

ACT ON THE IMMIGRATION AND LEGAL STATUS OF OVERSEAS KOREANS

Wholly Amended as of Dec. 30, 2000

Article 1 (Purpose)

The purpose of this Act is to ensure overseas Koreans the entry into and departure from the Republic of Korea and the legal status therein.

Article 2 (Definitions)

The term “overseas Korean” in this Act means a person who falls under any of the following subparagraphs:

1. A national of the Republic of Korea who obtains the right of permanent residence in a foreign country or is residing in a foreign country with a view to living permanently there (hereinafter referred to as a “Korean national residing abroad”); and
2. A person prescribed by the Presidential Decree of those who have held the nationality of the Republic of Korea or of their lineal descendants, who obtains the nationality of a foreign country (hereinafter referred to as a “Korean with a foreign nationality”).

Article 3 (Scope of Application)

This Act shall apply with respect to the entry into and departure from the Republic of Korea and the legal status therein of Korean nationals residing abroad and Koreans with a foreign nationality who have the status of sojourn as an overseas Korean (hereinafter referred to as the “status of sojourn as an overseas Korean”) out of the status of sojourn under Article 10 of the Immigration Control Act.

Article 4 (Duty of Government)

The Government shall give overseas Koreans necessary support so that they may not be unfairly regulated or treated in the Republic of Korea.

Article 5 (Grant of Status of Sojourn as Overseas Korean)

- (1) The Minister of Justice may, upon receipt of an application, grant the status of sojourn as overseas Koreans to Koreans with a foreign nationality who wish to engage themselves in activities in the Republic of Korea.
- (2) Where a Korean with a foreign nationality who applies for the status of sojourn as an overseas Korean might impair the security, order, public welfare, foreign relations and other national interests of the Republic of Korea, the Minister of Justice shall not grant him the status of sojourn as an overseas Korean.
- (3) In granting the status of sojourn as an overseas Korean under paragraphs (1) and (2), the Minister of Justice shall consult with the Minister of Foreign Affairs and Trade as prescribed by the Presidential Decree.
- (4) The requirements for obtaining the status of sojourn as an overseas Korean and the scope of activities as such shall be prescribed by the Presidential Decree.

Article 6 (Report of Korean Address)

- (1) Korean nationals residing abroad and Koreans with a foreign nationality who enter the Republic of Korea with the status of sojourn as overseas Koreans may, if necessary to be under the application of this Act, decide a residence in the Republic of Korea and report the Korean address to the head of a Local Immigration Office (hereinafter referred to as the “head of an Office”) or the head of a branch office of a Local Immigration Office (hereinafter referred to as the “head of a branch office”) having jurisdiction over it.
- (2) Where a Korean address reported under paragraph (1) is changed, it shall be reported to the head of the Office or the head of the branch office concerned within fourteen days.
- (3) Items to be stated in the report of a Korean address, accompanying documents, and other matters necessary concerning the report procedure shall be prescribed by the Presidential Decree.

Article 7 (Issuance of Korean Address Report Card, etc.)

- (1) The head of an Office or the head of a branch office shall grant the report number of a Korean address to a Korean national residing abroad and Korean with a foreign nationality who report their Korean addresses in accordance with the provisions of Article 6, and issue the Korean address report card of the Korean national residing abroad to the Korean national residing abroad, and the Korean address report card of the Korean with a foreign nationality to the Korean with a foreign nationality, respectively.
- (2) On the Korean address report card, the report number of Korean address, name, sex, date of birth, nationality, residing country, Korean address, etc. shall be stated.
- (3) The head of an Office or the head of a branch office shall draw up and keep a Korean Address Register and other related documents, as prescribed by the Presidential Decree.
- (4) A person who intends to receive a reissue of Korean address report card after the first issuance thereof for the loss, damage, or other reasons as prescribed by the Presidential Decree shall apply to the head of an Office or the head of a branch office for the reissue thereof.
- (5) The head of an Office or the head of a branch office may issue a certificate of Korean address report to a person who has reported the Korean address under Article 6 under the conditions as prescribed by the Ordinance of the Ministry of Justice.
- (6) Persons who apply for the issue and reissue of the Korean address report card under paragraphs (1) through (4), or for the issuance of the certificate of Korean address report under paragraph (5) shall pay the fee as prescribed by the Ordinance of the Ministry of Justice.

Article 8 (Return of Korean Address Report Card)

In case where the necessity for an overseas Korean to possess the Korean address report card does not exist any longer, he shall return it to the head of an Office or the head of a branch office as prescribed by the Presidential Decree within fourteen days after the reason arises.

Article 9 (Relation with Resident Registration, etc.)

In case where a resident registration card, a certified copy and abstract of resident registration, a foreigner registration card, or a certificate of foreigner registration is required in the procedures provided in Acts and subordinate statutes and business

relations, etc., a Korean address report card or a certificate of Korean address report may be the substitute therefor.

Article 10 (Immigration and Sojourn)

(1) The ceiling in the length of stay under the status of sojourn as an overseas Korean shall be two years.

(2) The Minister of Justice may grant permission to extend the length of sojourn to Koreans with a foreign nationality who wish to continue their sojourn in the Republic of Korea exceeding the ceiling of length of sojourn as referred to in paragraph (1), under the conditions as prescribed by the Presidential Decree.

(3) In case where a Korean with a foreign nationality who has reported the Korean address departs from and reenters the Republic of Korea during the period of his sojourn, reentry permission under Article 30 of the Immigration Control Act shall not be required.

(4) A Korean with a foreign nationality who has reported the Korean address or the change of such address shall be deemed to have completed the foreigner registration under Article 31 of the Immigration Control Act and the report on change of place of sojourn under Article 36 of the same Act.

(5) Free employment and other economic activities of Koreans with a foreign nationality who have obtained the status of sojourn as an overseas Korean shall be allowed within the scope that they do not impair social order or economic stability.

Article 11 (Real Estate Transactions, etc.)

(1) A Korean with foreign nationality who reports the Korean address shall have equal rights with a Korean national in the acquisition, possession, utilization, and disposal of real estate in the Republic of Korea except the cases as referred to in Article 4 (2) 1 of the Foreigner's Land Acquisition Act: Provided, That this shall be subject to the report under Articles 4 (1), 5, and 6 of the Foreigner's Land Acquisition Act.

(2) In case where a Korean with a foreign nationality who has made a report of the Korean address or disposes of by sale the real right of real estate, which is registered or is subject to being registered in the name of a title transferee under the agreement of title transfer prior to the entry into force of the Act on the Registration of Real Estate under Actual Titleholder's Name, in his real name pursuant to Article 11 (1) and (2) of the same Act, within one year after this Act comes into force, Article 12 (1) and (2) of the same Act shall not apply.

Article 12 (Financial Transactions)

An overseas Korean who reports the Korean address shall have equal rights with a Korean national who is a resident under the Foreign Exchange Transactions Act in the use of domestic financial institutions such as opening deposit or installment savings account, application of interest rates, deposit and withdrawal, etc.: Provided, That with respect to Article 18 of the Foreign Exchange Transactions Act, this provision shall not apply.

Article 13 (Foreign Exchange Transaction)

In case where a Korean national residing abroad exports or pays abroad payment means falling under any of the following subparagraphs, the Korean national residing abroad shall be equally treated with a Korean with a foreign nationality in the application of Articles 15 and 17 of the Foreign Exchange Transactions Act:

1. Proceeds from the disposal either by sale or through land expropriation of the real estate in the Republic of Korea which a Korean national residing abroad possessed before residing abroad; and
2. Payment means imported or paid from a foreign country into the Republic of Korea.

Article 14 (Medical Insurance)

In case where an overseas Korean who reports his Korean address sojourns in the Republic of Korea not less than ninety days, medical insurance may be applied to him pursuant to Acts and subordinate statutes related to medical insurance.

Article 15

Deleted. <by Act No. 6328, Dec. 30, 2000>

Article 16 (Compensation Payment to Persons of Distinguished Services to State, Persons of Distinguished Services to Independence and Their Bereaved Family Members)

A Korean with a foreign nationality is entitled to receive the compensation under the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State or the Act on the Honorable Treatment of Persons of Distinguished Services to Independence.

<Amended by Act No. 6307, Dec. 29, 2000>

Article 17 (Fine for Negligence)

- (1) Any person who violates the provisions of Article 6 (2) shall be punished by a fine for negligence not exceeding two million won.
- (2) Any person who violates the provisions of Article 8 shall be punished by a fine for negligence not exceeding one million won.
- (3) The fine for negligence as referred to in paragraph (1) or (2) shall be imposed and collected by the head of an Office or the head of a branch office under the conditions as prescribed by the Presidential Decree.
- (4) Any person who is dissatisfied with the disposition of the fine for negligence under paragraph (3) may make an objection against the head of an Office or the head of a branch office within thirty days after he is informed of such a disposition.
- (5) If a person who is subject to a disposition of the fine for negligence under paragraph (3) makes an objection under paragraph (4), the head of an Office or the head of a branch office shall notify it without delay to the competent court, which, upon receipt of such a notification, shall hold a trial of the case under the Non-Contentious Case Litigation Procedure Act.

(6) If no objection is made and no fine for negligence is paid in the period as referred to in paragraph (4), it shall be collected according to the examples of disposition on national taxes in arrears.

ADDENDUM

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

ADDENDA <Act No. 6124, Jan. 12, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 6

Omitted.

ADDENDA <Act No. 6307, Dec. 29, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Special Cases concerning Right to Receive Compensation)

Any person who is entitled to receive compensation under the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State or the Act on the Honorable Treatment of Persons of Distinguished Services to Independence at the time of the entry into force of this Act shall be deemed a person having the right to receive the compensation, notwithstanding the amendment to Article 16.

ADDENDA <Act No. 6328, Dec. 30, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2001. (Proviso Omitted.)

Articles 2 through 15

Omitted.