

ENFORCEMENT DECREE OF THE NATIONALITY ACT

Wholly Amended by Presidential Decree No.15807, Jun 5,1998

Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Nationality Act and necessary for their implementation

Article 2 (Reporting Procedure for Acquisition of Nationality by Acknowledgement)

(1) A person who intends to acquire the nationality of the Republic of Korea as prescribed in Article 3 (1.) of the Nationality Act (hereinafter referred to as the "Act") shall record a nationality acquisition report determined by the Ordinance of the Ministry of justice and submit it to the Minister of justice.

(2) When the Minister of Justice receives a nationality acquisition report as referred to in paragraph (1), he shall notify the person without delay and make notification in an official Gazette.

Article 3 (Application for Permission of Naturalization)

A person who intends to obtain permission of naturalization under Article 4 (1) of the Act shall record and submit an application for permission of naturalization prescribed by the Ordinance of the Ministry of Justice to the Minister of Justice.

Article 4 (Screening of Application for Permission of Naturalization)

(1) When the Minister of Justice screens the naturalization requirements of an applicant for permission of naturalization under Article 4 (2) of the Act, he may request the head of a relevant agency to investigate the applicant's personal background, criminal history, and current situation during the period of stay, or seek an opinion thereof concerning other necessary matters.

(2) The Minister of Justice shall confirm whether the person who falls under one of subparagraphs of Article 6 (2) of the Act among applicants for permission of naturalization maintains a proper marriage relationship with a spouse through requesting the submission of certificates as prescribed by the Ordinance of the Ministry of Justice or surveying the current address etc.

(3) The Minister of Justice shall determine whether a person is confirmed to meet the requirements under subparagraphs 3 and 5 of Article 5 of the Act where the person satisfies the requirements of naturalization (except the requirements under subparagraphs 3 and 5 of Article 5 of the Act) through investigation and survey under paragraphs (1) and (2) (hereinafter referred to as "naturalization screening test").

(4) Naturalization screening test shall be conducted as a written test and interview: Provided, that persons as prescribed by the Ordinance of the Ministry of Justice may be exempt from a written test.

(5) Necessary matters concerning conduct of naturalization screening test such as the test format of a written test shall be determined by the Ordinance of the Ministry of Justice.

(6) The Minister of Justice shall adjudge a person who scores 60 out of 100 points on the written test and passes the interview to be an eligible person.

Article 5 (Permission of Naturalization)

(1) The Minister of justice shall permit naturalization only to the person who is adjudged as an eligible person as a result of the naturalization screening test.

(2) where the Minister of Justice permits naturalization, he shall inform the person without delay and make notification in an official Gazette.

Article 6 (Object of Special Naturalization)

"A person who has rendered distinguished services to the Republic of Korea" in Article 7 (1) 2 of the Act means a person who falls under one of the following subparagraphs:

1. A person, including the spouse and lineal ascendants and descendants, who has been conferred any decoration medal commendation by the Government of the Republic of Korea under relevant Acts in recognition of contributions to the independence of the State or distinguished services to the State;
2. A person who contributes to the national interest of the Republic of Korea in the various sectors such as national security, society, economy, education, and culture; and
3. A person who is acknowledged by the Minister of Justice to have made a contribution similar to those as referred to in subparagraphs 1 and 2.

Article 7 (Concomitant Acquisition)

(1.) A person who intends to acquire nationality under Article 8 (1) of the Act (hereinafter referred to as concomitant acquisition) shall indicate the willingness for concomitant acquisition in an application for permission of naturalization that is submitted to the Minister of Justice by the person's father or mother under Article 3.

(2) When the person's parents are divorced, in case of an application under paragraph (1), the father or mother shall certify in writing that they have parental power or right of guardian.

(3) When the person subject to the concomitant acquisition who meets the requirements under Article 8 (1.) of the Act applies for concomitant acquisition under paragraphs (1) and (2), the Minister of Justice shall inform the person of the concomitant acquisition at the time of permitting the naturalization and shall make notification in an official Gazette.

Article 8 (Application for Permission for Reinstatement of Nationality)

A person who wants to obtain permission for the reinstatement of nationality under Article 9 (1) of the Act shall complete an application form for reinstatement of nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

Article 9 (Screening on Application for Permission for reinstatement of Nationality)

(1) When the Minister of Justice screens the naturalization requirements of an applicant for permission for reinstatement of nationality under Article 9 (1) of the Act he may request the head of a relevant agency to investigate the applicant's personal background, criminal history, and current situation during the period of stay, or seek an opinion thereof concerning other necessary matters

(2) The Minister of Justice may where deemed necessary, request the applicant for permission for reinstatement of nationality to make his statement or submit supplemental materials.

Article 10 (Permission for Reinstatement of Nationality)

(1) where the Minister of Justice permits the reinstatement of nationality to an applicant, he shall inform the person without delay, and make notification in an official Gazette.

(2) The provisions of Article 7 shall apply mutatis mutandis to permission for reinstatement of nationality. In this case, the term "application for permission for naturalization" shall be deemed to read "application for permission for reinstatement of nationality"

Article 11 (Procedure for Renouncing Foreign Nationality)

(1) A person under Article 1.0 (1.) of the Act (except those referred to in the provisions of paragraph (2) of the same Article) shall complete the procedure to renounce or lose a foreign nationality within the period designated in the same paragraph of the same Article. as prescribed for in the foreign Acts and systems and submit the certificate of renouncing the nationality or other corresponding document (hereinafter referred to as the "certificate of

renouncing nationality") issued by a consular or other relevant officials of the foreign country without delay to the Minister of Justice: *Provided*, that when a person who is unable to renounce the foreign nationality under the foreign Acts and systems or has other special reasons he may submit a memorandum of renouncing a foreign nationality as prescribed by the Ordinance of the Ministry of Justice to the Minister of Justice within the period designated in the same paragraph of the same Article. In this case it shall be deemed that the person renounces the foreign nationality at the time of submitting the memorandum.

(2) The Minister of Justice shall issue a written confirmation to the person who has submitted a certificate or a memorandum of renouncing a foreign nationality under paragraph (1).

(3) Necessary matters concerning document formats and issuance procedures for the certificate of renouncing a foreign nationality referred to in paragraph (2) shall be prescribed by the Ordinance of the Ministry of Justice.

Article 12 (Request for Certification of Facts concerning Renouncing Foreign Nationality)

(1) Where the Minister of Justice needs to confirm whether a person under Article 10 (1) of the Act (except those who fall under the proviso of paragraph (2) of the same Article and have submitted a certificate or a memorandum of renouncing a foreign nationality under Article 11 (1)) has renounced the foreign nationality after the period designated in the same paragraph of the same Article, he may request the person to certify the fact of renouncement in writing.

(2) where the location of the person under paragraph (1) is unclear or a written request is impossible for unavoidable reasons, the method of notification in an official Gazette may be used for the request under paragraph (1). In this case, request is deemed to have been rendered one day after the official Gazette is published,

(3) Where a person has received the request under paragraphs (1) and (2), he shall certify the fact of renouncing the foreign nationality within one month after receiving of request via a certificate of renouncing the nationality issued by a consular or other relevant officials of a foreign country, and if the above is not followed, the person shall be deemed not to have renounced the foreign nationality.

(4) Where a person under paragraph (3) is unable to follow the requirement within the period by reason of natural disaster or other unavoidable causes, he may certify the fact of renouncing a foreign nationality within ten days after removal of such cause.

Article 13 (Reservation on Renouncement Obligation of Foreign Nationality)

(1) "The person who is under difficult conditions to fulfill the provisions of paragraph (1) despite his willingness and falls under the cases as prescribed by the Presidential Decree" in the provision of Article 10 (2) of the Act means the person who falls under one of the following subparagraphs:

1. A person who is a minor under the Civil Act of the Republic of Korea at the time of acquiring the nationality of the Republic of Korea:

2. A person who has started the procedure for renouncing the nationality of the relevant country by way of reporting or declaring the willingness to renounce the nationality to consular or other relevant officials of the country concerned within the designated period, and submitted certifying documents to the Minister of Justice, even though he has not completed the procedure for renouncing the nationality within the period under Article 10 C 1) of the Act, due to procedures prescribed by Acts of the foreign country concerned: and

3. A person who could not renounce the nationality of a foreign country within the period designated in Article 10 (1) of the Act due to special circumstances recognized by the Minister of justice such as a domicile abroad or preparation for permanent repatriation and who has submitted documents with a clear explanation to the Minister of Justice within the designated period.

(2) The Minister of Justice shall issue the letter of confirmation of facts concerning reservations on the renouncement of a foreign nationality to a person who falls under paragraph (1) 2 or 3,

(3) Necessary matters concerning document formats and issuance procedures for the letter of confirmation of facts concerning reservations on the renouncement of a foreign nationality as referred to in paragraph (2) shall be prescribed by the Ordinance of the Ministry of Justice.

Article 14 (Limitation in Treatments for Person who Fails in Certification of Renouncement of Nationality)

A person under Article 10 (1) of the Act who fails to certify the facts of renouncing the nationality by way of a certificate of renouncing foreign nationality or fails to certify that he falls under one of subparagraphs in Article 13 (1), limitation in treatments under relevant Acts for nationals of the Republic of Korea, such as immigration, sojourn, resident registration, and issuance of visa may be imposed.

Article 15 (Reporting Procedure for Re-acquisition of Nationality)

(1) A person who intends to re-acquire the nationality of the Republic of Korea under Article 11 (1.) of the Act shall complete a nationality acquisition report as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of justice.

(2) Where the Minister of Justice receives a nationality acquisition report under paragraph (1), he shall inform the person and make notification in an official Gazette.

Article 16 (Definitions of Dual National)

(1) "A person who has had the nationalities of both the Republic of Korea and a foreign country before the age of twenty, by birth or by dint of provisions of this Act" in Article 12 (1) of the Act shall mean one of the following subparagraphs:

1. A person who reserved the renouncement of a foreign nationality under the provision of Article 10 (2) of the Act as a foreigner who acquired the nationality of the Republic of Korea before twenty years of age under Article 3,4, 8 or 9 of the Act or Article 7 or Addenda of Act No.5431 (the Amended Nationality Act); and

2. A person who reported the desire to keep the nationality of the Republic of Korea to the Minister of Justice after he acquired the nationality of a foreign country under Article 15 (2) of the Act, being a national of the Republic of Korea before the age of twenty.

(2) The person who became a dual national after he reached twenty years of age" in Article 12 (1) of the Act means a person who falls under one of the following subparagraphs:

1. A person who reserved the renouncement of a foreign nationality under the provision of Article 10(2) of the Act as a foreigner who acquired the nationality of the Republic of Korea under Article 4 or 9 of the Act after twenty years of age; and

2. A person who reported the desire to keep the nationality of the Republic of Korea to the Minister of Justice after he acquired the nationality of a foreign country under Article 15 (2) of the Act, as a national of the Republic of Korea at the age of twenty or over

(3) "A person who falls under the causes as prescribed by the Presidential Decree" in the proviso of Article 12 (1) of the Act means a male dual national who is entered into a family register of the Republic of Korea, and did not complete or was not exempt from military service after he was assigned to the first militia service.

(4) "After the cause is nullified" in the provision of Article 12 (1) of the Act means the time when a person falls under any of the following subparagraphs under the Military Service Act: *Provided*, that when a person falls under one of the following subparagraphs before the age of twenty, it is deemed that the cause is nullified as he reaches at the age of twenty:

1. Where the person completes or is recognized to have completed service through an active duty, full-time reserve service or reservist duty;

2. Where the person is exempt from military service; and

3. Where the person is assigned to the second militia service.

Article 17 (Reporting Procedure for Selection of Nationality)

(1) A dual national who wants to report the willingness to select the nationality of the Republic of Korea under Article 13 (1) of the Act shall complete procedures to renounce or lose the nationality of a foreign country under the foreign Acts and systems, and shall complete the report of selection of nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice within the period designated in Article 12 (1) of the Act.

(2) Where a person under the proviso of Article 11 (1) renounces the nationality of a foreign country for the report of selection of nationality, he may submit the memorandum of renouncing a foreign nationality instead of the certificate of renouncing the foreign nationality. In this case, the memorandum of renouncing a foreign nationality and the report of selection of nationality may be submitted at the same time.

(3) When the Minister of Justice receives the report of selection of nationality under paragraph (1), he shall inform the person without delay and notify the head of the family register office in a legal domicile.

Article 18 (Reporting Procedure for Abandonment of Nationality)

(1) A dual national who wants to report the willingness to abandon the nationality of the Republic of Korea under Article 14 (1) of the Act shall complete the report of abandonment of nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

(2) where the Minister of Justice receives the report of abandonment of nationality under paragraph (1) he shall inform the person without delay and notify the head of the family register office in a legal domicile,

(3) With regard to paragraph (2), where the Minister of Justice becomes aware that the person who abandoned the nationality completes resident registration, he shall inform the head of a resident registration office.

(4) in the document of notification served to the head of the family register office in a legal domicile or the head of the resident registration office under paragraph (2) or (3), matters in the following subparagraphs shall be recorded with an attached document certifying that the nationality of the Republic of Korea is lost.

1. Name, date of birth, gender and legal domicile of the person who abandoned the nationality;
2. Cause and date of loss of nationality; and
3. Foreign nationality acquired by the person who abandoned the nationality.

Article 19 (Reporting Procedure of Willingness to Keep Nationality)

(1) A person who wants to report the willingness to keep the nationality of the Republic of Korea under Article 15 (2) of the Act shall complete the report form of keeping the nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

(2) When the Minister of Justice receives the report of keeping the nationality under paragraph (1) he shall inform the person and notify the head of family register office in a legal domicile

(3) In the document of notification served to the head of the family register office in a legal domicile under paragraph (2), matters in the following subparagraphs shall be recorded.

1. Name date of birth, gender, and legal domicile of the reporter who keeps the nationality; and
2. Cause and date for acquisition of a foreign nationality.

Article 20 (Reporting and Notification Procedure of Losing Nationality)

(1) A person who wants to make the report of the loss of nationality under Article 16 (1) of the Act shall complete the report form of the loss of nationality as prescribed in the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

(2) when the notification of loss of nationality is completed under Article 16 (2) of the Act, the person's name, date of birth, gender, and legal domicile shall be recorded, with an attached document that certifies the cause and date of losing the nationality of the Republic of Korea or a copy of the foreign passport he carries.

Article 21 (Administration about Person in Loss of Nationality)

(1) When the Minister of Justice finds a person who is not removed from a family register after the loss of the nationality under Article 16 (3) of the Act in the pursuit of his duties, or receives the report or notification of losing the nationality under Article 20, he shall without delay notify the head of the family register office in a legal domicile and make notification in an official Gazette.

(2) The provisions of Article is (a) and (4) shall apply mutatis mutandis to paragraph (1).

Article 22 (Application and Report by Legal Agent)

Where a legal agent applies or reports on behalf of the person concerned under Article 19 of the Act, the name and address of the legal agent and the relationship with the person who applies or reports shall be recorded with relevant documents which certify the relationship attached.

Article 23 (Application for Adjudication of Nationality)

Where a person who wants to apply for adjudication of nationality under Article 20 of the Act shall complete an application form for adjudication of nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

Article 24 (Screening of Adjudication of Nationality and Adjudication Procedure)

(1) With regard to the adjudication of nationality, the Minister of Justice may, if necessary, request the head of a relevant agency to investigate the personal background, criminal history, and current situation during the period of stay, or seek an opinion thereof concerning reference matters for adjudication.

(2) The Minister of Justice may, if necessary, request an applicant for the adjudication of nationality to state his opinion or submit supplemental documents.

(3) After the Minister of Justice examines the applicant's family lines, reasons of immigration, truth in acquisition of the nationality of the Republic of Korea, any records of loss of the nationality of the Republic of Korea by reason that he voluntarily acquired a foreign nationality after acquiring the nationality of the Republic of Korea, he shall determine whether the applicant currently holds the nationality of the Republic of Korea.

(4) When the Minister of Justice judges that the applicant for the adjudication of nationality holds the nationality of the Republic of Korea, he shall notify the person without delay and make notification in an official Gazette.

(5) The person who receives the adjudication as referred to in paragraph (4) may enter into a family register under the Family Register Act without passing through a procedure for acquisition of nationality separately.

Article 25 (Report or Application by Person who has Domicile Abroad)

(1) With regard to a report or application under Articles 3 (1), 9 (1), 11 (1), 13 (1), 14 (1), 15 (2), and 16 (1) of the Act, where a person who wants to report or apply has a domicile abroad, he may submit a report or application form to the head of a diplomatic establishment abroad that has jurisdiction over the domicile.

(2) The head of a diplomatic establishment abroad who receives a report or application form under paragraph (E) shall send it without delay to the Minister of justice via the Minister of Foreign Affairs and Trade.

(3) Where the Minister of justice accepts a report or receives an application through the head of a diplomatic establishment abroad, he shall notify the head of the diplomatic establishment abroad via the Minister of Foreign Affairs and Trade.

Article 26 (Items Notified in Official Gazette)

Items that are notified in an official Gazette under Article 17 (2) of the Act shall include the following subparagraphs:

1. In case of accepting a report on the acquisition of nationality by acknowledgement: the profile of the person who acquires the nationality (including the name, date of birth, gender, previous nationality, expected legal domicile, and name of the head of family hereinafter the same shall apply to subparagraphs 2 through 4);
2. In case of permitting a naturalization the profile of the person naturalized and the date of permission for naturalization (where a person is naturalized concomitantly, the profile of the person of concomitant naturalization shall be included);
3. In case of permitting the reinstatement of nationality; the profile of the person reinstated, reason and date for loss of nationality, and date of permission for reinstatement (where a person is reinstated concomitantly, the profile of the person of concomitant reinstatement shall be included.);
4. In case of accepting a report on re-acquisition of nationality by dint of reporting the re-acquisition of nationality: the profile of the person who re-acquires the nationality and the date of re-acquisition;
5. In case of accepting a report on abandonment of nationality: the profile of the person who abandons nationality (name, date of birth, gender, foreign nationality, legal domicile, and name of the head of family) and date of accepting the report;
6. In case of administering the loss of nationality to a person who loses nationality; the profile of the person who lost the nationality (name, date of birth, gender, legal domicile, name of the head of family) and reason and date for loss of nationality (in case of acquisition of a foreign nationality, the nationality is also included); and
7. In case of judging that an applicant for the adjudication of nationality holds the nationality: the profile of the person adjudicated (name, date of birth, gender, legal domicile or expected legal domicile, and name of the head of family) and date of the adjudication.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on June 14, 1998

Article 2 (Reporting Procedure on Special Case of Acquisition of Nationality for Person of Maternal Line)

(1) A person who wants to acquire the nationality of the Republic of Korea under Article 7 (1) or (3) in Addenda of the Act shall complete a report form or acquisition of nationality as prescribed by the Ordinance of the Ministry of Justice and submit it to the Minister of Justice.

(2) Where the Minister of Justice accepts the report for the acquisition of nationality under paragraph (1) he shall notify the person without delay and make notification in an official Gazette,

(3) The provisions of Article 25 (1) through (3) shall apply, mutatis mutandis where a person with a foreign domicile makes a report for acquisition of a nationality under paragraph (1).