Employment of Foreign Workers



법제처

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[Employment of Foreign Workers]

Foreign nationals seeking employment in the Republic of Korea are obliged to obtain employment-eligible status. Depending on the classification of the status of the stay granted, employment may be limited.

The governing law for the employment of foreign workers whose status of stay is either Non-professional Employment (E-9) or Working Visit (H-2) is the Act on the Employment, Etc. of Foreign Workers.

A foreign worker is entitled to a legal status as a worker in the Republic of Korea. Accordingly, such foreign worker is guaranteed fundamental labor rights and social basic rights under the relevant laws regarding social security, and if such labor related rights are infringed, the infringed party is entitled to remedies to recover for or reinforce his/her infringed rights.

Under the Act on the Employment, Etc. of Foreign Workers, a holder of either Non-professional Employment (E-9) or Working Visit (H-2) status may work as an employee for up to 3 years in the Republic of Korea. Foreign workers under Non-professional Employment (E-9) status can work again as an employee under the above Act only after the lapse of 6 months from the date of his/her last departure from the Republic of Korea.

A foreign worker who has entered Korea under status of stay eligible for employment shall file for alien registration and may work as an employee within the scope permitted under the relevant status of stay and the permitted period of stay. A foreign worker who changes or intends to change matters previously registered including details of alien registration, status of stay, period of stay, place of work, or place of residence shall report such changes or obtain permission of such changes under the Immigration Act.

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1. Outline of Foreign Workers' Employment

1.1. Employment System for Foreign Workers

1.1.1. Employment and Status of Stay of Foreign Workers

Definition and Legal Status of Foreign Workers

▪ What is the definition of "Foreign Workers"?

- "Foreign Workers" means any individual without the nationality of the Republic of Korea who provides or intends to provide his/her labor in return for wages in any business or place of business located within the Republic of Korea (as defined by the povision of Article 2 of the Act on the Employment, etc. of Foreign Workers).

Employment and Status of Stay of Foreign Workers

▪ Acquisition of Status of Stay Eligible for Employment

- Any foreigner seeking employment in the Republic of Korea must obtain the legal status of stay that entitles him/her to engage in employment pursuant to the Immigration Act. In the case of a violation under the act, the individual shall be subject to imprisonment with labor for not more than 3 years, or a fine not exceeding 30,000,000 won (Article 18 Section 1 and Article 94 Subsection 8 of the Immigration Act).

▪ Status of Stay Eligible for Employment

- For a foreigner to engage in employment activities in the Republic of Korea, he/she must obtain one of the following status of stay. In this case, "to engage in employment activities" means to engage in job-related activities permitted under a relevant status of stay (Article 23 and Attached Tables 1 and 1-2 of the Enforcement Decree of the Immigration Act).

Status of Stay	Eligible Applicants and Scope of Permitted Activities

1. Short-Term Employee (C-4)	A. A person who intends to engage in profit-oriented, short-term employment in the fields such as temporary entertainment, advertisement/fashion modeling, lectures/speech, research, or technical guidance, which fall under the residency statuses ranging from 14. Professor (E-1) to 20. Foreign National of Special Ability (E-7) as outlined in attached Table 1-2 B. A person dispatched to either public or private organizations within the nation for short-term, profit-driven tasks such as installation, maintenance, or repair of machinery, or for the purpose of manufacturing or overseeing shipbuilding and industrial facility, based on various outsourcing contracts. C. Recognized by the Minister of Justice, a person who intends to undertake short-term employment in the cultivation and harvesting of crops (including primary processing related to cultivation and harvesting) and in primary processing of aquatic products, as agreed upon in consultation with the heads of relevant central administrative agencies by the Minister of Justice.
2. Professor (E-1)	Foreigners qualified in accordance with the HigherEducation Act who intend to teach or research at an educational institutionnot lower than junior college or higher as well as other institutions at anequivalent level * What are the qualifications required under 「Higher Education Act」? · Article 16 of 「Higher Education Act」 and attached Table of 「Regulations on the Professors' Qualification Standard, etc.」 include regulations stipulating the standards and credentials of qualifications for teachers and assistants working in various educational institutions, such as universities, industrial universities, universities of education, community colleges, distant colleges, universities of technology, and schools.
3. Foreign Language Instructor (E-2)	Foreigners who satisfy qualifications set by the Minister of Justice and intend to engage in teaching as foreign language instructors at a foreign language specialized academy, educational institution not lower than elementary school, or its affiliated language research center, language training center affiliated with a broadcasting company or business, or any other equivalent institution or organization

4. Researcher (E-3)	Persons who intend to engage in research on natural science, social science, humanities, arts and physical education or industrial high-tech R&D at a research institute at the invitation of a public/private organization in the Republic of Korea [excluding those falling under the Professor (E-1) category]
5. Technical Instructor / Technician (E-4)	Persons who is invited by a public/private organization in the Republic of Korea to provide expert knowledge in the field of natural science or technology falling under a specialized field of industry
6. Professional (E-5)	Persons such as lawyers, certified public accountants, physicians, or other professionals holding a foreign state-authorized license who intend to practice in specialized fields, such as law, accounting, or medical services all of which shall be performed under the laws of the Republic of Korea [excluding those falling under the Professor (E-1) category]
7. Culture and Entertainment (E-6)	Persons who intend to engage in artistic activities in fields that generate profit, such as music, fine art, or literature, as well as activities for profit, including entertainment, musical instrument performance, theater, sports, or advertisement/fashion modeling
8. Foreign National of Special Ability (E-7)	Persons who intend to engage in activities specially designated by the Minister of Justice in accordance with contracts entered into with public/private organizations in the Republic of Korea. * To see activities designated by the Minister of Justice, go to the website of the Korea Immigration Service (www.immigration.go.kr).
9. Seasonal Labor (E-8)	Persons the Minister of Justice considers qualified as seasonal workers involved in cultivating, harvesting, and first processing of crops, and first processing of marine products
10. Non-Professional (E-9)	Persons who satisfy qualifications for domestic employment set forth under 「Act on the Employment of Foreign Workers」 [excluding those who intend to engage in professional occupations that require certain qualifications or relevant work experience]

11. Vessel Crew (E-10)	Persons who fall under the following categories and foreigners who enter into a labor agreement as a sailor defined under Subparagraph 6 of Article 2 of the 「Seafarers Act」 in exchange for providing sailor service in the relevant business for a period not less than 6 months: A. Those who operate businesses set forth in Subparagraphs 1, 2, and 5 of Article 3 or Subparagraph 1 of Article 23 of 「Marine Transportation Act」; B. Those who engage in business set forth in Subparagraph 1 of Article 8(1), Article 41(1), or Article 57(1) of 「Fisheries Act」; C. A Korean-flagged cruise ship operator under Subparagraph 7 of Article 2 of 「Cruise Industry Development and Support Act」, who engages in business using an international cruise ship set forth in Subparagraph 4 of Article 2 of 「Cruise Industry Development and Support Act」
12.	A. A minor foreign child of a Korean national or a spouse and a minor child of a person who holds the permanent residence (F-5) status; B. A child born from a person married to a Korean national (including de facto marriage) and recognized by the Minister of Justice; C. Persons recognized as refugees; D. A person making investments under 「Foreign Investment Promotion Act」 who falls under any of the following cases 1) Persons who continue to stay in Korea for at least three consecutive years under Corporate Investment (D-8) status and have made more than USD 500,000 of foreign investments 2) Personnel who have been dispatched to a foreign-invested corporation in Korea under 「Foreign Investment Promotion Act」 from an international corporation that has invested more than USD 500,000 and has stayed in Korea for more than three years accordingly 3) A foreigner who has invested more than USD 300,000 and has employed more than two Koreans E. A person, who has lost the Permanent Resident (F-5) status under attached Table 1-3 and is deemed necessary by the Minister of Justice to continue residing in the country, taking into account the protection of domestic relationships and other interests (excluding those who have been deported) F. Persons who have stayed in Korea for more than five

Residential (F-2)	consecutive years with a status of sojourn other than the status of sojourn from Diplomacy (A-1) to Agreement (A-3) and has a living base in Korea, recognized by the Minister of Justice G. A person appointed as a public official under 「State Public Officials Act」 or 「Local Public Officials Act」 and recognized by the Minister of Justice H. Persons whose age, education, income, etc. meet the standards determined and notified by the Minister of Justice I. A foreigner who is recognized by the Minister of Justice as a person who has invested in assets such as real estate according to the criteria determined and publicly announced by the Minister of Justice, such as the investment area, investment target, and investment amount, or as an executive or shareholder of a corporation J. A person recognized by the Minister of Justice to have made a special contribution or have contributed to increase public interests K. Spouse and child of a person falling under H through J above (only children who meet the requirements determined by the Minister of Justice) L. A person falling under the criteria announced by the Minister of Justice in consideration of the target industry and region, whether the person resides or works in the region, and the relevant period in a bid to support the manpower supply and restoration of regional vitality in a population-decreasing region, etc. pursuant to Subparagraph 12 of Article 2 of 「Special Act on Balanced National Development」

13. Overseas Korean (F-4)	Persons who have acquired the nationality of a foreign country. However, those who fall under any of the following cases shall be excluded: A. Elementary occupations; B. Activities that undermine good morals or public order; or C. Other activities deemed to be restricted necessary to serve the public interest or maintain order in the domestic labor market * Who are considered as Foreign Nationality Koreans? · Persons who fall under the following cases are considered as those with foreign nationalities (Subparagraph 2 of Article 2 of 「Act on the Immigration and Legal Status of Overseas Koreans」 and Article 3 of 「Enforcement Decree of the Act on the Immigration and Legal Status of Overseas Koreans」). 1.Persons born in the Republic of Korea and acquired the nationality of the Republic of Korea (including compatriots who migrated overseas before the Republic of Korea government was established) and obtained a foreign nationality) 2.Lineal descendants of persons falling under paragraph 1 above who have acquired foreign nationality
14. Spouse of a Korean National (F-6)	A. A spouse of a Korean national; B. A mother or a father of a child born in wedlock with a Korean national (including de facto marriage) who is recognized by the Minister of Justice; C. A person who became unable to maintain a normal marital relationship due to the death or disappearance of the spouse or other reasons not attributable to the person while married to a Korean national and residing in Korea and who is recognized by the Minister of Justice;
15. Working Holiday (H-1)	Persons who are citizens of a country that entered into a treaty or MOU on 'Working Holiday' with the Republic of Korea and who intend to engage in tourism and employment activities (excluding those seeking employment in any business areas that are against the purpose of such treaty, etc. or in any occupational categories that require certain qualifications under relevant Korean laws)
	A. Persons eligible for the pertinent status of stay: foreign nationality Koreans (as defined in Subparagraph 2 of Article 2 of 「Act on the Immigration and Legal Status

of Overseas Koreans」) aged 18 or older who fall under any of the following, intend to stay in the Republic of Korea to engage in activities within the scope defined in Item (b), and are recognized by the Minister of Justice [excluding those categorized as Overseas Korean (F-4)]:

1) Persons born as Korean nationals who are registered on a Korean family relations register, closed register or family census register and their lineal descendants;
2) Persons invited by Korean nationals who are domiciled in Korea or persons who are blood relatives within the 8th degree of relationship or affinity relatives within the 4th degree of relationship falling under subparagraph 5 of Permanent Residence (F-5);
3) Persons classified as patriots and veterans who have rendered distinguished service to the Republic of Korea and their bereaved family members (as described in Article 4 of 「Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State」) or classified as persons of distinguished services to national independence, their families, their bereaved families(as described in Article 4 of 「Act on the Honorable Treatment of Persons of Distinguished Service to Independence」);
4) Persons who have performed special meritorious services for the Republic of Korea or have otherwise helped promote national interests;
5) A father, mother or spouse of a person of Study Abroad (D-2) status holders who have been studying in the Republic of Korea for at least 1 semester;
6) Persons who have voluntarily departed from the Republic of Korea in accordance with the standards and procedures determined by the Minister of Justice to maintain order of stay among foreigners residing in Korea; or
7) Persons not falling under the foregoing 1) through 6) who have been selected in such process as determined and publicly notified by the Minister of Justice including a Korean language proficiency test and random drawing

B. Scope of Activities

1) Visit; temporary co-residence with relatives; tourism; medical treatment; field trips; friendship games; non-profit cultural and artistic activities; attendance at meetings; collection of academic data; commercial activities including market surveys, business communication, contract execution or other activities with a similar purpose
2) Activities that fall under any of the following industrial fields according to the Korean Standard Industrial Classification (excluding the Service

16. Work and Visit (H-2)	Industry Classification) prepared and publicly announced by the Commissioner of Statistics Korea under Article 22 of the Statistics Act (1) Growing of crops (011) (2) Animal production (012) (3) Crop cultivation and livestock related service business (014) (4) Forestry (020), limited to Seedling production for forestry (02011), Silviculture (02012), Logging (02020), and Forestry-related service business (02040). However, employment is limited to forestry laborers (99102) under the Korean Standard Classification of Occupations, compiled and published by the Commissioner of Statistics Korea, employed by the following businesses (corporations) only: ① Forestry project operators pursuant to Subparagraph 7 of Article 2 of 「Act on Promotion and Management of Forestry Technology」 ② Seeds and seedings growers pursuant to Article 16 of 「Creation and Management of Forest Resources Act」 (5) Offshore fishing (03112) (6) Aquaculture fishery (0321) (7) Metal mining (06) (8) Nonmetallic mineral mining excluding fuel minerals (07) (9) Mining support service (08) (10) Manufacturing business (10-34). However, limited to employment at the following businesses: ① Businesses regularly employing less than 300 workers or the capital is KRW 8 billion or less ② Medium enterprises defined in Item (b) of Subparagraph 3 of Article 2 of 「Act on the Promotion and Sophistication of Ppuri Industries」 (limited to those whose headquarters or main offices are located outside the Seoul Metropolitan area pursuant to Subparagraph 1 of Article 2 of 「Capital Region Readjustment Planning」) (11) Construction nosiness (41-42) (excluding those who are employed to build industrial and environmental facilities among construction companies at the construction sites for power plant, steel mill or petrochemical facility) 3) Activities that fall under any of the following industrial fields according to the Korean Standard Industrial Classification's Service Industry Classification prepared and publicly announced by the Commissioner of Statistics Korea under Article 22 of 「Statistics Act」

(1) Water Supply (36)
(2) Environmental Clean-up and Restoration Activities (39)
(3) Sale of Motor Vehicles and Parts (45)
(4) Land Transport and Pipeline Transport (49), although the following is permitted.
① Land Passenger Transport (492)
② Package Delivery (49401), although, limited to employment as simple workers related to loading and unloading (92101) as classified under the Korean Standard Classification of Occupations compiled and announced by the Commissioner of Statistics Korea, employed by businesses providing parcel delivery services pursuant to Item (a) of Subparagraph 3 of Article 2 of 「Last-Mile Logistics Industry Development Act」
(5) Water Transport (50)
(6) Air Transport (51)
(7) Warehousing and Support Activities for Transportation (52), although the following industrial fields are permitted:
① Refrigerated and Frozen Warehousing (52102), although limited to employment in inland enterprises
② Logistics Terminal Operation (52913), although limited to employment as simple workers related to loading and unloading (92101) as classified under the Korean Standard Classification of Occupations compiled and announced by the Commissioner of Statistics Korea under Article 22 of 「Statistics Act」
③ Other Air Transport Support Services (52939), although limited to employment as simple workers related to loading and unloading (92101) as classified under the Korean Standard Classification of Occupations compiled and announced by the Commissioner of Statistics Korea, employed by businesses engaged in aircraft loading operations as part of aircraft handling services pursuant to Subparagraph 19 of Article 2 of 「Aviation Business Act」
④ Handling of Air and Land Freight (52941), although limited to the following circumstances:
ⅰ. Employment in enterprises transporting meat as defined in Subparagraph 3 of Article 2 of 「Livestock Products Sanitary Control Act」
ⅱ. Employment as simple workers related to loading and unloading (92101) in enterprises conducting courier service business as defined in Item (a) of Subparagraph 3 of Article 2 of 「Last-Mile Logistics Industry Development Act」, and as classified under the Korean Standard Classification of Occupations compiled and announced by the Commissioner of Statistics Korea
(8) Publishing Activities (58), although book, magazine, and other printed material publishing (581) is permitted.
(9) Postal and Courier Activities (61)

	(10) Computer Programming, System Integration, and Management (62) (11) Information Service Activities (63) (12) Financial Activities (64) (13) Insurance and Pension Funding (65) (14) Activities Auxiliary to Financial Services and Insurance Activities (66) (15) Real Estate Activities (68) (16) Scientific Research and Development (70) (17) Professional Services (71) (18) Architectural and Engineering Activities and Related Technical Consultancy (72) (19) Building and Landscape Services (74), although building maintenance services (741) and building and industrial plant cleaning services (7421) are permitted. (20) Employment Activities and Human Resources Supply (751), although employment in home service provision agencies as defined in Subparagraph 2 of Article 2 of 「Act on the Improvement of Employment for Domestic Workers」 is permitted. (21) Public Administration, Defense, and Social Security Administration (84) (22) Education Services (85) (23) International and Foreign Organizations (99)

Restrictions on Employment by Status of Stay

▪ For foreign nationals whose status of stay falls within one of the followings: Short-term Employee (C-4). Professor (E-1), Foreign Language Instructor (E-2), Researcher (E-3), Technical Instructor / Technician (E-4), Professional (E-5), Culture and Entertainment (E-6), Foreign National of Special Ability (E-7), Non-professional (E-9), Vessel Crew (E-10), Working Holiday (H-1), or Work and Visit (H-2):

- The relevant foreign workers are not allowed to work at any place other than the designated workplaces. If this is violated, imprisonment with labor for not more than 1 year or a fine not exceeding 10,000,000 won will be imposed (Article 18 Section 2 and Article 95 Subsection 5 of the Immigration Act).

  ※ The above restriction regarding workplace will not apply to those who have specialized knowledge, skill, or ability, been staying in Korea under the one of the following statuses, and have filed for alien registration: Professor (E-1), Foreign Language Instructor (E-2), Researcher (E-3), Technical Instructor / Technician (E-4), Professional (E-5), Culture and Entertainment (E-6), Foreign National of Special Ability (E-7) (Article 21 Section 3 of the Immigration Act and Article 26-2 Section 1 of the Enforcement Decree of the Immigration Act).

- If the relevant foreign workers intend to change or add a workplace within the scope of their status of stay, they must obtain permission from the Minister of Justice (a head of the Immigration Service, a head of an immigration office, and a head of an immigration branch office) before making such change or addition. If this is violated, imprisonment with labor for not more than 1 year or a fine not exceeding 10,000,000 won will be imposed (Article 21 Section 1 and Article 95

Subsection 6 of the Immigration Act).

※ For those who have specialized knowledge, skill, or ability, have been staying in Korea, and have filed for alien registration under Professor (E-1), Foreign Language Instructor (E-2), Researcher (E-3), Technical Instructor / Technician (E-4), Professional (E-5), Culture and Entertainment (E-6), or Foreign National of Special Ability (E-7) status, they can change or add workplace by reporting to the Minister of Justice within 15 days of such change or addition (A provisory clause of Article 21 Section 1 of the Immigration Act).

▪ For foreign nationals whose status of stay falls under Residence (F-2) (a person holding the status of stay falling under any of items (a) through (c) and items (h) through (l)), Overseas Korean (F-4), Permanent Resident (F-5), or Marriage Immigrant (F-6)

- Foreign workers who fall within the above categories are authorized to work in Korea without restrictions (Article 23 Section 2 through 4 of the Enforcement Decree of the Immigration Act).
- A person who holds the status of stay referred to in item (d) or (f) of Residence (F-2) and continues to engage in activities in the field falling under his or her former status of stay shall not be subject to restrictions on job-seeking activities (Subparagraph 2 of Article 23(2) of 「Enforcement Decree of the Immigration Act」)
- However, those who fall under the Paragraph 13 [Overseas Korean (F-4)] of the table above are not authorized to engage in any of the following activities. In addition, even if they engage in work within the permitted scope, they are subject to certain qualifications if such are required under the relevant Korean laws (Article 23 Section 3 of the Enforcement Decree of the Immigration Act and Article 27-2 of the Enforcement Rule of the Immigration Act).

1. Unskilled labor: activities performed by “elementary workers” categorized by the Korean Standard Classification of Occupation (KSCO) which usually require unskilled and regular manual labor;

2. Activities disturbing good morals or other social order including the followings:

A. Seeking employment in businesses engaging in speculative acts including lottery ticket issuance, prize competition, wheel-spinning, lottery, or giveaways;

B. Engaging in an entertainment bar business as agents, workers, or other employees;

C. Seeking employment in a business offensive to the good public morals which falls under any of the following businesses:

1) Karaoke bar business and/or entertainment bar business;

2) Lodging business, barbering business, and public bath business;

3) Business of running a video-viewing establishment, karaoke machine business, and business of providing games/business of providing multi-distribution games;

4) Dance institute business and dance hall business;

5) Business places which juveniles are banned from access and employment;

3. Other activities deemed necessary to be restricted to maintain public interests

or domestic employment order.

▪ Overseas Koreans under Work and Visit (H-2) Status

- The Construction Industry Employment Registration Program took effect as of May 2009. Accordingly, for any overseas Koreans to engage in construction businesses, they must obtain a "Certificate of Construction Industry Employment Confirmation" upon completion of certain procedures including application for construction industry employment and employment education. Since December 2009, those who have not obtained such certificate have been prohibited from engaging in construction business.

- Anyone who engages in construction business without such certificate is subject to legal penalties such as prohibition on extension of stay (for the 1st violation of the relevant requirement), or cancellation of visa or status of stay (from the 2nd violation).

1.1.2. Employment of Foreign Workers under the Act on the Employment, Etc. of Foreign Workers

Employment System for Foreign Workers under the Act on the Employment, etc. of Foreign Workers

▪ Employment Permit System for Foreign Workers under Non-professional (E-9) Status

- Employment Permit System is a program under which a Korean company that is unable to hire nationals is permitted to employ foreign workers holding Non-professional (E-9) status (Article 8 of the Act on the Employment, etc. of Foreign Workers).

- Foreign workers of countries which enter into MOU with the Republic of Korea regarding dispatching workers may work in the Republic of Korea after going through certain procedures including ① passing the Test of Proficiency in Korean (TOPIK), ② making an entry in a list of foreign job-seekers, ③ entering into an employment contract, ④ issuing a visa ⑤ entering the Republic of Korea, ⑥ filing for alien registration, ⑦ completing employment training.

▪ Exceptionally Permissible Employment for Foreign Workers under Work and Visit (H-2) Status

- Exceptionally permissible employment is a program under which a Korean company that is unable to hire nationals (businesses in the construction industry designated based on the size of the place of business or businesses in the service, manufacturing, agricultural or fishery industry) is allowed to employ foreign nationality Koreans with Work and Visit (H-2) status within the permitted number of employees for 3 years (Article 12 of the Act on the Employment, etc. of Foreign Workers).

- Foreign workers with Work and Visit (H-2) status may work in Korea upon completion of certain procedures including ① receiving employment training for foreign workers, ② applying for employment, ③ making an entry in a list of foreign job-seekers, and ④ entering into an employment contract.

2. Hiring Foreign Workers

2.1. Eligibility and Scope of Employment for Foreign Workers

2.1.1. Qualifications of Employers

When Hiring Foreign Workers under Non-professional (E-9) Status

▪ An employer who intends to hire foreign workers with Non-professional (E-9) status must satisfy the following requirements in order to receive candidate recommendations from employment centers (Article 8(3) of the Act on the Employment of Foreign Workers and Article 13-4 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

1. To be the type of business eligible to introduce foreign workers and the business or place of business eligible to employ foreign workers determined by the committee for policy on foreign human resources (hereinafter referred to as the "policy committee");
2. To fail to hire all or some national workers for whom a recruitment application is filed with an employment security office, despite the efforts made for at least a designated period (defined in Article 5-2 of the Enforcement Rule of the Act on the Employment of Foreign Workers). However, the same shall not apply when the company has refused to hire nationals at least twice without any justifiable ground in spite of job referral by the head of the employment security office;
3. Not to release domestic workers from their office through an employment adjustment during the period of between 2 months before the date of filing an application for recruiting nationals until the date of issuing an employment permit for foreign workers;
4. Not to be in arrears with wages during the period from 5 months before the date of filing an application for recruitment nationals until the date of issuing an employment permit;
5. To purchase an employment insurance policy under the Employment Insurance Act and an industrial accident compensation insurance policy under the Industrial Accident Compensation Insurance Act; and
6. For a business or place of business having any foreign worker, to purchase an insurance policy for departure guarantee or trust deed and a guarantee insurance policy in case of overdue wages. However, as for the guarantee insurance, such obligation applies only to an employer obligated to do so.

When Hiring Foreign Workers under Work and Visit (H-2) Status

▪ Employers who intend to hire foreign workers with Work and Visit (H-2) status must satisfy all of the following requirements in order to receive a certificate of exceptionally permissible employment from employment centers (Article 12(3) (latter part) and Article 12 Section 6 of the Act on the Employment of Foreign Workers and Article 20(1) of the Enforcement Decree of the Act on the Employment of Foreign Workers):

1. To satisfy all the requirements set forth in the above section from 1 to 6 as

required for employers to hire foreign workers with Non-professional (E-9) status; and

2. To operate a business or place of business which falls under any of the following:

A. A business or place of business in the construction industry as specified by the policy committee, considering the current status of the labor market for daily workers, limitations on domestic workers' opportunities for employment, the size of the place of business, and other relevant facts; or

B. A business or place of business in the service, manufacturing, agricultural, or fishery industry as specified by the policy committee, considering the characteristics of each industry.

2.2. Procedures for Employment of Foreign Workers

2.2.1. Procedures for Employment of Foreign Workers under Non-Professional (E-9) Status

When Hiring Foreign Workers under Non-Professional (E-9) Status Who are Outside Korea

▪ Application for Employment Permit

- Only if an employer fails to hire national personnel entirely or partially despite efforts made to hire nationals, such employer may apply for an employment permit (Article 8 Section 1 of the Act on the Employment of Foreign Workers).

- Once application for employment permit is filed with an employment center, the center will recommend to an employer "who meet the requirements in terms of the types and size of business, etc. eligible for the introduction of foreign workers" at least 3 times the number of persons to be recruited (if the number of eligible persons is less than 3 times the number of persons to be recommended, such eligible persons shall be recommended), from among the eligible job-seekers registered in the List of Foreign Job-seekers who meet such requirements for recruitment as requested by the employer (Article 5 Section 2 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

- The effective term of an employment permit is 3 months. Therefore, an employer must select eligible workers recommended to be recruited within the respective period (Article 8 Section 2 of the Act on the Employment of Foreign Workers).

▪ Issuance of a Written Employment Permit

- If an employer selects a worker to hire among such eligible workers as recommended by the relevant head of the employment center, he/she will issue a written employment permit describing the name, period of employment permit, etc. of the selected foreign worker (Article 8 Section 4 of the Act on the Employment of Foreign Workers and Article 5 Section 5 or Appendix 5 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

▪ Entering into Employment Contract

An employer- who intends to hire such selected foreign workers must enter into an

employment contract in using the standard employment contract form designated from Appendix 6 of the Enforcement Rule of the Act on the Employment of Foreign Workers. (For agriculture, livestock, and fishery sectors, Appendix 6-2 of the Enforcement Rule of the Act on the Employment of Foreign Workers(Article 9 Section 1 of the Act on the Employment of Foreign Workers).

▪ Application for Certificate of Visa Issuance

- Any employer who has entered into an employment contract with a foreign worker may file on behalf of the foreign worker an application for a certificate of visa issuance with the Minister of Justice (Article 10 of the Act on the Employment of Foreign Workers).

- If an employer in Korea intends to receive a certificate of visa issuance on behalf of a foreign worker from the an Immigration Control Office within jurisdiction or its branch office (in this case, only either Ulsan branch office or Donghae branch office), the foreign worker who intends to enter Korea may file for visa issuance with the Embassy or Consulate of the Republic of Korea upon receiving such certificate of visa issuance.

▪ Providing Employment Training for Foreign Workers

- Every employer must cause foreign workers to receive an employment training provided by the Human Resources Development Service of Korea or a job training institution for foreigners within 15 days after entering the country in order to make him/her familiarized with guidelines necessary for working in Korea (Article 11 of the Act on the Employment of Foreign Workers and Article 10 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

2.2.2. Procedures for Employment of Foreign Workers under Work and Visit (H-2) Status

Procedures for Employment of Foreign Workers under Work and Visit (H-2) Status

▪ Application for Verification of Exceptionally Permissible Employment

- If any employer, who made efforts to recruit nationals, fails to hire national personnel, such employer may file an application for verification of exceptionally permissible employment for foreign workers (Article 12 Section 3 of the Act on the Employment of Foreign Workers and Article 12-2 Section 1 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

▪ Issuance of Certificate of Exceptionally Permissible Employment

- Once the head of the relevant employment center issues a certificate of exceptionally permissible employment to an employer who applies for the certificate, the employer may hire foreign workers under Work and Visit (H-2) status within the permitted number range without any restriction for the effective term of 3 years (Article 12 of the Act on the Employment of Foreign Workers and Article 12-2 Section 2 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

▪ Entering into Employment Contract

- Anemployer who intends to employ a foreign worker must enter into an employmentcontract in the standard employment contract form designated by law [Article 9 paragraph 1and Article 12 paragraph 1 of the 「Act on the Employment

of Foreign Workers」 and Appendix 6 of the 「Enforcement Rule of theAct on the Employment of Foreign Workers」 (For agriculture, livestock, and fishery sectors,refer to Appendix 6-2 of the 「Enforcement Rule of theAct on the Employment of Foreign Workers」)].

▪ Reporting on Commencement of Employment

- An employer must report the commencement of employment to the head of the employment center having jurisdiction over the business or place of business the employer operates within 14 days from the date the foreign worker's employment has commenced (Article 12 Section 4 of the Act on the Employment of Foreign Workers and Article 12-3 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

2.3. Matters to be Observed by Employers

2.3.1. Wages or Other Employment Conditions

Prohibition against Discrimination

▪ An employer must not discriminate against a foreign worker on the basis of his/her status as a foreign worker (Article 22 of the Act on the Employment of Foreign Workers).

Employment Contract in Standard Employment Contract Form

▪ An employer who intends to employ a foreign worker must enter into an employment contract in a standard employment contract form(Article 9 Section 1). In case of violation, such employer will be subject to an administrative fine not exceeding 5,000,000 won (Article 32 Section 1 Subsection 1 of the Act on the Employment of Foreign Workers).

Payment of Wages Made Directly in Full on a Regular Basis

▪ Payment of wages shall be directly made in full to workers in currency at least once per month on a fixed day on a regular basis(Article 43). If this is violated, such employer will be subject to imprisonment with labor for not more than 3 years or by a fine of not exceeding 30,000,000 won. In this case, a public prosecution against such employer may not be raised against the clearly expressed will of the person who has suffered the loss concerned(Article 109 Section 1 of the Labor Standard Act).

Payment of Wages Subject to Minimum Wages

▪ It is not necessarily required for range of wages applicable to foreign workers to be equivalent to one applicable to national personnel. Such range of wages for foreign workers can vary by their work experience and productivity.

▪ An employer shall pay foreign workers at least the minimum wage amount or more and shall not lower the previous wage level on the ground of the minimum wage (Article 6 of the Minimum Wage Act).

Work Hours and Extended Work, etc.

▪ Work hours shall not exceed 8 hours a day(Article 50) , 40 hours a week, excluding

hours of recess (for an employer who ordinarily employs less than 20 workers, 44 hours a week is allowed). Such work hours may be extended up to 12 hours per week if agreed between the parties (Article 53 Section 1 of the Labor Standard Act).

※ For those who violate the above, imprisonment with labor for not more than 2 years or a fine of not exceeding 20,000,000 won will be imposed (Article 110 Subsection 1 of the Labor Standard Act).

▪ An employer shall, in addition to the ordinary wages, pay the following amount or more for extended work, etc. (Article 56 of the Labor Standard Act).

- Extended work: 50% of ordinary wages
- Holiday work 8 hours or less: 50% of ordinary wages
- Holiday work more than 8 hours: 100% of ordinary wages
- Night work (work between 10:00 p.m. and 6:00 a.m.): 50% of ordinary wages

2.3.2. Obligation to Purchase Insurance

Purchase of the 4 Major Social Insurances (Industrial Accident Compensation Insurance, National Health Insurance, Employment Insurance, and National Pension Insurance)

▪ Industrial Accident Compensation Insurance (Mandatory)

- Industrial accident compensation insurance applies to every business or workplace that employs workers without differentiating national workers from foreign workers, except for any of the following businesses (Article 6 of 「Industrial Accident Compensation Insurance Act」and Article 2 of 「Enforcement Decree of the Industrial Accident Compensation Insurance Act」):

1. Projects in which accident compensation is applied pursuant to 「Public Officials' Accident Compensation Act or 「Military Disaster Compensation Act」(however, except in cases where provisions concerning survivors' benefits for a public official who died in the line of duty or survivors' benefits for a public official who died in the line of dangerous duty apply)
2. Businesses in which accident compensation is provided pursuant to 「Seafarers Act」, 「Fishing Mariners and Fishing Boat Accident Compensation Insurance Act」or 「Private School Teachers' Pension Act」
3. Employment activities within households
4. Business run by an individual other than a corporation among agricultural, forestry (excluding logging industry), fishery, or hunting business, with less than 5 regular workers.

▪ National Health Insurance (Mandatory)

- Foreign workers under either Non-professional (E-9) or Work and Visit (H-2) status who have filed for alien registration are subject to be insured under 「National Health Insurance Act (Article 109 Section 2 of 「National Health Insurance Act」, Article 76 Section 1 of 「Enforcement Decree of the National Health Insurance Act」, and Article 14 of 「Act on the Employment of Foreign Workers」).

- An employer of the relevant foreign worker shall report the acquisition of the eligibility of the employee insurance under the National Health Insurance Service within 14 days from the date the foreign worker's employment has commenced (Article 8 Section 2 of the National Health Insurance Act).

▪ Employment Insurance (Optional)

- 「Employment Insurance Act」 shall be applied to every business or workplace employing workers. However, this Act shall not apply to any of the following businesses (Article 8 (1) and Article 15 (2) of 「Employment Insurance Act」 and Article 2(1) of 「Enforcement Decree of the Employment Insurance Act」).

  1. Construction conducted by individuals other than constructors, housing construction project operators, construction business operators, information and communications construction business operators, fire-fighting system business operators, or national heritage assets repair engineers ① the total construction costs of which are less than KRW 20,000,000 or ② which involves construction of a building with a total floor area of at least 100 square meters or substantial repair of a building which has a total floor area of not more than 200 square meters; or

  2. Employment of households and other unclassified self-consumption and self-production activities.

- Foreign workers under Non-professional (E-9) status or Work and Visit (H-2) status acquire insured status by application. Therefore, an employer must file for an application of employment insurance for foreign nationals with the Korea Worker's Compensation and Welfare Service if the foreign workers intend to apply for employment insurance (the proviso of Article 10-2 (1) of 「Employment Insurance Act」, Subparagraph 2 b of Article 3-3 of 「Enforcement Decree of the Employment Insurance Act」, and Article 2 (1) of 「Enforcement Rules of the Employment Insurance Act」).

- An employer shall file a report on matter concerning the acquisition of insured status of a foreign worker with the head of the Regional Labor Office within 15 days of the month immediately following the month during which the employment of the foreign worker has commenced (such event concerning the acquisition of insured status occurs) (Article 15 (1) of 「Employment Insurance Act」and Article 7 (1) of 「Enforcement Decree of the Employment Insurance Act」).

▪ National Pension (Reciprocity)

- National Pension shall apply to a foreign worker only if, under the principle of reciprocity, any relevant laws of such foreign worker's home country apply to the citizens of the Republic of Korea with respect to a pension equivalent to the National Pension Scheme under the National Pension Act (the provisory clause of Article 126 Section 1 of the National Pension Act).

- In principle, a lump-sum refund under the National Pension Act is subject to the principle of reciprocity. However, for foreign workers under Non-professional (E-9) or Work and Visit (H-2) status, the provisions regarding lump-sum refund applies regardless of whether any relevant law of such foreign workers' home country allows wages equivalent to lump-sum refund for the national workers of the Republic of Korea (Article 126 Section 4 Subsection 2 of the National Pension Act).

Insurance (Departure Guarantee Insurance/Trust and Guarantee Insurance for Overdue

Wages) under the Act on the Employment of Foreign Workers

▪ Departure Guarantee Insurance/Trust

- Departure Guarantee Insurance/Trust means an insurance policy or a trust deed that any employer who runs a business or place of business hiring a foreign worker (under Non-professional (E-9) or Work and Visit (H-2) status) purchase for the foreign worker as the insured or beneficiary in preparation for the payment of retirement benefits to the foreign worker when he/she leaves the Republic of Korea. If an employer has purchased a departure guarantee insurance/trust, the employer is not required to provide a retirement allowance separately for the relevant foreign worker (Article 13 Section 2 of the Act on the Employment of Foreign Workers). However, if the amount of the lump-sum payment under the departure guarantee insurance/trust is less than the amount of the retirement allowance under the Act on the Guarantee of Workers' Retirement Benefits, the employer must pay the foreign worker the difference between the former and the latter when the change of the foreign worker's status of stay occurs or the contract is closed(Article 21 Section 3 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

- An employer who runs a business or place of business hiring 5 or more regular workers and hires a foreign worker the remaining period of whose employment is not less than 1 year must purchase such departure guarantee insurance/trust. However, if an employer who runs a business or place of business in the construction industry hires a foreign worker under Work and Visit (H-2) status, such obligation to purchase the insurance policy is not applicable (Article 13 Section 1 of the Act on the Employment of Foreign Workers and Article 21 Section 1 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

- If a foreign worker who has rendered a continuous service at least 1 year leaves (temporary leaving is not included) the Republic of Korea, dies or changes his/her status of stay, the accumulated amount may be claimed in a lump sum against the financial institution that deals with the departure guarantee insurance/trust. (the main body of Article 21 Section 2 Subsection 2 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

- If the employment period of a foreign worker is less than 1 year, the employer is entitled to the lump-sum payment (the provisory clause of Article 21 Section 2 Subsection 2 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

※ If an employer fails to purchase a departure guarantee insurance/trust, such employer is subject to a fine not exceeding 5,000,000 won (Article 30 Subsection 1 of the Act on the Employment of Foreign Workers).

▪ Guarantee Insurance for Overdue Wages

- A guarantee insurance for overdue wages means an insurance policy that every employer must purchase in preparation for delay in payment of wages to foreign workers (under Non-professional (E-9) or Work and Visit (H-2) status) employed by him/her.

- A employer of ① a business or place of business not covered by the Wage Claim Guarantee Act or ② a business or place of business employing less than 300 regular workers must purchase a guarantee insurance for overdue wages. However, if an employer who runs a business or place of business in the construction

industry hires a foreign worker under Work and Visit (H-2) status, such obligation to purchase the insurance policy is not applicable (Article 23 Section 1 of the Act on the Employment of Foreign Workers and Article 27 Section 1 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

※ Businesses or places of business not covered by the Wage Claim Guarantee Act (the provisory clause of Article 3 of the Wage Claim Guarantee Act, Article 6 of the Industrial Accident Compensation Insurance Act, and Article 2 Section 1 of the Enforcement Decree of the Industrial Accident Compensation Insurance Act):

1. A business eligible for cover under an accident compensation scheme pursuant to the Public Officials' Accident Compensation Act or the Military Personnel's Accident Compensation Act(However, except for cases subject to the provisions of net work survivor benefits or risky job net survivors benefits);

2. A business eligible for cover under an accident compensation scheme pursuant to the Seafarers Act, the Act on Accident Compensation Insurance for Fishing Vessels and their Crew Members, or the Pension for Private School Teachers and Staff Act;

3. Employment activities within households;

4. A business run by a person other than a corporation among agricultural, forestry (excluding logging industry), fishery, or hunting business, with less than 5 regular workers;

- If an employer is in arrears with wages, the foreign worker is entitled to the right to claim the guarantee insurance money against the guarantee insurance company (Article 27 Section 2 Subsection 3 of the Enforcement Decree of the Act on the Employment of Foreign Workers).

※ If an employer fails to purchase a guarantee insurance policy, such employer is subject to a fine not exceeding 5,000,000 won (Article 30 Subsection 2 of the Act on the Employment of Foreign Workers).

2.3.3. Other Matters to be Observed

Measures Necessary for Return to Home Country

▪ If a foreign worker returns to his/her home country upon termination of employment, expiration of the duration of stay, or due to any other reason, the employer shall take necessary measures such as the settlement of payables and receivables, including wages, before the foreign worker leaves the Republic of Korea. An employer who fails to take such necessary measures must be subject to imprisonment with labor for not more than 1 year or a fine not exceeding KRW 10 million (Article 16 and Subparagraph 2 of Article 29 of the Act on the Employment of Foreign Workers.

3. Overview of Employment for Foreign Workers

3.1. Eligibility of Employment for Foreign Workers

3.1.1. Qualifications for Foreign Workers

Pass of Korean Language Proficiency Test

▪ Applicants for Korean Language Proficiency Test

- Foreign workers who intend to engage in employment in the Republic of Korea under Non-professional (E-9) status must pass the Korean Language Proficiency Test conducted in their home country (Article 7 Section 2 of the Act on the Employment, etc. of Foreign Workers).
- The Korean Language Proficiency Test is waived for the foreign workers under Work and Visit (H-2) status who are eligible for exceptionally permissible employment.
- Foreign workers who intend to work again in the Republic of Korea after the lapse of 6 months from the date of his/her departure from the Republic of Korea due to expiration of the 3 years of employment must pass the Korean Language Proficiency Test.

▪ Eligibility of Applicants

- Applicants of the Korean Language Proficiency Test must satisfy all of the followings:

  √ age from 18 to 39;

  √ having no criminal records equivalent to or more serious than imprisonment;

  √ having no records of deportation or measures requiring them to depart from the Republic of Korea; and

  √ having no restriction (reasons for disqualification) on departure from their home country.

▪ Conducting the Korean Language Proficiency Test

- The Korean Language Proficiency Test shall be conducted at least once annually in the form of a written test that consists of multiple-choice questions in principle; however, essay questions may be additionally included (Article 13 Section 3 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

※ For further details about the Korean Language Proficiency Test, please see the ≪Major Projects Supporting Foreign Workers Employment≫ tab on the website of the Human Resources Development Service of Korea at www.hrdkorea.or.kr.

Qualifications Evaluation

▪ Methods and Details of Qualifications Evaluation

- Methods of qualifications evaluation consist of written test, skill test, and oral

test (Article 13-2 Section 1 Subsection 1 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

- Details of qualifications evaluation are as follows (Article 13-2 Section 1 Subsection 2 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers):

  · Level of skills necessary to engage in the chosen category of business;

  · Physical fitness of foreign job-seekers;

  · Employment experience; and

  · Other matters deemed necessary to evaluate whether or not to meet the demand for human resources.

Completion of Employment Training for Foreign Workers

▪ Mandatory Training

- Every foreign worker who enters the Republic of Korea to engage in employment (under either Non-professional (E-9) or Work and Visit (H-2) status) must receive employment training provided by the Human Resources Development Service of Korea or an employment education institution for foreigners within 15 days after his/her entry into the Republic of Korea (Article 11 of the Act on the Employment of Foreign Workers and Article 11 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

- Expenses incurred in employment training for foreign workers under Non-professional (E-9) status shall be covered by employers who hire such foreign workers (Article 11 Section 4 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

- Expenses incurred in employment training for foreign workers under Work and Visit (H-2) status shall be covered by themselves.

▪ Hours and Details of Training

- The hours of employment training for foreign workers shall be at least 16 hours. However, if a foreign worker who reenters Korea through the required legal procedures after the employment period has expired, the hours of employment training for such foreign worker may be reduced to less than 16 hours (Article 11 Section 2 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

- The curriculum of employment training for foreign workers shall include the following matters (the main body of Article 11 Section 3 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers):

  1. Matters concerning basic job skills by category of business necessary for employment activities;

  2. Matters concerning the employment permit program for foreign workers;

  3. Matters concerning occupational safety and health;

  4. Matters concerning the relevant Acts and subordinate statutes, including the Labor Standards Act, the Immigration Act, etc.;

  5. Matters concerning the culture and life in Korea; and

  6. Other matters recognized by the Minister of Employment and Labor as necessary

for employment activities.

- For foreign workers reentering the Republic of Korea after having left it due to the expiration of employment period who are eligible for exceptionally permissible employment, the content falling under the above subsection 1 and 5 shall be omitted from the relevant employment training (the provisory clause of Article 11 Section 3 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

▪ Issuance of Certificate of Employment Training

- Upon completion of the employment training for foreign workers, foreign workers will receive a certificate of employment training (Article 11(4) and Appendix 8 of the Enforcement Rule of the Act on the Employment of Foreign Workers).

3.2. Procedures for Foreign Workers to Engage in Employment

3.2.1. Procedures for Foreign Workers under Non-professional Employment (E-9) status to Engage in Employment

Types and Size of Business Eligible for Foreign Workers under Non-Professional (E-9) Status

▪ The Ministry of Employment and Labor announces a plan for the introduction of foreign workers including matters concerning the types and size of business eligible for the introduction of foreign workers annually by means of an official gazette, a daily newspaper, or internet (Article 5 Section 1 of the Act on the Employment, etc. of Foreign Workers and Article 3 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

Procedures for Foreign Workers outside Korea under Non-Professional (E-9) to Engage in Employment for the First Time in Korea

▪ Registration on the Foreign Job-Seekers List

- An employer is supposed to recruit an eligible worker among those registered on the list of foreign job-seekers. Therefore, for foreign workers under Non-professional (E-9) status to engage in employment in the Republic of Korea, they must be registered on the list of foreign job-seekers (Article 8 Section 3 of the Act on the Employment, etc. of Foreign Workers).

▪ Application by Employers and Referral by the Head of Employment Center

- For a foreign worker to engage in employment, an application of referral must be made by an employer and a subsequent referral of eligible person must be made by the head of an employment center.

- If an employer selects a foreign worker among eligible persons referred by the head of an employment center, a written employment permit for the selected foreign worker is to be issued immediately.

▪ Entering into Employment Contract

- Drafting Standard Employment Contract

· A foreign worker who has been referred by the head of an employment center and subsequently selected by the relevant employer is to enter into an employment

contract with the employer who hires him/her in a standard employment contract form (Article 9 Section 1 of the Act on the Employment, etc. of Foreign Workers).

· A foreign worker who has entered into an employment contract is to receive 1 copy of the employment contract (Article 16 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

- Term of Employment Contract

· A foreign worker and the relevant employer may enter into or renew an employment contract by consent of both parties within 3 years (Article 9 Section 3 and Article 18 Section 1 of the Act on the Employment, etc. of Foreign Workers).

※ In this case, such employment contract is effective as of the date the foreign worker enters the Republic of Korea (Article 17 Section 1 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

· However,notwithstanding the 3-year limitation, if an employer has requested theMinister of Employment and Labor to permit re-employment of a foreign workerprior to his/her departure from Korea upon expiration of 3 years of employment,the foreign worker may be granted an extension of employment period only oncewithin a period not exceeding 2 years and thereby enter into an employmentcontract within such extended period(Article 18-2 paragraph 1 of the 「Act on the Employment,etc. of Foreign Workers」).

√ When the head of the employment security office having jurisdiction over a foreign worker's place of stay receives an application for extension of employment period of the foreign worker whose employment period has expired, the head of the employment security office will issue a certificate of extension of the employment period within 7 days from the date of receipt of the application if he/she reviews the application for extension and concludes that it meets the relevant requirements (Article 14-2 Section 3 and Appendix 12-4 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

▪ Application for Visa Issuance

- A foreign worker files an application for a visa granting Non-professional (E-9) status with the Embassy or Consulate of the Republic of Korea after receiving a certificate of visa issuance from the employer by mail (Article 10 of the Act on the Employment etc. of Foreign Workers, Article 8 of the Immigration Act, and Article 9 of the Enforcement Rule of the Immigration Act).

※ There are certain countries which issue a visa issuance number instead of a certificate for visa issuance. Such visa issuance number is applicable in countries which issue electronic visas.

※ You can find countries which issue a visa issuance number at (www.hikorea.go.kr).

▪ Entry into the Republic of Korea

- Aforeign worker must hold a valid passport and a visa when entering the Republicof Korea. However, if a foreign worker who has obtained permission to reenterby the Minister of Justice of the Republic of Korea or is exempted frompermission of reentry enters Korea before the period of such permission orexemption expires,

such person may enter Korea without a visa (Article 7 paragraph 1and Article 7 paragraph 2 subparagraph 1 of the 「Immigration Act」).

▪ Completing Employment Training for Foreign Workers

- Every foreign worker must receive employment training provided by the Human Resources Development Service of Korea or the Korea International Labour Foundation within 15 days after his/her entry into the Republic of Korea (Article 11 Section 1 of the Act on the Employment, etc. of Foreign Workers and Article 10 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

▪ Health Examination

- Since employers are required to conduct general health checkups or special health checkups to protect workers' health (Articles 129 and 130 of the Occupational Safety and Health Act), health checkups must also be conducted for foreign workers.

※ Those whose health conditions require further examination as a result of the initial health examination are subject to a secondary in-depth medical examination. The workers subject to the secondary examination are quarantined in consultation with the relevant Immigration Control Office until the result of the secondary examination is confirmed. If the result shows the relevant worker is eligible for employment, such worker is dispatched to workplace as arranged. If the result shows otherwise, measures necessary for the relevant worker to depart from the Republic of Korea will be taken.

▪ Alien Registration

- A foreign worker must file for alien registration with a head of the Immigration Service (hereinafter referred to as the "head of service"), a head of an immigration office (hereinafter referred to as the "head of office"), a head of an immigration branch office having jurisdiction over his/her place of stay within 90 days from the date of entry into Korea (Article 31 Section 1 of the Immigration Act).

▪ Extension of Period of Stay

- A foreign worker who intends to continue to stay in excess of the permitted period of stay of 1 year on the ground of renewing his/her employment contract must file an application for permission to extend his/her period of stay with the head of service or branch office having jurisdiction over his/her place of stay before the expiration of the permitted period of stay (Article 25 of the Immigration Control Act and Article 31 (1) of the Enforcement Decree of the Immigration Control Act).

Procedures Necessary for Foreign Workers Who Have Been Employed in Korea under Non-Professional (E-9) Status to Change Place of Business

▪ Application for Change of Business or Place of Business

- Ifany of the following events occur, and as a result, it is deemed that a foreignworker is unable to continue employment in the business or place of business,such foreign worker must file an application for change of business or place ofbusiness with the relevant employment center within 1 month after theexpiration of the employment contract with the employer[Article 25 paragraph 1 and paragraph3 of the 「Act on the Employment,etc. of Foreign Workers」, Article 30 paragraph 1 of the 「Enforcement Decree ofthe Act on the Employment, etc. of

Foreign Workers」, and NotificationRegarding Grounds Not Attributable to Foreign Workers to Change Place ofBusiness (NotificationNo. 2021-30 of the Ministry of theEmployment and Labor)].

1. If the employer of the foreign worker intends to terminate his/her employment contract during the contract period or to refuse renewal of the employment contract after its expiration on a justifiable ground;
2. If the foreign worker is unable to continue to work in the business or place of business on a ground such as temporary shutdown or closure;
3. If the foreign worker is unable to continue to work on a ground that his/her employer violated terms and conditions of employment or treated the foreign worker unfairly; or
4. If the foreign worker is unfit to continue to work in the business or place of business due to the injury or other related reasons, but is possible to work for another business or place of business.

▪ Application for Permission to Change Workplace

If a foreign worker is to work at a new workplace due to the above reasons, aside from applying to the job center to change the business or workplace, a foreign worker must apply for permission to change the workplace from the Minister of Justice in advance according to Article 26 of the Enforcement Decree of the Immigration Control Act before work begins (Article 21 (1) of the Immigration Control Act).

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- Any foreign worker who fails to obtain permission to change of workplace within 3 months from the date of the application for change of business or place of business is subject to deportation. However, if a foreign worker is unable to obtain permission to change of workplace or file an application for change of workplace due to causes such as an accident on duty, illnesses, pregnancy, or childbirth, he/she must obtain permission to change of workplace within 3 months or must file an application for change of workplace within 1 month from the date on which such cause ceases to exist (Article 25 Section 3 of the Act on the Employment, etc. of Foreign Workers).

▪ Limitations on Changing Business or Place of Business

- A foreign worker shall not change his/her business or place of business more than 3 times in principle within 3 years from the date of entry into Korea (Article 25 Section 4 of the Act on the Employment, etc. of Foreign Workers).
- For a foreign worker whose employment period has been extended due to the request for a permit of reemployment made by his/her employer before he/she leaves Korea upon the expiration of 3 years of employment, he/she may not change business or place of business more than 2 times within the extended period of employment (Article 25 Section 4 of the Act on the Employment, etc. of Foreign Workers).

※ If it is deemed that a foreign worker is unable to continue to work in the workplace on the ground of temporary shutdown, closure of business, or other reasons not attributable to the foreign worker, the foreign worker may change his/her business or place of business without limits on the number of times he/she can make (Article 25 Section 4 of the Act on the Employment, etc. of Foreign Workers).

▪ Reporting on Change in Place of Residence

- If a foreign worker's place of residence is subject to change due to the change of his/her workplace, the foreign worker must file a moving-in report with the head of the Si/Gun/Gu (Gu includes a non-autonomous Gu) or Eup/Myeon/Dong where the new place of residence is located, or with the head of service, the head of office, or the head of branch office having jurisdiction over the new place of stay, within 15 days from the date on which the foreign worker moves into the new place of residence (Article 36 Section 1 of the Immigration Act).

▪ Other Procedures

- Among the procedures regarding employment of foreign workers who apply for change of business or place of business, the matters below follow the same procedures applicable to foreign workers who intend to engage in employment in Korea for the first time while staying outside Korea: ① making an entry in a list of foreign job-seekers, ② entering into an employment contract, and ③ commencing employment.

3.2.2. Procedures for Foreign Workers under Working Visit (H-2) Status

Types and Size of Business Eligible for Foreign Workers under Work and Visit (H-2) Status

▪ The Ministry of Employment and Labor announces a plan for the introduction of foreign workers including matters concerning the types and size of business eligible for the introduction of foreign workers annually by means of an official gazette, a daily newspaper, or internet (Article 5 Section 1 of the Act on the Employment, etc. of Foreign Workers and Article 3 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

Procedures for Foreign Workers under Work and Visit (H-2) Status

▪ Completing Employment Training for Foreign Workers

- Every foreign worker who enters Korea under Work and Visit (H-2) visa must receive employment training provided by the Human Resources Development Service of Korea or the Korea International Labour Foundation within 15 days after his/her entry into the Republic of Korea (Article 12 Section 2 of the Act on the Employment, etc. of Foreign Workers and Article 10 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers).

▪ Health Examination

- Since employers are required to conduct general health checkups or special health checkups to protect workers' health (Articles 129 and 130 of the Occupational Safety and Health Act), health checkups must also be conducted for foreign workers.

※ Those whose health conditions require further examination as a result of the initial health examination are subject to a secondary in-depth medical examination. The workers subject to the secondary examination are quarantined in consultation with the relevant Immigration Control Office until the result of the secondary examination is confirmed. If the result shows that the relevant worker is eligible for employment, such worker is dispatched to the workplace as arranged. If the result shows otherwise, measures necessary for the relevant

worker to depart from the Republic of Korea will be taken.

▪ Applying for Employment

- A foreign worker who completes employment training must submit an application for job-seeking to the head of the employment center having jurisdiction over the relevant location, together with all of the following documents (Article 12 Section 2 of the Act on the Employment, etc. of Foreign Workers, Article 12 and Appendix 9 of the Enforcement Rule of the Act on the Employment, etc. of Foreign Workers):

  1. A copy of the passport; and

  2. A copy of the visa for status of stay of Work and Visit (H-2);

- The list of foreign workers who apply for employment is managed by the Human Resources Development Service of Korea (Article 12 Section 2 of the Act on the Employment, etc. of Foreign Workers and Article 31 Section 2 Subsection 5 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

▪ Entering into Employment Contract

- Drafting Standard Employment Contract, etc.

  · A foreign worker who has been registered on the list of foreign job-seekers and subsequently selected by the relevant employer is to enter into an employment contract with the employer who hires him/her in a standard employment contract form (Article 9 Section 1 of the Act on the Employment, etc. of Foreign Workers).

  · A foreign worker who has entered into an employment contract is to receive 1 copy of the employment contract (Article 16 of the Enforcement Decree of the Act on the Employment etc. of Foreign Workers).

- Term of Employment Contract

  · Aforeign worker and the relevant employer may enter into or renew an employmentcontract by consent of both parties within 3 years (Article 9 paragraph 3, Article 12paragraph 1, and Article18 of the 「Act on the Employmentetc. of Foreign Workers」).

  · However, notwithstanding the 3-year limitation, if an employer has requested the Minister of Employment and Labor to permit re-employment of a foreign worker prior to his/her departure from Korea upon expiration of 3 years of employment, the foreign worker may be granted an extension of employment period only once within a period not exceeding 2 years and thereby enter into an employment contract within such extended period (Article 18-2(1) of 「Act on the Employment of Foreign Workers」).

  √ When the head of the employment security office having jurisdiction over a foreign worker's place of stay receives an application for extension of employment period of the foreign worker whose employment period has expired, the head of the employment security office will issue a certificate of extension of the employment period within 7 days from the date of receipt of the application if he/she reviews the application for extension and concludes that it meets the relevant requirements (Article 14-2(3) and attached Form 12-4 of 「Enforcement Rule of the Act on the Employment of Foreign Workers」).

▪ Reporting on Commencement of Employment

- Ifa foreign worker who has filed for alien registration commences his/heremployment for the first time in Korea, the foreign worker must report mattersregarding the commencement of employment(changes in registered matters) to a head of the ImmigrationService (hereinafter referred to as the "head of service"), a head of an Immigration Office(hereinafter referred to as the "head of office"), or a head of animmigration branch office(hereinafterreferred to as the "head of branch office") having jurisdictionover his/her place of stay within 15 days from the date he/she startsemployment (Article 35 of the Immigration Act, Article 44 paragraph 1 of the 「Enforcement Decree ofthe Immigration Control Act」 and Article 49-2 subparagraph 4 of the 「Enforcement Rule of theImmigration Act」).

▪ Application for Permission to Extend Period of Stay

- A foreign worker who intends to continue to stay in excess of the permitted period of stay on a ground such as renewing his/her employment contract must file an application for permission to extend his/her period of stay with a head of service, the head of office, or a head of branch office having jurisdiction over the matter before the expiration of the permitted period of stay (Article 25 (1) of the Immigration Act and Article 31 (1) of the Enforcement Decree of the Immigration Control Act).

Procedures Necessary for Foreign Workers Who Have Been Employed in Korea under Work and Visit (H-2) Status to Change Place of Business

※ Please see the procedures applicable to foreign workers who have been employed in Korea under Non-professional (E-9) status to change place of business

3.3. Matters Required for Foreign Workers to Be Observed

3.3.1. Obligation to Purchase Insurance Policy

Purchase of Return Cost Insurance/Trust

▪ What Is the Return Cost Insurance/Trust?

- It refers to an insurance policy or a trust deed which foreign workers are required to purchase in order to prevent them from illegally staying in Korea by encouraging them to depart from Korea upon expiration of the period of stay and to cover expenses incurred for their return to home countries.

▪ Individuals Subject to Purchase a Return Cost Insurance/Trust

- Every foreign worker who engage in employment in the Republic of Korea under Non-professional (E-9) status and Work and Visit (H-2) status is subject to purchase a return cost insurance/trust (Article 15 Section 1 of the Act on the Employment, etc. of Foreign Workers).

▪ Purchase Period

- A foreign worker shall purchase a return cost insurance/trust no later than 3 months after the effective date of his/her employment contract. (Article 22 Section 1 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

※ What is the Effective Date of an Employment Contract?

· For foreign workers under Non-professional (E-9) status: the date of entry into Korea.

· For foreign workers under Work and Visit (H-2) status: the date of commencing employment as set forth in the employment contract.

· If a foreign worker who has entered Korea changes a place of business: the date of commencing employment as set forth in an employment contract.

▪ Insurance Fees

- Foreign workers are required to pay the amount setforth below for each country in a lump sum or in not more than 3 installments (subparagraph 1 of Article 22(1) and (3) of theEnforcement Decree of the Act on the Employment of Foreign Workers and the amount paid by country for the insurance and trustdesigned to cover the cost of foreign workers' return home).

Classification	Country (Nationality of a Foreign Workers)	Insurance Fees
Group 1	China, The Philippines, Indonesia, Thailand, Vietnam	400,000 won
Group 2	Mongolia and othercountries	500,000 won
Group 3	Sri Lanka	600,000 won

▪ Grounds for Insurance Benefit Payment

- A foreign worker may file an application for lump-sum payment under return cost insurance/trust in any of the following cases (Article 22 Section 2 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers) :

1. Where he/she intends to depart from Korea due to expiration of his period of stay;

2. Where he/she intends to depart from Korea (excluding temporary leaving) for his/her personal reasons before the expiration of his/her period of stay;

3. Where a foreign worker who has deserted his/her business or place of business depart from the country voluntarily or is involuntarily deported.

- If a foreign worker files an application for lump-sum payment under return cost insurance/trust, an insurer dealing with such insurance policy and/or trust must pay the lump-sum payment after confirming with the head of the Immigration Service or a head of an immigration office having jurisdiction over the relevant place about his/her departure from Korea (Article 22 Section 1 Subsection 3 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

- A claim of insurance benefit under return cost insurance/trust must be made within 3 years from the date any event or accident that triggers payment under such insurance policy and/or trust occurs so that the statute of limitations for such claim of benefit has not run. In such cases, the insurance benefit payment is to be transferred to the Human Resources Development Service of Korea (Article 13 Section 4 and Article 15 Section 3 of the Act on the Employment, etc. of Foreign Workers).

Sanctions for Violation

- Foreign workers who fail to purchase return cost insurance/trust are subject to an administrative fine of 800,000 won (Article 32 Section 1 Subsection 6 of the Act on the Employment, etc. of Foreign Workers and Table 4 attached to the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

Purchase of Personal Injury Insurance

What Is a Personal Injury Insurance?

- It refers to an insurance policy to be purchased in preparation for illness, death, and other accidents other than accidents on duty. Foreign workers are required to purchase a personal injury insurance regardless of whether he/she has purchased an industrial accident compensation insurance

Individuals Subject to Purchase of Personal Injury Insurance

- Every foreign worker who engages in employment in the Republic of Korea under either Non-professional (E-9) or Work and Visit (H-2) status is subject to the obligation to purchase personal injury insurance (Article 23 Section 2 of the Act on the Employment, etc. of Foreign Workers and Article 28 Section 1 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

Purchase Period

- Every foreign worker who engages in employment in the Republic of Korea under either Non-professional (E-9) status or Work and Visit (H-2) status must purchase personal injury insurance policy not later than 15 days after the date his/her employment contract enters into force (Article 28 Section 2 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

※ What Is the Effective Date of an Employment Contract?

· For foreign workers under Non-professional (E-9) status: the date of entry into Korea.

· For foreign workers under Work and Visit (H-2) status: the date of commencing employment as set forth in an employment contract.

· If a foreign worker who has entered Korea changes a place of business: the date of commencing employment as set forth in an employment contract.

Insurance Fees

- Insurance fees vary by the age, gender, and period of insurance policy of a foreign worker.

Grounds for Insurance Benefit Payment

- If a foreign worker dies or falls sick, the foreign worker or his/her bereaved family members may file a claim for the payment of the insurance benefit under personal injury insurance against the insurance company (Article 28 Section 2 Subsection 2 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).

Sanctions for Violation

- Foreign workers who fail to purchase personal injury insurance are subject to a fine not exceeding 5,000,000 won (Article 30 Subsection 2 of the Act on the Employment, etc. of Foreign Workers).

Receiving Insurance Benefit under Departure Guarantee Insurance and Guarantee Insurance for Overdue Wages

▪ Application for Insurance Benefit Payment under Departure Guarantee Insurance/Trust

- If a foreign worker who has rendered a continuous employment of at least 1 year leaves (excluding temporary leaving) Korea or dies or his/her status of stay is changed, such foreign worker may file a claim for the accumulated amount in a lump sum (the main body of Article 21 Section 2 Subsection 2 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).
- A lump-sum payment under departure guarantee insurance/trust is accumulated by an employer on a monthly basis. However, where the employment relation with a foreign worker is terminated or his/her status of stay is changed, the employer must pay the foreign worker the difference between the amount of the lump-sum payment under the departure guarantee insurance/trust and the amount of the retirement allowance if the former is less than the latter (Article 21 Section 3 of the Enforcement Decree of the Act on the Employment, etc. of Foreign Workers).
- The period of payment shall be within 14 days from the departure of the insured or beneficiary from Korea (if the application for insurance benefit payment is filed based on change of status of stay, death, etc. or is filed after the departure from Korea, within 14 days from such application) (Article 13 Section 3 of the Act on the Employment, etc. of Foreign Workers).

▪ Application for Insurance Benefit Payment under Guarantee Insurance for Overdue Wages

- A foreign worker must report matters regarding delay in wages payment to the Labor Supervision Division of the Regional Ministry of Employment and Labor or the employment center if ① a business or place of business is not covered by the 「Wage Claim Guarantee Act」, or ② a business or place of business employs less than 300 regular workers [excluding a business engaging in construction industry which employs foreign workers under Work and Visit (H-2) status]. If such matters regarding delay in wages payment have been confirmed to be true, the foreign worker may file an application for insurance benefit payment with the Human Resources Development Service of Korea (refer to Article 27(1) of the 「Enforcement Decree of the Act on the Employment of Foreign Workers」).
- If the amount of wages delayed in payment by the employer exceeds the limit of the guaranteed amount of money (KRW 4 million), the foreign worker is entitled to such delayed wages within the limit of the guaranteed amount of money. For the rest of the delayed wages not covered by the guaranteed amount of money, the foreign worker may directly make a claim against the employer or make inquiries to the Labor Supervision Division of the Ministry of Employment and Labor (refer to the 「Notification on the Guaranteed Amount of Wage Payment Guarantee Insurance for Foreign Workers」).

3.3.2. Matters to be Observed under the Immigration Act

Alien Registration and Other Related Matters

▪ Alien Registration

- A foreign worker must file for alien registration with a head of the Immigration Service (hereinafter referred to as the "head of service"), a head of an immigration office (hereinafter referred to as the "head of office"), or a head of an immigration branch office (hereinafter referred to as the "head of branch office") having jurisdiction over his/her place of stay within 90 days from the date of entry into Korea(Article 31 of the Immigration Act and Article 40 of the Enforcement Decree of the Immigration Act). If this is violated, such foreign worker shall be punished by imprisonment with labor for not more than 1 year or by a fine not exceeding 10,000,000 won (Article 95 Subsection 7 of the Immigration Act).

▪ Modification of Alien Registration

- If any of the following matters is modified after a foreign worker has filed alien registration, the foreign worker must report such modification to the head of the Immigration Service, the head of an immigration office, or the head of an immigration branch office having jurisdiction over his/her place of residence within 15 days (Article 35 of the Immigration Act, Article 44 Section 1 of the Enforcement Decree of the Immigration Act, and Article 49-2 of the Enforcement Rule of the Immigration Act).

1. Name, gender, date of birth, and nationality;
2. Passport number, date of issuance, and term of validity of his/her passport;
3. Commencement of employment if a foreign worker who falls under Work and Visit (H-2) status is employed by an employer including an individual, institution, organization, or corporation for the first time; or
4. Change of employer including change of a relevant name if a foreign worker who falls under Work and Visit (H-2) status has been already employed by an individual, institution, organization, or corporation.

※ In case of violation, such foreign worker will be subject to an administrative fine not exceeding 1,000,000 won (Article 100 Section 2 Subsection 1 of the Immigration Act).

▪ Provision of Information such as Biometric information

- An individual aged 17 or older who is subject to alien registration or who intends to report on his/her abode in Korea shall provide information such as fingerprint of all fingers from both hands and photograph using informational technology device designated by immigration control officials at the time of alien registration or report on the place of residence in Korea. However, if a foreign worker who filed for alien registration or report on the place of residence in Korea before reaching age of 17, such foreign worker must provide information regarding fingerprint and photograph of within 90 days from the date on which he/she becomes 17 years of age (Article 38 Section 1 Subsection 1 of the Immigration Act and Article 50 Subsection 1 of the Enforcement Rule of the Immigration Act).

- The head of Immigration Service, the head of an immigration office, or the head of an immigration branch office may deny permission under the Immigration Act such as an extension of period of stay to a foreign worker who refuses to provide biometric information (Article 38 Section 2 of the Immigration Act).

Permission to Extend Period of Stay

- Any foreign workers under either Non-Professional (E-9) Status or Work and Visit (H-2) Status shall be given a period of stay within the range of 3 years(Every foreign worker who intends to continue to stay in excess of the permitted period of stay must apply for permission to extend his/her period of stay before the expiration of the permitted period of stay (Article 25 of the Immigration Act and Article 31 of the Enforcement Decree of the Immigration Act).

- An individual who intends to obtain permission to extend his/her period of stay must file an application for an extension of period of stay along with the relevant documents required based on each status of stay (Table 5-2 attached to the Enforcement Rule of the Immigration Act) with the head of the Immigration Control Office or its branch office having jurisdiction over his/her place of residence (Article 31 Section 1 of the Enforcement Decree of the Immigration Act).

※ If this is violated, such person will be subject to imprisonment with labor for not more than 3 years or a fine not exceeding 30,000,000 won (Article 94 Subsection 17 of the Immigration Act).

Permission to Modify or Supplement Workplace

▪ Permission to Modify or Add a Workplace

- If a foreign worker staying in the Republic of Korea intends to modify or supplement a workplace within the scope of his/her status of stay, the foreign worker must obtain prior permission of the Minister of Justice pursuant to Article 26-2 of the Enforcement Decree of the Immigration Control Act (the main body of Article 21 Section 1 of the Immigration Act).

- An individual who intends to obtain permission to modify or supplement workplace must file an application for permission to modify or add a workplace along with the relevant documents(Table 5-2 attached to the Enforcement Rule of the Immigration Act) required based on the status of stay with the head of the Immigration Service, the head of an immigration office, or the head of an immigration branch office having jurisdiction over his/her place of stay (Article 26 Section 1 of the Enforcement Decree of the Immigration Act).

▪ Report on Modification and Addition of a Workplace

- If an individual who has specialized knowledge, skill or ability satisfies the following qualifications, such individual may change or add his/her workplace by reporting to the Minister of Justice pursuant to Article 26-2 of the Enforcement Decree of the Immigration Control Act within 15 days of such workplace change or addition(the provisory clause of Article 21 Section 1 of the Immigration Act, Article 26-2 Section 1 of the Enforcement Decree of the Immigration Act, and the qualifications set forth in Article 26-2 Section 1 of the Enforcement Decree of the Immigration Act for foreigners to modify or supplement workplace only by reporting such change or addition).

1. Qualifications

√ An individual staying in Korea who has filed for alien registration under the following statuses: Professor (E-1), Foreign Language Instructor (E-2), Researcher (E-3), Technical Instructor / Technician (E-4), Professional (E-5), Culture and Entertainment (E-6), and Foreign National of Special Ability (E-7); and

√ An individual qualified for engaging in activities at a workplace to be changed or added(i.e. a native English assistant teacher with E-2 status to have a

university diploma or Bachelor's degree or higher)

2. Excluded Persons

√ An individual holding E-6-2 status under which he/she is allowed to engage in performance or entertainment activities at hotel business facilities or adult entertainment facilities among those holding Culture and Entertainment (E-6) status;

√ An individual engaging in the following occupations that require a prior management due to a limit on the number of permitted persons for each company or other reasons among those holding Foreign National of Special Ability (E-7) status: mechanical engineering technician(2351), drafter(2395), online product salesperson among overseas salespersons(2742), designer(285), salesclerk(31215), chef and cook(441), customer service clerk(3991), hotel receptionist(3922), medical coordinator(S3922), aquaculture technician(6301), ship building welder(7430), skilled point-based worker〔root industry skilled technician(S740), agriculture, forestry, livestock and fisheries skilled technician(S610), general manufacturer's and construction company's skilled technician(S700)〕

√ An individual who is eligible to be qualified but has been dismissed or retired before the employment expires due to causes attributable to the person, and who has not received a letter of consent from the employer of his/her original workplace

- An individual who intends to obtain permission to change his/her workplace or add a workplace must file an application for permission to change or add a workplace along with the relevant documents(Table 5-2 attached to the Enforcement Rule of the Immigration Act) required based on the status of stay with the head of the Immigration Service, the head of an immigration office, or the head of an immigration branch office having jurisdiction over his/her place of stay (Article 26-2 Section 2 of the Enforcement Decree of the Immigration Act).

Reporting on Change of Place of Residence

- If a foreign worker who has filed for alien registration intends to change his/her place of residence, he/she shall file a moving-in report, accompanied by either a rental or purchase agreement, with the head of the competent Si/Gun/Gu, or Eup/Myeon/Dong or with the head of the Immigration Service, the head of an immigration office, or the head of an immigration branch office having jurisdiction over the place of his/her new residence, within 15 days of establishing a new residence (Article 36(1) of 「Immigration Act」, Article 45(1) of 「Enforcement Decree of the Immigration Act」, and Article 49-3(2) of 「Enforcement Rule of the Immigration Act」).

Possession of Passport and Alien Registration Card

- Every foreign worker staying in the Republic of Korea shall always possess his/her passport and alien registration card. When an immigration control official or an authorized public official demands a foreign worker to present his/her passport or alien registration certificate, the foreign worker must comply with such request (Article 27 of the Immigration Act). If violated, If violated, a fine of not more than 1,000,000 won shall be imposed(Article 98-1 of the Immigration Control Act).

3.4. Employment Support for Foreign Workers

3.4.1. Receiving and Redressing Grievances

Matters Regarding Wages and Labor Standards

- If a foreign worker experiences any of the following cases, the foreign worker may consult the Labor Supervision Division of the Regional Ministry of Employment and Labor having jurisdiction over his/her workplace to redress such grievances:

  1. Wages or retirement allowances have not been paid;

  2. Assault or any physical violence was inflicted by his/her employer or manager; or

  3. Imposed prolonged hours of work or forced labor against the worker's will.

Matters Regarding Industrial Safety

- If employers have not guaranteed health and safety within workplace, foreign workers working in such workplace may consult the Industrial Safety Division of the Regional Ministry of Employment and Labor having jurisdiction over his/her workplace.

Matters Regarding Employment

- If a foreign worker falls under any of the following cases, the foreign worker may consult the employment center having jurisdiction over his/her workplace to redress such grievances:

  1. Where he/she needs to consult about changing workplace or finding employment;

  2. Where he/she needs to receive the issuance of the relevant documents necessary during his/her stay in Korea including a certificate of employment; or

  3. Where he/she needs consultation regarding any other matters arising during his/her employment period.

Matters Regarding Language Support

- In any of the following cases, a foreign worker may consult the customer service by calling 1350 or the Foreign Workforce Policy Division of the Ministry of Employment and Labor:

  1. Where it is necessary to provide consultation and information in the native language of a foreign worker; or

  2. Where it is necessary to provide guidance regarding consultation on various civil service procedures and the relevant institutions/divisions to redress his/her grievances

Matters Regarding Stay

- In any of the following cases, a foreign worker may consult the Korea Immigration Service by calling 1345:

  1. Where consultation on the matters concerning stay in Korea such as issuance of alien registration certificate, extension of period of stay, permission to change workplace, etc.; or

  2. Where a foreign worker has been treated or is anticipated to be treated unfairly

in the course of immigration procedures or stay in Korea;

Matters Regarding Industrial Accident Compensation

- If a foreign worker needs to file an application for compensation or medical treatment due to an industrial accident including ailment, on-the-job injury, disability, or death, such foreign worker may consult the Korea Workers' Compensation and Welfare Service.

Matters Regarding Crime

- If a foreign worker suffers from criminal activities or unfair treatment during his/her employment period, such foreign worker may contact the police by calling 112.