

NATIONALITY ACT

Wholly Amended by Act No. 5431, Dec. 13, 1997
Amended by Act No. 6523, Dec. 19, 2001
Act No. 7075, Jan. 20, 2004
Act No. 7499, May 24, 2005
Act No. 8435, May 17, 2007
Act No. 8892, Mar. 14, 2008
Act No. 10275, May 4, 2010

Article 1 (Purpose)

The purpose of this Act is to prescribe requirements to become a national of the Republic of Korea.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 2 (Attainment of Nationality by Birth)

(1) A person falling under any of the following subparagraphs shall be a national of the Republic of Korea at birth:

1. A person whose father or mother is a national of the Republic of Korea at the time of the person's birth;
2. A person whose father was a national of the Republic of Korea at the time of the father's death, if the person's father died before the person's birth;
3. A person who was born in the Republic of Korea, if both of the person's parents are unknown or have no nationality.

(2) An abandoned child found in the Republic of Korea shall be recognized as born in the Republic of Korea.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 3 (Attainment of Nationality by Acknowledgement)

(1) Where a person who is not a national of the Republic of Korea (hereinafter referred to as "foreigner") is acknowledged by his/her father or mother who is a national of the Republic of Korea, and meets each requirement of the following subparagraphs, the person may attain the nationality of the Republic of Korea upon reporting to the Minister of Justice:

1. The foreigner is to be a minor under the Civil Act of the Republic of Korea;
2. At the time of the foreigner's birth, his/her father or mother was to be a national of the Republic of Korea.

NATIONALITY ACT

(2) A person who makes a report under paragraph (1) shall attain the nationality of the Republic of Korea at the time of reporting.

(3) Procedures for reporting under paragraph (1) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 4 (Attainment of Nationality through Naturalization)

(1) A foreigner who has never attained the nationality of the Republic of Korea may attain the nationality of the Republic of Korea by obtaining permission for naturalization from the Minister of Justice.

(2) In receipt of an application for naturalization, the Minister of Justice shall determine whether a foreigner meets the requirements for naturalization under Articles 5 through 7 and then allow naturalization only to a person who meets such requirements.

(3) A foreigner who obtains permission for naturalization under paragraph (1) shall attain the nationality of the Republic of Korea at the time the Minister of Justice grants such permission.

(4) Necessary matters for application procedures, the screening thereof, etc. under paragraphs (1) and (2) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 5 (Requirements for General Naturalization)

A foreigner shall meet each of the following requirements in order to obtain permission for naturalization, except where prescribed by Article 6 or 7:

1. He/she is to sustain a domicile in the Republic of Korea for at least five consecutive years;
2. He/she is to be an adult under the Civil Act of the Republic of Korea;
3. His/her conduct is to be orderly;
4. He/she is to be able to support himself/herself, relying on his/her own assets, ability or family he/she lives with;
5. He/she is to have basic knowledge as a national of the Republic of Korea, such as Korean language skills and understanding of Korean customs.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 6 (Requirements for Simple Naturalization)

(1) A foreigner who falls under any of the following subparagraphs and has sustained a domicile in the Republic of Korea for at least three consecutive years may obtain permission for naturalization, even without meeting the requirements under subparagraph 1 of Article 5:

1. A person whose father or mother was a national of the Republic of

Korea;

2. A person who was born in the Republic of Korea and whose father or mother was born in the Republic of Korea;
3. A person who adopted by a national of the Republic of Korea and was an adult, under the Civil Act of the Republic of Korea, at the time of adoption.

(2) Where a foreigner whose spouse is a national of the Republic of Korea falls under any of the following subparagraphs, he/she may obtain permission for naturalization, even without meeting the requirements under subparagraph 1 of Article 5:

1. A person who has sustained a domicile in the Republic of Korea for at least two consecutive years, being married to the said spouse;
2. A person for whom three years have lapsed, since he/she got married to the said spouse, sustaining a domicile in the Republic of Korea for at least one year consecutively;
3. A person who was unable to sustain marriage due to the death or disappearance of his/her spouse or other causes unattributable to him/her while sustaining a domicile in the Republic of Korea and being married to the said spouse, who failed to fulfill the requirements for period under subparagraph 1 or 2 but has fulfilled the requirements for the remaining period under subparagraph 1 or 2, and is considered reasonable by the Minister of Justice;
4. A person who failed to satisfy the requirements under subparagraph 1 or 2, but who is taking care of, or shall take care of, a minor born within the marriage relationship with the said spouse, and has met the domicile period requirements under subparagraph 1 or 2 and is considered reasonable by the Minister of Justice.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 7 (Requirements for Special Naturalization)

(1) A foreigner who falls under any of the following subparagraphs and holds a domicile in the Republic of Korea may obtain permission for naturalization, even without meeting the requirements under subparagraph 1, 2 or 4 of Article 5: *<Amended by Act No. 10275, May 4, 2010>*

1. A person whose father or mother is a national of the Republic of Korea: *Provided,* That a person who was adopted as an adult under the Civil Act of the Republic of Korea shall be excluded;
2. A person who has contributed greatly to the Republic of Korea;
3. A person acknowledged to contribute to the national interests of the Republic of Korea who has very excellent ability in a specific field,

NATIONALITY ACT

such as science, economy, culture, sport, etc.

(2) The standards and procedures of deciding a person falling under paragraph (1) 2 and 3 shall be prescribed by Presidential Decree. <Amended by Act No. 10275, May 4, 2010>

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 8 (Concurrent Attainment)

(1) A person who is a child of a foreigner and is a minor under the Civil Act of the Republic of Korea may concurrently apply for nationality when his/her father or mother applies for naturalization.

(2) A person who applies for nationality under paragraph (1) shall attain the nationality of the Republic of Korea at the time the Minister of Justice permits naturalization to his/her father or mother.

(3) Procedures for application under paragraph (1) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 9 (Attainment of Nationality through Reinstatement of Nationality)

(1) A foreigner who was a national of the Republic of Korea may attain the nationality of the Republic of Korea by obtaining permission for the reinstatement of nationality from the Minister of Justice.

(2) The Minister of Justice shall not allow the reinstatement of nationality to a person who falls under any of the following subparagraphs, after screening such person who has applied for the reinstatement of nationality:

1. A person who has inflicted harm on the State or society;
2. A person whose conduct is disorderly;
3. A person who lost or renounced his/her nationality of the Republic of Korea in order to evade military service;
4. A person for whom the Minister of Justice regards the reinstatement of his/her nationality as inappropriate, for the purposes of national security, sustainment of order or public welfare.

(3) A person whose nationality is reinstated under paragraph (1) shall attain the nationality of the Republic of Korea at the time the Minister of Justice grants permission therefor.

(4) Necessary matters concerning procedures for application, screening thereof, etc. under paragraphs (1) and (2) shall be determined by Presidential Decree.

(5) Article 8 shall apply *mutatis mutandis* to the concurrent attainment of nationality, as a result of the reinstatement of nationality.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 10 (Obligation of Persons who Retain Nationality of the Republic of Korea to Renounce Foreign Nationality)

(1) A foreigner who has attained the nationality of the Republic of Korea but retains a nationality of a foreign country shall renounce the nationality of the foreign country within one year after the attainment of the nationality of the Republic of Korea. <Amended by Act No. 10275, May 4, 2010>

(2) Notwithstanding paragraph (1), any of the following persons shall either renounce the nationality of the foreign country or vow his/her intention not to exercise his/her foreign nationality in the Republic of Korea to the Minister of Justice, as prescribed by the Minister of Justice, within one year from the date he/she attained the nationality of the Republic of Korea: <Newly Inserted by Act No. 10275, May 4, 2010>

1. A person who had any ground falling under Article 6 (2) 1 or 2, or Article 7 (1) 2 or 3 when he/she obtained permission for naturalization;
2. A person who has obtained permission for the reinstatement of nationality under Article 9 and acknowledged to fall under Article 7 (1) 2 or 3 by the Minister of Justice;
3. A person who has obtained permission for the reinstatement of nationality under Article 9 while living in a foreign country after he/she was adopted by a foreigner and attained the nationality of the foreign country before he/she came of age under the Civil Act of the Republic of Korea;
4. A person who has obtained permission for the reinstatement of nationality under Article 9 by entering the Republic of Korea for the purpose of permanently residing therein after fully turning 65 years of age after having resided in a foreign country;
5. A person prescribed by Presidential Decree who has difficulty in complying with paragraph (1) despite his/her intention, due to the Acts and institutions of a foreign country.

(3) A person who fails to abide by paragraph (1) or (2) shall lose the nationality of the Republic of Korea upon the expiration of the time specified therein. <Amended by Act No. 10275, May 4, 2010>

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 11 (Re-Attainment of Nationality)

(1) When a person who has lost the nationality of the Republic of Korea pursuant to Article 10 (3) renounces his/her nationality of a foreign country within one year after the loss of his/her nationality of the Republic of Korea, he/she may re-attain the nationality of the Republic of Korea upon reporting to the Minister of Justice. <Amended by Act No. 10275, May 4, 2010>

(2) A person who reports under paragraph (1) shall attain the nationality of the Republic of Korea at the time of such reporting.

(3) Procedures for reporting under paragraph (1) and other necessary mat-

NATIONALITY ACT

ters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 11-2 (Legal Status, etc. of Persons with Multiple Nationalities)

(1) A person who has both the nationality of the Republic of Korea and that of a foreign country by birth or under other conditions prescribed by this Act (hereinafter referred to as "person with multiple nationalities") shall be treated as a national of the Republic of Korea only in applying the Acts and subordinate statutes of the Republic of Korea.

(2) When a person with multiple nationalities intends to engage in a field in which he/she is not allowed to perform official duties while maintaining the nationality of a foreign country under the relevant Acts and subordinate statutes, the person shall renounce the nationality of a foreign country.

(3) When the head of a central administrative agency intends to establish or amend an Act and subordinate statute to allow a person with multiple nationalities to be treated the same as with a foreigner, he/she shall first consult with the Minister of Justice.

[This Article Newly Inserted by Act No. 10275, May 4, 2010]

Article 12 (Obligation of Persons with Multiple Nationalities to Choose One Nationality)

(1) A person who has attained multiple nationalities before fully turning 20 years of age shall choose one nationality before fully turning 22 years of age; and a person who has attained multiple nationalities after fully turning 20 years of age shall choose one nationality within two years from such time pursuant to Articles 13 and 14: *Provided*, That this shall not apply to any person with multiple nationalities who has vowed his/her intention not to exercise his/her foreign nationality in the Republic of Korea to the Minister of Justice, pursuant to Article 10 (2). *<Amended by Act No. 10275, May 4, 2010>*

(2) Notwithstanding the main sentence of paragraph (1), a person enlisted in the first militia service under Article 8 of the Military Service Act shall choose one nationality either within three months from the time of enlistment, or within two years from the date he/she falls under any subparagraph of paragraph (3): *Provided*, That if a person intends to choose the nationality of the Republic of Korea under Article 13, he/she may do so even before he/she falls under any subparagraph of paragraph (3). *<Amended by Act No. 10275, May 4, 2010>*

(3) Any person who was born while his lineal ascendent stayed abroad without the intention of permanently residing in any foreign country may make a declaration of renouncement of his Korean nationality under

Article 14, only when the person falls under any of the following subparagraphs, with respect to his obligation for military service: <Amended by Act No. 10275, May 4, 2010>

1. Where he has completed, or is deemed to have completed, his active military service, full-time reserve service or replacement status;
2. Where he is enlisted in the second militia service;
3. Where he is exempt from military service.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 13 (Procedures for Choosing Nationality of the Republic of Korea)

(1) A person with multiple nationalities who intends to choose the nationality of the Republic of Korea within the period prescribed in the main sentence of Article 12 (1) may either renounce his/her foreign nationality or declare his/her intention to choose the nationality of the Republic of Korea to the Minister of Justice after vowing his/her intention not to exercise his/her foreign nationality in the Republic of Korea, as prescribed by the Minister of Justice. <Amended by Act No. 10275, May 4, 2010>

(2) A person with multiple nationalities who intends to choose the nationality of the Republic of Korea after the expiration of the period prescribed in the main sentence of Article 12 (1) may declare his/her intention to choose the nationality of the Republic of Korea to the Minister of Justice only after the person has renounced his/her foreign nationality: *Provided*, That a person falling under Article 12 (3) 1 may declare his/her intention to choose the nationality of the Republic of Korea in the manner prescribed in paragraph (1) within two years from the time the person falls thereunder. <Newly Inserted by Act No. 10275, May 4, 2010>

(3) Notwithstanding paragraph (1) and the proviso to paragraph (2), a person whose mother is deemed to have resided in a foreign country for the purpose of having the person attain the nationality of the foreign country at the time of his/her birth may declare his/her intention to choose the nationality of the Republic of Korea to the Minister of Justice only after the person has renounced his/her foreign nationality. <Newly Inserted by Act No. 10275, May 4, 2010>

(4) Requisites for the acceptance and procedures for declaration pursuant to paragraphs (1) through (3) and other necessary matters shall be determined by Presidential Decree. <Amended by Act No. 10275, May 4, 2010>

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 14 (Requirements and Procedures for Renunciation of Nationality of the Republic of Korea)

- (1) A person with multiple nationalities who intends to choose the nationality

NATIONALITY ACT

of a foreign country may declare his/her intention to renounce the nationality of the Republic of Korea to the Minister of Justice via the head of a diplomatic mission overseas having jurisdiction over the place of the person's residence, only if the person has overseas domicile: *Provided*, That anyone prescribed in the main sentence of Article 12 (2) or paragraph (3) of the same Article may make such declaration within the relevant period or only after the relevant grounds arise. <Amended by Act No. 10275, May 4, 2010>

(2) A person who has declared the renunciation of nationality pursuant to paragraph (1) shall lose the nationality of the Republic of Korea at the time the Minister of Justice accepts the declaration thereof. <Amended by Act No. 10275, May 4, 2010>

(3) Requirements and procedures for declaration and acceptance thereof under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 10275, May 4, 2010>

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 14-2 (Orders to Choose Nationality for Persons with Multiple Nationalities)

(1) The Minister of Justice shall order a person with multiple nationalities who fails to choose one nationality within the period prescribed under Article 12 (1) or (2) to choose one nationality within one year.

(2) Where a person with multiple nationalities who has vowed his/her intention not to exercise his/her foreign nationality in the Republic of Korea under Article 10 (2), 13 (1) or the proviso to paragraph (2) of the same Article conducts any act evidently violating such intention, the Minister of Justice may order him/her to choose one nationality within six months.

(3) When a person who is ordered to choose one nationality under paragraph (1) or (2) intends to choose the nationality of the Republic of Korea, the person shall renounce his/her foreign nationality.

(4) A person who fails to carry out an order even after being ordered to choose one nationality under paragraph (1) or (2) shall lose the nationality of the Republic of Korea at the time the specified period expires.

(5) Procedures for choosing nationality under paragraphs (1) and (2) and the types of acts evidently violating the vow under paragraph (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10275, May 4, 2010]

Article 14-3 (Decision on Loss of Nationality of the Republic of Korea)

(1) If the Minister of Justice deems obviously inappropriate for a person with multiple nationalities to maintain the nationality of the Republic of Korea due to any of the following grounds, the Minister of Justice may

decide the loss of the nationality of the Republic of Korea after holding a hearing: *Provided*, That this shall not apply to a person who has acquired the nationality of the Republic of Korea by birth:

1. Where the person conducts any act contrary to the national interests of the Republic of Korea, in respect of national security, diplomatic relations, national economy, etc.;
2. Where the person conducts any act prescribed by Presidential Decree which causes substantial hindrance in maintaining social order in the Republic of Korea.

(2) A person to whom a decision under paragraph (1) is rendered shall lose the nationality of the Republic of Korea at the time such decision is rendered.

[This Article Newly Inserted by Act No. 10275, May 4, 2010]

Article 14-4 (Duty, etc, of Notification on Persons with Multiple Nationalities)

- (1) When a public official discovers a person with multiple nationalities in the course of his/her official duties, the public official shall notify the Minister of Justice of the fact thereof.
- (2) When a public official needs to check if a person has multiple nationalities in the course of his/her official duties, the public official may make inquiries or request for the presentation of necessary data to the person in question.
- (3) Procedures for notification under paragraph (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10275, May 4, 2010]

Article 15 (Loss of Nationality by Attainment of Foreign Nationality)

- (1) A national of the Republic of Korea who has voluntarily attained the nationality of a foreign country shall lose the nationality of the Republic of Korea at the time of attainment of the foreign nationality.
- (2) A national of the Republic of Korea who falls under any of the following subparagraphs shall be deemed to have lost his/her nationality of the Republic of Korea retroactively at the time of attainment of the foreign nationality, if he/she fails to declare his/her intention to retain the nationality of the Republic of Korea to the Minister of Justice within six months after attainment of the foreign nationality:
 1. A person who has attained the same nationality as his/her spouse, through marriage to a foreigner;
 2. A person who has attained the nationality of an adoptive father or mother through adoption by a foreigner;
 3. A person who has attained the nationality of his/her father or mother

NATIONALITY ACT

through acknowledgement by a foreign father or mother;

4. A minor or the spouse of a person who has lost the nationality of the Republic of Korea through the attainment of a foreign nationality, and has concurrently attained the foreign nationality under Acts of the foreign country.

(3) With respect to a person who has lost the nationality of the Republic of Korea due to the attainment of that of a foreign country, where the date of attainment of the nationality of the foreign country is unknown, the date his/her foreign passport was first issued shall be presumed to be the date he/she attained the nationality of the foreign country.

(4) Procedures for report under paragraph (2) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 16 (Administration on Persons who have Lost Nationality)

(1) A person who has lost his/her nationality of the Republic of Korea (excluding a person who has declared the renunciation of nationality under Article 14) shall report the loss of nationality to the Minister of Justice.

(2) Where a public official finds, in the course of performing his/her duties, a person who has lost the nationality of the Republic of Korea, the public official shall immediately notify the Minister of Justice thereof.

(3) Where the Minister of Justice finds a person who has lost the nationality of the Republic of Korea in the course of performing his/her duties or has received the report or notification of the loss of nationality under paragraph (1) or (2), the Minister shall notify the family register office and resident registration office thereof.

(4) Procedures for reporting and notification under paragraphs (1) through (3) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 17 (Public Announcement in Official Gazette)

(1) Where the attainment or loss of the nationality of the Republic of Korea has occurred, the Minister of Justice shall publicly announce such fact in the Official Gazette.

(2) Matters to be announced in the Official Gazette pursuant to paragraph (1) shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 18 (Change in Rights of Persons who have Lost Nationality)

(1) No person who has lost the nationality of the Republic of Korea shall enjoy the rights afforded only to nationals of the Republic of Korea, from the time of such loss of nationality.

(2) Where a person has attained transferable rights under paragraph (1) when he/she was a national of the Republic of Korea, he/she shall transfer them to a national of the Republic of Korea within three years, unless otherwise prescribed by Acts and subordinate statutes related to such rights.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 19 (Reporting, etc. by Legal Representatives)

With regard to applications or reporting prescribed in this Act, where a person intending to file an application or report is under the age of 15, a legal representative shall act on behalf of the person.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 20 (Adjudication of Nationality)

(1) Where it is unclear whether a person has attained or is holding the nationality of the Republic of Korea, the Minister of Justice may determine such fact upon review.

(2) Procedures for screening and determination under paragraph (1) and other necessary matters shall be determined by Presidential Decree.

[This Article Wholly Amended by Act No. 8892, Mar. 14, 2008]

Article 21 (Revocation of Permission, etc.)

(1) The Minister of Justice may revoke permission or adjudication of a person who has obtained permission of naturalization, reinstatement of nationality or adjudication of nationality by false or other wrongful means.

(2) Standards and procedures for revocation under paragraph (1), and other necessary matters shall be determined by Presidential Decree.

[This Article Newly Inserted by Act No. 8892, Mar. 14, 2008]

Article 22 (Delegation of Authority)

The authority of the Minister of Justice under this Act may be partially delegated to the head of an immigration office or its branch office, as prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 10275, May 4, 2010]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures on Application for Naturalization)

With regard to a person who has applied for naturalization, reinstatement of nationality, or renunciation of nationality under the former provisions before this Act enters into force, the former provisions shall govern.

Article 3 (Transitional Measures on Reinstatement or Re-Attainment of

NATIONALITY ACT

(3) The amended provisions of Articles 13 (3) and 14-2 (2) through (5) shall apply *mutatis mutandis* to persons with multiple nationalities under paragraphs (1) and (2).

Article 3 (Applicability to Renunciation of Foreign Nationality)

The amended provisions of Article 10 shall also apply to a person who does not renounce foreign nationality by falling under the former proviso to Article 10 (2) before this Act enters into force.

Article 4 Omitted.