegal means, such as making a false statement or providing a false reference, or assisting such act;

2. Falsely applying for a visa or a visa issuance certificate, or assisting such act.

- A person who violates such regulations shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million KRW (subparagraph 3 of Article 94 of the Immigration Control Act).

3.3.2. Procedure for Reentry

Permission for Reentry

▪ Persons subject to permission for reentry and exemption from such permission

- Persons subject to reentry permission

· If a foreigner who has filed for alien registration or is exempted from such registration intends to reenter the Republic of Korea after departure for another foreign country within his/her permitted period of stay, he/she shall obtain permission from the Minister of Justice (The main sentence of Article 30 (1) of the Immigration Act).

- Exemption from reentry permission

· If any person, who is qualified to obtain a permanent residence permit and has good causes to be exempted from reentry permission, falls under any of the following qualifications, he or she may be exempted from reentry permission (Proviso to Article 30 (1) of the Immigration Act and the main sentence of Article 44-2 (1) of the Enforcement Rule of the Immigration Act):

√ A person with a Permanent Resident (F-5) status under Attached Table 1-3 of the Enforcement Decree of the Immigration Act who intends to reenter the Republic of Korea within two years after the date of departure;

√ A person with any status of stay for 1. Diplomat (A-1) through 25. Accompanying Spouse/Child (F-3), or 27. Marriage Migrant (F-6) through 30. Others (G-1) under

Attached Table 1-2 of the Enforcement Decree of the Immigration Act, who intends to reenter the Republic of Korea within one year (the remaining period of stay if such period is less than one year) after the date of departure

※ A foreigner prohibited from entering the Republic of Korea under Article 11 of the Immigration Act and a person falling under any subparagraph of Article 10 of the Enforcement Decree of the Immigration Act shall not be exempted.

▪ Application for reentry permission

- A foreigner who intends to obtain reentry permission shall file an application for reentry permission (Form 34. Application Form of the Enforcement Rule of the Immigration Control Act) with the head of the Immigration Service, the head of the office of the Immigration Service, the head of the branch office of the Immigration Service or the head of the branch office of the office of the Immigration Service, attaching documents explaining the reasons therefor (Article 39-6(1) of the Enforcement Rule of the Immigration Control Act).

- The reentry period shall be determined within the period not exceeding the previously permitted period of stay (Article 39-6 (3) of the Enforcement Rule of the Immigration Control Act).

- Once a foreigner obtains reentry permission, a reentry permission stamp and the permitted reentry period shall be stamped on and written in the passport, or a reentry permission sticker shall be affixed (Article 39-6 (4) of the Enforcement Rule of the Immigration Control Act).

▪ Application for an extension of the permitted reentry period

- Reasons for an extension

  · If a foreigner is unable to reenter during the permitted period due to a disease or any other extenuating circumstance, the foreigner shall obtain an extension of the permitted reentry period from the Minister of Justice before the expiration of the permitted period (Article 30 (3) of the Immigration Control Act).

- Application for an extension

  · A foreigner who intends to obtain an extension of the permitted reentry period shall file an application for an extension of the permitted reentry period (Form 61 of the Enforcement Rule of the Immigration Control Act) with the head of a diplomatic mission, attaching documents explaining the reasons therefor (Article 39-7 (1) of the Enforcement Rule of the Immigration Control Act).

3.4. Death of a Spouse and Inheritance

3.4.1. Death of a Spouse and Right of Inheritance

Inheritance of Property of the Deceased Spouse in Case the Civil Act of the Republic of Korea is the Applicable Law

- In inheritance, persons become inheritors in the following order and the spouse shall always be an inheritor (Article 1000 (1) of the Civil Act).

1. Lineal descendants of the inheritee (referring to blood relatives in the direct

line of descent the sons, daughters, grandchildren, and great-grandchildren, etc.);

2. Lineal ascendants of the inheritee (referring to blood relatives in the direct line of ascent the parents, and grandparents, etc.);

3. Brothers and sisters of the inheritee;

4. Collateral blood relatives within the fourth degree of the inheritee.

▪ Order of inheritance of spouse

- The surviving spouse of the inheritee shall always be an inheritor. If the inheritee has lineal descendants and ascendants, the spouse becomes a co-inheritor, in the same order as the said inheritor. If there exists no inheritor, the spouse becomes the sole inheritor (Article 1003 (1) of the Civil Act).

▪ Statutory share in inheritance

- The share inherited by an inheritee's surviving spouse shall be increased by 50 percent over the inherited share of the inheritee's lineal descendant where the spouse inherits jointly with such descendants, or 50 percent over the inherited share of the inheritee's lineal ascendant where the spouse inherits jointly with such ascendants (Article 1009 (2) of the Civil Act).

3.5. Support for Multicultural Families

3.5.1. Support for Multicultural Family´s Stable Life

Multicultural Families Applied by the Support for Multicultural Families Act

- The term "multicultural family" means any of the following families (subparagraph 1 of Article 2 of the Support for Multicultural Families Act):

1. A family comprised of an immigrant by marriage defined in subparagraph 3 of Article 2 of the Framework Act on Treatment of Foreigners Residing in the Republic of Korea and a person who has acquired nationality of the Republic of Korea since the time of birth pursuant to Articles 2 through 4 of the Nationality Act;

2. A family comprised of a person who has acquired nationality of the Republic of Korea pursuant to Articles 3 and 4 of the Nationality Act and a person who has acquired nationality of the Republic of Korea since the time of birth pursuant to Articles 2 through 4 of the aforementioned Act.

- In addition, the provisions of support for multicultural families shall apply to multicultural family members who raise children born in de facto marital relationships between a foreigner and a national of the Republic of Korea (Article 14 of the Support for Multicultural Families Act).

- Even if a multicultural family breaks up due to divorce or other causes, the Support for Multicultural Families Act shall still apply to the children who were once members of the family (Article 14-2 of the Support for Multicultural Families Act).

※ Visit the website (http://www.easylaw.go.kr) and go to Multicultural Family for further information on support for multicultural families.