

Immigration Control Act (Republic of Korea)

By Ministry of Legislation

INTRODUCTION

Details of Enactment and Amendment

- **Enactment:** Because at that time the Acts relating to Entry, Exit and Registration of Foreigners lacked provisions for entry and exit of the nationals of the Republic of Korea, and the details relating to a system of temporary landing as well as the responsibilities of the captains of ships, etc. and transportation business operators entering into or exiting from the Republic of Korea were insufficient, this Act was enacted on March 5, 1963 as Act No. 1289 in order to improve these matters.
- **Amendment:** This Act has arrived at its present form as the result of being amended twelve times, and the latest amendment was on December 5, 2002.

Main Contents

- Details concerning immigration control for all Korean nationals and foreigners entering into the Republic of Korea or exiting from the Republic of Korea, control of the sojourn of foreigners staying in the Republic of Korea, and procedures for recognition of refugees, etc. are provided.
- A foreigner who fails to meet the entry requirements, such as possession of a valid passport or visa, due to an unavoidable circumstance may be granted provisional permission for entry, with such conditions as restrictions on residence attached thereto, while the decision as to whether the entry shall be permitted is being made.
- Details concerning entries and exits by South Korean residents via North Korea and entries or foreigners' travel between South and North Korea and entries and exits via North Korea are provided.
- When a foreigner on board a ship, etc. escapes from a territory where he fears violation of his bodily freedom, etc. for reasons prescribed in Article 1 of the Refugee Agreement and requests the Republic of Korea for protection, landing may be permitted within the limit of ninety days.
- In order to prevent unlawful employment of foreigners and to establish their orderly sojourns in Korea, unlawful employers shall be punished.
- The duty of the government to take the necessary measures for protection of foreign industrial trainees is prescribed.

● In order to reinforce the function of regulating foreigners who are staying in Korea illegally, in addition to the immigration control officials, public officials belonging under the relevant agencies are also granted an investigative authority.

Wholly Amended by Dec. 8, 1992 Act No. 4522

Amended by Dec. 10, 1993 Act No. 4592

Dec. 22, 1994 Act No. 4796

Dec. 12, 1996 Act No. 5176

Dec. 13, 1997 Act No. 5434

Feb. 5, 1999 Act No. 5755

Dec. 29, 2001 Act No. 6540

Dec. 5, 2002 Act No. 6745

CHAPTER I GENERAL PROVISIONS

■ Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning control over the immigration of all nationals and foreigners entering or departing from the Republic of Korea, control over the sojourn of foreigners staying in the Republic of Korea, and the procedure for recognition of refugees, etc.

■ Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "national" means a national of the Republic of Korea;
2. The term "foreigner" means any person who does not have a nationality of the Republic of Korea;
- 2-2. The term "refugee" means a person to whom the Convention relating to the Status of Refugees (hereinafter referred to as the "Refugee Agreement") applies under Article 1 of the Refugee Agreement and Article 1 of the Protocol relating to the Status of Refugees;
3. The term "passport" means a passport or refugee travel certificate issued by the Government of the Republic of Korea, any foreign government or competent international organization, or any

other certificate equivalent to a passport and which the Government of the Republic of Korea acknowledges valid;

4. The term "seaman's pocketbook" means a document certifying that the person holding it is a seaman, which is issued by the Government of the Republic of Korea or a foreign government, and is corresponding to a passport;

5. The term "entry and departure port" means a harbor, airport or other place in the Republic of Korea, through which any person may enter or depart from the Republic of Korea, and which is prescribed by the Presidential Decree;

6. The term "head of a diplomatic mission abroad" means ambassador, minister, consul- general or consul of the Republic of Korea residing in a foreign country, or head of organizations carrying out the consular affairs;

7. Deleted;

8. The term "vessels, etc." means ships, airplanes, trains, automobiles and other transportation means which transport persons or things between the Republic of Korea and any area outside the Republic of Korea;

9. The term "crew" means persons who perform their duties on the vessel, etc.;

10. The term "forwarder" means a person who operates any business using the vessel, etc., and a person who executes vicariously any transaction belonging to the forwarder's business on behalf of the forwarder;

11. The term "foreigner internment room" means a place provided at the Immigration Control Office or its branch office for the purpose of detaining foreigners under this Act;

12. The term "foreigner internment camp" means facilities installed for the purpose of detaining foreigners under this Act, and prescribed by the Presidential Decree; and

13. The term "immigration offender" means a person who is deemed to have committed any of offenses as prescribed in Articles 93-2, 93-3, 94 through 99, 99-2 and 100.

CHAPTER II ENTRY AND DEPARTURE

OF NATIONALS TO AND FROM KOREA

■ Article 3 (Departure of National from Korea)

(1) Any national who desires to depart from the Republic of Korea to an area outside the Republic of Korea (hereinafter referred to as "departure"), shall hold a valid passport or seaman's pocketbook and undergo a departure inspection conducted by the immigration control official at the entry and departure port from which the national is to depart: *Provided*, That if it is impossible

to depart from the entry and departure port by any inevitable reason, he/she may depart after undergoing the departure inspection conducted by an immigration control official at a place other than the entry and departure port with a permission of the head of the competent Immigration Control Office (hereinafter referred to as the "head of office") or the head of the competent branch office of the Immigration Control Office (hereinafter referred to as the "head of branch office").

(2) When the national has undergone the inspection as referred to in paragraph (1), he/she shall hold an effective entry visa issued by the country of destination or transit, except in case where he/she departs for a country in which he/she is exempted from obtaining an entry visa under an agreement between the Republic of Korea and the country concerned, or the immigration control official recognizes that a visa is not required.

■ Article 4 (Prohibition of Departure)

(1) The Minister of Justice may prohibit a national who falls under any of the following subparagraphs from departing from the Republic of Korea:

1. A person whose departure is deemed to be undue for a criminal investigation;
2. A person who is pending in a criminal trial;
3. A person whose penal servitude or imprisonment penalty has not yet completed;
4. A person who has not paid the fine or additional charge not less than the amount as stipulated by the Ordinance of the Ministry of Justice;
5. A person who has not paid the national tax, customs or local tax not less than the amount as stipulated by the Ordinance of the Ministry of Justice by the deadline of payment without any justifiable reasons; and
6. Other persons corresponding to subparagraphs 1 through 5 and whose departure is deemed by the Ordinance of the Ministry of Justice to be undue, as there exist some concerns over damaging the interest, public safety or economic order of the Republic of Korea.

(2) In conducting the departure inspection, the immigration control official shall not allow a person whose departure is prohibited under paragraph (1), to depart from the Republic of Korea.

■ Article 5 (Custody of National's Passport, etc.)

(1) The immigration control official may withdraw and have the custody of a passport or seaman's pocketbook of a person whose departure is prohibited under Article 4 (1).

(2) If the immigration control official finds a national's forged or altered passport or seaman's pocketbook, he/she may withdraw and have the custody of it.

■ Article 6 (Entry of National)

(1) If a national desires to enter the Republic of Korea from an area outside the Republic of Korea (hereinafter referred to as "entry"), he/she shall hold a valid passport or seaman's pocketbook, and undergo an entry inspection conducted by an immigration control official at the entry and departure port through which he/she may enter the Republic of Korea: *Provided*, That if it is impossible to enter the Republic of Korea through the entry and departure port for any inevitable reason, he/she may enter after undergoing the entry inspection conducted by the immigration control official at a place other than the entry and departure port with the permission of the head of the office or branch office.

(2) If a national desires to enter into the Republic of Korea without holding a valid passport or seaman's pocketbook due to loss of it or for any other reason, the immigration control official may allow him/her to enter through a procedure of confirmation.

CHAPTER III ENTRY AND

LANDING OF FOREIGNER

SECTION 1 Entry of Foreigner

■ Article 7 (Entry of Foreigner)

(1) If any foreigner desires to enter the Republic of Korea, he/she shall hold a valid passport or seaman's pocketbook and a visa issued by the Minister of Justice.

(2) Notwithstanding the provisions of paragraph (1), any foreigner who falls under any of the following subparagraphs, may enter the Republic of Korea without visa:

1. A person who enters the Republic of Korea after obtaining the permission of reentry, but before the period of reentry permission expires;

2. A person who is a national of the country which has concluded an agreement on the waiver of visa with the Republic of Korea, and who becomes the object of exemption under the convention; and

3. A person who enters into the Republic of Korea for the international friendship, sightseeing or interest of the Republic of Korea, etc., and who has obtained the permission of entry under the conditions as prescribed by the Presidential Decree; and

4. A person who departed from the Republic of Korea with a Nansen passport issued, and enters into the Republic of Korea before the term of validity of such certificate expires.

(3) If it is deemed necessary for maintenance of public order or for national interests of the Republic of Korea, the Minister of Justice may temporarily suspend the application of the Visa Exemption Convention to those who fall under paragraph (2) 2.

(4) Notwithstanding the provisions of paragraph (1), any national of a country which has no diplomatic relationship with the Republic of Korea, or which is designated by the Minister of Justice after consulting with the Minister of Foreign Affairs and Trade, may enter the Republic of Korea holding a foreigner entry permit issued by the head of the diplomatic mission abroad, office or branch office under the conditions as prescribed by the Presidential Decree.

(5) In order for immigration control officials to engage in affairs issuing visas or foreigner entry permit as referred to in paragraph (1) or (4), the Minister of Justice may assign such officials to diplomatic missions abroad, etc. under the conditions as prescribed by the Presidential Decree.

■ Article 7-2 (Prohibition of False Invitation, etc.)

No one shall conduct the activities falling under any of the following sub- paragraphs in order to allow a foreigner to enter the Republic of Korea:

1. Acts of inviting a foreigner by illegal means such as a statement of false fact or a false identity guarantee, or acts of assisting it; and

2. Acts of falsely applying for a visa or a visa issuance certificate, or acts of assisting it.

[This Article Newly Inserted by Act No. 6540, Dec. 29, 2001]

■ Article 8 (Visa)

(1) Visas as prescribed in Article 7 shall be categorized as single visas valid for only one entry into the Republic of Korea and multiple visas valid for two or more entries.

(2) The Minister of Justice may delegate his authority to issue visas to the head of the diplomatic mission abroad under the conditions as prescribed by the Presidential Decree.

(3) The criteria and procedure for issuing visas shall be determined by the Ordinance of the Ministry of Justice.

■ Article 9 (Visa Issuance Certificates)

(1) If it is deemed essential, the Minister of Justice may issue a visa issuance certificate at the request of any foreigner who intends to enter the Republic of Korea prior to issuance of a visa as prescribed in Article 7 (1).

(2) The application for a visa issuance certificate referred to in paragraph (1) may be filed by any person who intends to invite any foreigner to visit the Republic of Korea on behalf of the latter.

(3) The object, criteria and procedure for issuing visa issuance certificates as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Justice.

■ Article 10 (Status of Sojourn)

(1) A foreigner wishing to enter the Republic of Korea shall satisfy requirements of status of sojourn as provided for in the Presidential Decree.

(2) The maximum period of sojourn for each status of sojourn, which is allowed at each occasion, shall be determined by the Ordinance of the Ministry of Justice.

■ **Article 11 (Prohibition, etc. of Entry)**

(1) The Minister of Justice may prohibit the entry of a foreigner who falls under any of the following subparagraphs:

1. Persons carrying an epidemic disease, narcotic addicts or other persons deemed likely to cause danger and harm to the public health;
2. Persons who intend to enter the Republic of Korea unlawfully carrying firearms and guns, swords, explosives, etc. as prescribed by the Control of Firearms, Swords, Explosives, etc. Act;
3. Persons deemed likely to commit any act detrimental to national interests of the Republic of Korea or public safety;
4. Persons deemed likely to commit any act detrimental to economic or social order or good morals;
5. Mentally handicapped persons, vagabonds, the destitute or other persons in need of relief;
6. Persons for whom five years have not elapsed after departure from the Republic of Korea under a deportation order;
7. Persons who have taken part in slaughter or cruel treatment of peoples on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under instructions from or in liaison with the Japanese government, any government which was in alliance with the Japanese government, or any government on which the Japanese government exercised predominant influence from August 29, 1910 until August 15, 1945; and
8. Persons who correspond to any of subparagraphs 1 through 7 and who are deemed by the Minister of Justice as persons whose entry is improper.

(2) If the home country of a foreigner who intends to enter the Republic of Korea refuses an entry of a national of the Republic of Korea for any reason other than those as referred to in any of subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such foreigner for the same reason.

■ **Article 12 (Entry Inspection)**

(1) If a foreigner desires to enter the Republic of Korea, he/she shall undergo an entry inspection by the immigration control official at the entry and departure port.

(2) The proviso of Article 6 (1) shall be applicable to the case as referred to in paragraph (1).

(3) In conducting the entry inspection, the immigration control official shall permit the entry after examining whether or not the following requirements are satisfied:

1. The passport or seaman's pocketbook and the visa shall be valid: *Provided*, That the visa is limited only to case where it is required;
2. The object of entry shall comply with the status of sojourn;
3. The sojourn period shall be determined under the conditions as prescribed by the Ordinance of the Ministry of Justice; and
4. The foreigner shall not be subject to the prohibition or refusal of the entry as prescribed in Article 11.

(4) If the immigration control official deems that a foreigner fails to meet any of the requirements as referred to in subparagraphs of paragraph (3), he/she may refuse to grant entry permission.

(5) Upon granting entry permission to a foreigner falling under Article 7 (2) 2 or 3, the immigration control official shall qualify him/her for sojourn and determine the period of sojourn under the conditions as prescribed by the Presidential Decree.

(6) The immigration control official may enter vessel, etc. for the purpose of conducting the inspection as referred to in paragraph (1) or (2).

(7) The provisions of Article 5 (2) shall apply *mutatis mutandis* to the case as referred to in paragraphs (1) and (2).

■ **Article 12-2 (Ban on Provision of Vessels, etc.)**

(1) No person shall provide or arrange ships, etc., passports, seamen's pocket books, visa, boarding tickets, and other documents and goods usable for entry into or departure from the country for the purpose of illegally allowing any foreigner to enter or depart from the Republic of Korea.

(2) No person shall harbor or allow any foreigner who has illegally entered into the Republic of Korea to flee within the country or provide or arrange traffic means for such purposes.

[This Article Newly Inserted by Act No. 5434, Dec. 13, 1997]

■ **Article 12-3 (Custody of Foreigner's Passport, etc.)**

(1) The provisions of Article 5 (2) shall apply *mutatis mutandis* with respect to the forged or altered passports or seamen's pocket books of foreigners.

(2) An immigration control official may, when he has found the passport or seaman's pocket book of an immigration illegality equivalent to the person to be deported under Article 46, who is under investigation due to the violation of this Act, recover it and take in custody.

[This Article Newly Inserted by Act No. 6540, Dec. 29, 2001]

■ Article 13 (Conditional Entry Permission)

(1) The head of the office or branch office may grant conditional entry permission to the foreigner who falls within any of the following subparagraphs under the conditions as prescribed by the Presidential Decree:

1. A person who fails to meet the requirements as prescribed in Article 12 (3) 1 for any inevitable reason, but who is deemed able to meet them within a specified period;
2. A person who is suspicious of falling under any of subparagraphs of Article 11 (1), or is deemed suspicious of failing to meet the requirements as prescribed in Article 12 (3) 2, and necessary for special inspection; and
3. A person whose conditional entry is deemed necessary to be permitted by the head of the office or branch office.

(2) The head of the office or branch office shall, upon granting a conditional entry permission as referred to in paragraph (1), issue a written conditional entry permission. In this case, such written permission shall include any restriction on residence, obligation to comply with any demand for attendance and other necessary conditions, and may, if necessary, have any security not exceeding ten million won deposited.

(3) If a foreigner who has obtained a conditional entry permission as referred to in paragraph (1), violates such condition, the head of the office or branch office may have the whole or part of such deposited security reverted to the National Treasury.

(4) The deposit and return of the security as referred to in paragraphs (2) and (3), and the procedure for reverting it to the National Treasury shall be determined by the Presidential Decree.

SECTION 2 Landing of Foreigner

■ Article 14 (Permission on Landing of Crew)

(1) If a foreign crew desires to land for the purpose of transferring to another vessel, etc. or taking a rest, etc., the immigration control official may grant upon request of the captain of the vessel, etc., forwarder or the person concerned, a permission on landing of crew in the limit of fifteen days, except a person who falls under any of subparagraphs of Article 11 (1).

(2) The immigration control official shall, upon granting the permission as referred to in paragraph (1), issue a written crew landing permission. In this case, the written crew landing permission may include the period of landing permission, restrictions on the area of activities and other necessary conditions.

(3) The head of the office or branch office may, if necessary, extend the period of landing permission for the person who obtained the crew landing permission.

(4) The written crew landing permission which was issued to a member of the crew of a vessel, etc. in accordance with the provisions of paragraph (2) may be used in any other ports of entry into the Republic of Korea until such vessel, etc. leaves the Republic of Korea.

■ Article 15 (Emergency Landing Permission)

(1) If it is deemed urgent that a foreigner on board the vessel, etc. (including crew) needs to land due to any disease or accident, the immigration control official may grant, upon the request of the head of such vessel, etc. or the forwarder, a permission on emergency landing in the limit of thirty days.

(2) The provisions of Article 14 (2) and (3) shall be applicable to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be regarded as the term "written emergency landing permission", and the term "crew landing permission", as the term "emergency landing permission".

(3) The captain of the vessel, etc. or the forwarder shall bear the living, medical and funeral expenses of the person who makes an emergency landing, and all other expenses incurred during such landing.

■ Article 16 (Disaster Landing Permission)

(1) If the head of the office or branch office deems it urgent to rescue a foreigner on board the vessel, etc. in distress (including the crew), he/she may grant a permission on a disaster landing in the limit of thirty days, upon request of the captain of the vessel, etc., forwarder, person carrying out the rescue operation under the Rescue and Aid at Sea and in the River Act, or the captain of the vessel, etc. who rescued the foreigner.

(2) The provisions of Article 14 (2) and (3) shall apply mutatis mutandis to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be regarded as the term "written disaster landing permission", and the term "crew landing permission", as the term "disaster landing permission".

(3) The provisions of Article 15 (3) shall apply mutatis mutandis to a person to whom a landing permit for disaster is issued. In such cases, reference to "landing for emergency" shall be construed to include "landing for disaster".

■ **Article 16-2 (Permission on Refugees' Temporary Landing)**

(1) In case where a foreigner on board a vessel, etc. escapes from a territory in which he/she is afraid that his/her life, body or physical freedom might be infringed, by the cause as prescribed in Article 1A (2) of the Refugee Agreement, or other similar one, and requests directly any protection from the Republic of Korea, if it is deemed well-grounded to have the foreigner land, the head of the office or branch office may grant him/her a refugees temporary landing permission with the approval of the Minister of Justice, in the limit of ninety days. In this case, the Minister of Justice shall consult with the Minister of Foreign Affairs and Trade.

(2) The provisions of Article 14 (2) and (3) shall apply mutatis mutandis to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be read as the term "written refugees temporary landing permission", and the term "crew landing permission", as the term "refugees temporary landing permission".

CHAPTER IV SOJOURN AND

DEPARTURE OF FOREIGNERS

SECTION 1 Sojourn of Foreigners

■ **Article 17 (Sojourn and Activity Scope of Foreigners)**

(1) Any foreigner may sojourn in the Republic of Korea within the scope of his/her status of sojourn and period of sojourn.

(2) No foreigner sojourning in the Republic of Korea shall engage in any political activity.

(3) If a foreigner sojourning in the Republic of Korea is engaged in any political activity, the Minister of Justice may order him/her in writing to suspend such activity or may take other necessary measures.

■ **Article 18 (Restriction on Employment of Foreigners)**

(1) If a foreigner desires to be employed in the Republic of Korea, he/she shall obtain the status of sojourn eligible for employment under the conditions as prescribed by the Presidential Decree.

(2) No foreigner having the status of sojourn as referred to in paragraph (1) shall work at any place other than the designated working place.

(3) No person shall employ any person having no status of sojourn as referred to in paragraph (1).

(4) No person shall mediate or solicit for any employment of a person having no status of sojourn as referred to in paragraph (1).

(5) No person shall put under his/her control any foreigner having no status of sojourn as referred to in paragraph (1) with the intention to mediate an employment of such person.

■ **Article 19 (Reporting Obligation of Persons Employing Foreigners)**

(1) Any person who employs a foreigner shall, in any case given below, report it to the head of the office or branch office within fifteen days after learning of such occurrences:

1. In case he/she has discharged the foreigner, or the foreigner has retired from the service or dies;
2. In case the whereabouts of the employed foreigner become unknown;
3. In case important contents of the employment contract are changed; or
4. In case he/she comes to know that the employed foreigner has committed an act violating this Act or any order issued under this Act.

(2) The provisions of paragraph (1) shall apply mutatis muntandis to the head of an industry or business which provides foreigners with training of industrial technology.

■ **Article 19-2 (Protection of Industrial Trainees)**

(1) The government shall take necessary measures to protect foreigners who are in the course of being trained at a designated industry with sojourn qualifications for industrial training activities pursuant to Article 10 (hereinafter referred to as "industrial trainees").

(2) The necessary matters for the designation of industries referred to in paragraph (1) shall be determined by the Presidential Decree.

■ **Article 19-3 (Administration of Industrial Trainees)**

(1) By investigating whether any industrial trainee has left the training place without authorization, carried out activities other than for training purposes, or violated other authorized conditions, the Minister of Justice shall take necessary measures to administer industrial trainees, such as a measure ordering those foreigners to depart from the Republic of Korea who did not observe the sojourn conditions for industrial trainees.

(2) The necessary matters for the administration of industrial trainees referred to in paragraph (1) and the invitation related to the entry of industrial trainees shall be determined by the Presidential Decree.

(3) The Minister of Justice may grant permission on modification of sojourn qualifications to industrial trainees who meet the qualifications as determined by the Presidential Decree (hereinafter in this paragraph referred to as "trainees in employment") so that they may seek

employment. In this case, with respect to the management of trainee in employment, the provisions of paragraphs (1) and (2) shall apply mutatis mutandis.

■ Article 20 (Activities other than Status of Sojourn)

If a foreigner sojourning in the Republic of Korea desires to perform activities corresponding to a different status of sojourn in addition to those activities corresponding to his/her original status of sojourn, he/she shall obtain permission in advance from the Minister of Justice.

■ Article 21 (Change and Addition of Work Place)

(1) If a foreigner sojourning in the Republic of Korea desires to change or add his/her work place within the scope of his/her status of sojourn, he/she shall obtain permission in advance from the Minister of Justice.

(2) No person shall employ a foreigner who has not obtained permission on change or addition of his/her work place under paragraph (1), nor shall he/she mediate an employment of such foreigner, except in case where the employment can be mediated under other Acts.

■ Article 22 (Restriction on Scope of Activity)

If it is deemed necessary for the public peace and order or important national interests of the Republic of Korea, the Minister of Justice may restrict the scope of residence or activities of foreigners, or determine necessary matters to be observed by them.

■ Article 23 (Granting of Status of Sojourn)

Any foreigner sojourning without the status of sojourn granted, due to loss of the nationality of the Republic of Korea, birth in the Republic of Korea or other reasons as prescribed in Article 10, shall obtain the status of sojourn under the conditions as prescribed by the Presidential Decree, within thirty days after such cause occurs.

■ Article 24 (Permission for Change of Status of Sojourn)

(1) If a foreigner sojourning in the Republic of Korea desires to carry out any activity corresponding to status of sojourn different from his/her own, he/she shall obtain permission for change of status of sojourn in advance from the Minister of Justice.

(2) Any person who falls under any of subparagraphs of Article 31 (1) and desires to alter his/her status of sojourn due to a change of his/her status, shall obtain the status of sojourn alteration permission from the Minister of Justice within thirty days after his/her status is changed.

■ Article 25 (Permission on Extension of Sojourn Period)

If a foreigner desires to continue to sojourn in excess of the permitted sojourn period within the ceiling of the sojourn period conformed to the sojourn qualification as prescribed in Article 10 (2),

he/she shall obtain the permission from the Minister of Justice on the extension of sojourn period before the original period expires, under the conditions as prescribed by the Presidential Decree.

■ **Article 26 Deleted.**

■ **Article 27 (Carrying and Presentation of Passport, etc.)**

(1) Any foreigner sojourning in the Republic of Korea shall carry at any time his/her passport, seaman's pocketbook, written foreigner entry permission, foreigner registration certificate or written landing permission (hereinafter referred to as "passport, etc."), except in case the foreigner is under seventeen years of age.

(2) When the immigration control official or a competent public official demands to present the passport, etc. in carrying out his/her duty, the foreigner as referred to in the text of paragraph (1) shall comply with it.

SECTION 2 Departure of Foreigners

■ **Article 28 (Departure Inspection)**

(1) If a foreigner desires to depart from the Republic of Korea, he/she shall undergo the departure inspection of the immigration control official with his/her valid passport or seaman's pocketbook at the entry and departure port through which he/she departs.

(2) The proviso of Article 3 (1) shall apply mutatis mutandis to the case as referred to in paragraph (1).

(3) The provisions of Article 5 (2) shall apply mutatis mutandis to the case as referred to in paragraphs (1) and (2).

(4) The provisions of Article 12 (6) shall apply mutatis mutandis to the cases in which the provisions of paragraphs (1) and (2) apply.

■ **Article 29 (Suspension of Foreigner's Departure)**

The Minister of Justice may suspend the departure of the foreigners falling under any of each subparagraph of Article 4 (1).

[This Article Wholly Amended by Act No. 6540, Dec. 29, 2001]

■ **Article 30 (Permission on Reentry)**

(1) If a foreigner who has made a foreigner registration or been exempted from such registration under Article 31 desires to reenter the Republic of Korea after departure in his sojourn period, the Minister of Justice may permit such reentry upon his request: *Provided*, That any foreigner who holds his sojourn status that entitles him to the permanent residentship in the Republic of Korea

from among foreigners who hold their sojourn statuses provided for in Article 10 (1) may be exempted from the reentry permission.

(2) The reentry permission as referred to in paragraph (1) shall be classified into the single reentry permission valid only for one time and the multiple reentry permission valid for twice or more times.

(3) If a foreigner is unable to reenter in the period permitted under paragraph (1) due to any disease or by any other inevitable reason, he/she shall obtain the permission of the Minister of Justice on extension of the reentry permission period before the period expires.

(4) The Minister of Justice may delegate the authority pertaining to the permission on the reentry permission period extension to the heads of the diplomatic missions abroad, under the conditions as prescribed by the Presidential Decree.

(5) The reentry permission, the permission for extending its period and standards as well as procedures for exempting from the reentry permission shall be prescribed by the Ordinance of the Ministry of Justice.

CHAPTER V REGISTRATION,

ETC. OF FOREIGNER

SECTION 1 Registration of Foreigner

■ Article 31 (Foreigner Registration)

(1) If a foreigner sojourns in the Republic of Korea in excess of ninety days from his/her entry, he/she shall make a foreigner registration with the head of the office or branch office having jurisdiction over his/her sojourn place within ninety days from his/her entry under the conditions as prescribed by the Presidential Decree, except in case of the foreigners who fall under any of the following subparagraphs:

1. Personnel and their families of foreign diplomatic missions (including embassies and consulates) and international organizations in the Republic of Korea;
2. Foreigners and their families who enjoy privileges and immunity similar to those of diplomats or consuls under any agreement concluded with the government of the Republic of Korea; and
3. Foreigners who are invited by the government of the Republic of Korea and prescribed by the Ordinance of the Ministry of Justice.

(2) Notwithstanding the provisions of paragraph (1), any person who is granted the status of sojourn under Article 23, and continues to sojourn in excess of ninety days after obtaining the status of sojourn, shall make the foreigner registration when he/she is granted the status of sojourn.

(3) Notwithstanding the provisions of paragraph (1), any person who obtained the status of sojourn alteration permission under Article 24, and continues to sojourn in excess of ninety days from his/her entry, shall make the foreigner registration when he/she obtains the status of sojourn alteration permission.

(4) With respect to any foreigner who has finished his foreigner registration in accordance with the provisions of paragraphs (1) through (3), the head of the office or branch office shall grant him or her the registration number of his own (hereinafter referred to as "foreigner registration number") according to the method prescribed by the Presidential Decree.

■ Article 32 (Matters to be Registered by Foreigners)

Matters to be registered by a foreigner under Article 31 shall be as follows:

1. Name, sex, date of birth and nationality;
2. Number, date of issue and valid term of passport;
3. Work place and position or affairs in charge;
4. Home country address and sojourn place in the Republic of Korea;
5. Status and period of sojourn; and
6. Other matters as determined by the Ordinance of the Ministry of Justice.

■ Article 33 (Issuance of Foreigner Registration Certificates)

(1) The head of the office or branch office who received an application for a foreigner registration under Article 31 shall issue a foreigner registration certificate to the foreigner under the conditions as prescribed by the Presidential Decree: *Provided*, That if the foreigner is under seventeen years of age, the head of the office or branch office may refuse to issue such certificate.

(2) When a foreigner to whom a foreigner registration certificate is not issued under the proviso of paragraph (1), becomes seventeen years of age, he/she shall apply for the issue of foreigner registration certificate to the head of the office or branch office having jurisdiction over his/her sojourn place within sixty days.

■ Article 33-2 (Prohibition on Using Foreigner Registration Certificates as Means to Secure Fulfillment of Obligation)

Any person shall be prohibited from committing the act falling under each of the following subparagraphs:

1. The act of being provided with or coercing any foreigner to provide his passport or foreigner registration certificate for the purpose of using it as a means to secure a contract for job or the fulfillment of obligation;
2. The act of generating any bogus foreigner registration number in violation of the provisions of Article 31 (4) for the purpose of using it in the interest of his or another person's goods or property;
3. The act of delivering any program developed to produce bogus foreigner registration numbers to another person or widely disseminating such program;
4. The act of illegally using the foreigner registration certificate of another person; and
5. The act of illegally using the foreigner registration number of another person in the interest of his or another person's goods or property.

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ **Article 34 (Preparation and Management of Foreigner Registration Cards, etc.)**

(1) The head of the office or branch office who received a foreigner registration under Article 31, shall prepare and keep the foreigner registration record, and make out a foreigner registration card and send it to the head of the *Shi* (excluding the Special Metropolitan City and Metropolitan Cities; hereinafter the same shall apply), *Kun* or *Ku* (referred to an autonomous *Ku*; hereinafter the same shall apply) where the foreigner sojourns.

(2) The head of the *Shi/Kun/Ku* shall, upon receiving the foreigner registration card under paragraph (1), enter the registered matters in the foreigners' register to manage such informations.

(3) Matters necessary for preparation and management of the foreigner registration record, foreigner registration cards and foreigner's register shall be determined by the Presidential Decree.

■ **Article 35 (Report on Change in Foreigner Registration Matters)**

Any foreigner who has made a registration under Article 31, shall make a report on a change in the foreigner registration matters to the head of the office or branch office having jurisdiction over his/her sojourn place within fourteen days under the conditions as prescribed by the Presidential Decree, if any of the following matters is changed:

1. Name, sex, date of birth and nationality;
2. Number, date of issue and valid term of passport; and
3. Other matters as stipulated by the Ordinance of the Ministry of Justice.

■ Article 36 (Report on Change of Sojourn Place)

(1) If a foreigner who has made a registration under Article 31, changes his sojourn place, he shall make a moving-in report to the head of *Shi/Kun/Ku* of new sojourn place or the head of the office or branch office having jurisdiction over a new sojourn place within fourteen days from the date on which he moves in, under the conditions as prescribed by the Presidential Decree.

(2) If a foreigner makes the report as referred to in paragraph (1), he shall present the foreigner registration certificate. In this case, the head of *Shi/Kun/Ku* or the head of the office or branch office shall enter the matters concerning the change of sojourn place in such foreigner registration certificate, and return it to the foreigner.

(3) The head of the office or branch office who has received a moving-in report under paragraph (1) shall notify without delay the fact of changing the place of sojourn to the head of *Shi/Kun/Ku* of a new place of sojourn.

(4) The head of *Shi/Kun/Ku* who has directly received a moving-in report under paragraph (1) or a notification of change of a sojourn place from the head of the office or branch office under paragraph (3) shall make a request for the transfer of the relevant foreigner registration card accompanied by a copy of report on change of sojourn places to the head of *Shi/Kun/Ku* having jurisdiction over the former sojourn place.

(5) In the event of a request for transfer of a foreigner registration card pursuant to the provisions of paragraph (4), the head of *Shi/Kun/Ku* shall transfer not later than three days from the date of such request to the head of *Shi/Kun/Ku* having jurisdiction over a new sojourn place.

(6) The head of *Shi/Kun/Ku* having received the transfer of a foreigner registration card pursuant to the provisions of paragraph (5), shall re-adjust the foreigner registration card and manage it pursuant to Article 34 (2).

(7) The head of *Shi/Kun/Ku* or the head of the office or branch office having received a moving-in report under paragraph (1) shall notify it without delay to the head of the office or branch office having jurisdiction over the former sojourn place under the conditions as prescribed by the Presidential Decree.

■ Article 37 (Return, etc. of Foreigner Registration Certificate)

(1) If a foreigner who has made the registration under Article 31, departs from the Republic of Korea, he/she shall return the foreigner registration certificate to the immigration control official, except in any of the following cases:

1. In case a foreigner who obtained a reentry permission, desires to enter again within the permission period after a temporary departure;

2. In case a foreigner who holds a multiple visa, or who is a national of the country exempted from the requirement of the reentry permission, desires to enter again within the permitted sojourn period after a temporary departure; and

3. In case a foreigner who desires to enter again within the valid term of a refugee travel certificate after a temporary departure with the refugee travel certificate issued.

(2) If a foreigner who has made a registration under Article 31, becomes a national of the Republic of Korea, dies or falls under any of subparagraphs of Article 31 (1), he/she shall return his foreigner registration certificate under the conditions as prescribed by the Presidential Decree.

(3) The head of the office or branch office shall, upon having the foreigner registration certificate returned under paragraph (1) or (2), notify it without delay to the head of the *Shi/Kun/Ku* of the sojourn place under the conditions as prescribed by the Presidential Decree.

(4) If it is deemed necessary for the interest of the Republic of Korea, the head of the office or branch office may take a temporary custody of the foreigner registration certificate of the foreigner falling under any of subparagraphs of paragraph (1).

(5) In the case as referred to in paragraph (4), if the foreigner reenters the Republic of Korea within the permitted period, he/she shall have his/her foreigner registration certificate returned from the head of the office or branch office within fourteen days after his/her reentry, and if he/she fails to reenter within the permitted period, he/she shall be considered to have returned his/her foreigner registration certificate under paragraph (1).

■ Article 38 (Fingerprinting)

(1) Any foreigner who falls under any of the following subparagraphs shall fingerprint under the conditions as prescribed by the Presidential Decree:

1. A foreigner who is over twenty years of age and makes a registration of foreigner, except for the case in which the sojourn period is less than one year from the date he/she entered the Republic of Korea or he/she is granted the status of sojourn;

2. A foreigner who undergoes an investigation for violation of this Act or a criminal investigation for violation of other Acts;

3. A foreigner whose identity is not established; and

4. Other foreigners who are required to make a fingerprint, which is deemed especially necessary, by the Minister of Justice, for the security or interest of the Republic of Korea.

(2) The head of the office or branch office may refuse to grant a permission as prescribed by this Act, such as sojourn period extension permission, etc., against a foreigner refusing to make a fingerprint as referred to in paragraph (1).

SECTION 2 Deleted.

■ Articles 39 through 45 Deleted.

CHAPTER VI DEPORTATION, ETC.

SECTION 1 Persons to be Deported

■ Article 46 (Persons to be Deported)

(1) The head of the office or branch office or head of a foreigner internment camp may deport any of the following foreigners from the Republic of Korea according to procedures as prescribed in this Chapter:

1. A person who violated the provisions of Article 7;
- 1-2. A person who violated the provisions of Article 7-2, or a person who entered the country by the act such as a false invitation as stipulated in the same Article;
2. A person who are found to fall under any subparagraph of Article 11 (1) after entry;
3. A person who violated the provisions of Article 12 (1) or (2), or 12-2;
4. A person who violated the condition imposed by the head of the office or branch office under Article 13 (2);
5. A person who landed without obtaining permission as prescribed in Article 14 (1), 15 (1), 16 (1) or 16-2 (1);
6. A person who violated the condition imposed by the head of the office or branch office or immigration control official under Article 14 (2), 15 (2), 16 (2) or 16-2 (2);
7. A person who violated the provisions of Article 17 (1) and (2), 18, 20, 21, 23, 24 or 25;
8. A person who violated a residence restriction, restriction on the scope of activity, or other matters to be observed, etc. as prescribed by the Minister of Justice under Article 22;
9. A person who attempted to depart from the Republic of Korea in contravention of Article 28;
10. A person who violated the provisions of Article 31; and
11. A person who are released after receiving a sentence of punishment heavier than imprisonment without prison labor.

(2) Notwithstanding paragraph (1), any foreigner who holds his sojourn status that entitles him to the permanent residentship in the Republic of Korea from among foreigners who hold their

sojourn statuses provided for in Article 10 (1) shall not be forcibly expelled from the Republic of Korea: Provided, That the same shall not apply to the foreigner falling under any of the following subparagraphs:

1. Foreigner who has committed the insurrection provided for in the Chapter I of the Part II of the Criminal Act or the foreign aggression provided for in the Chapter II of the same Act;
2. Foreigner who is prescribed by the Ordinance of the Ministry of Justice from among foreigners who have been released after having been sentenced to imprisonment with prison labor or without prison labor for not less than 5 years: and
3. Foreigner who has committed a violation of the provisions of Article 12-2 (1) or (2), or has abetted or aided another person in such violation.

SECTION 2 Investigations

■ Article 47 (Investigations)

The immigration control official may investigate foreigners suspected of falling under any of subparagraphs of Article 46 (1) (hereinafter referred to as the "suspect").

■ Article 48 (Demand for Attendance and Interrogation of Suspect)

(1) If required for conducting an investigation as prescribed in Article 47, the immigration control official may demand the suspect come forward and may interrogate him/her.

(2) The immigration control official, when conducting any interrogation under paragraph (1), shall have another immigration control official participate in the interrogation.

(3) In conducting the interrogation as referred to in paragraph (1), any statement made by the suspect shall be entered into the investigation record.

(4) The investigation record as referred to in paragraph (3) shall be read to, or inspected by, the suspect, who shall be asked whether there is any error in the record. If the suspect requests any addition, deletion or change in the contents thereof, his/her statement shall be entered into such investigation record.

(5) The suspect shall sign or affix a seal, after intersealing each pages, to the investigation record. If the suspect is unable to sign or affix a seal, or if he/she refuses to do so, that fact shall be entered into the investigation record.

(6) If a person who is not versed in the Korean language or is deaf or dumb, such person shall be provided with an interpreter to interpret his/her statement: *Provided*, That the deaf and the dumb may be interrogated or required to make a statement in writing.

(7) Letters or signs in the statement, which are not the Korean language, shall be translated into the Korean language.

■ **Article 49 (Demand for Appearance and Statement of Witnesses)**

(1) If it is required for conducting an investigation as prescribed in Article 47, the immigration control official may demand a witness to apply for questioning.

(2) The provisions of Article 48 (2) through (7) shall apply mutatis mutandis to statements by witnesses.

■ **Article 50 (Inspection and Demand for Presentation of Documents, etc.)**

If it is necessary for conducting the investigation as prescribed in Article 47, the immigration control official may inspect the suspect's residence or possessions with his/her consent, or demand him/her to present documents or possessions.

SECTION 3 Internment

■ **Article 51 (Internment)**

(1) If there is considerable reasons to suspect that a foreigner falls under Article 46 (1), and he/she flees or might flee, the immigration control official may intern such foreigner after obtaining an internment order issued by the head of the office or branch office or head of the foreigner internment camp.

(2) To apply for an internment order as referred to in paragraph (1), the immigration control official shall submit an application with materials showing the necessity of internment.

(3) In case there is considerable reasons to suspect that a foreigner falls under any of subparagraphs of Article 46 (1) and the foreigner flees or might flee, and no sufficient time left to get an internment order, the immigration control official may issue an emergency internment note to intern the foreigner by his/her own authority after informing the head of the office or branch office or the foreigner internment camp of the emergency situation concerned.

(4) If the immigration control official has interned a foreigner under paragraph (3), he/she shall obtain an internment order within forty-eight hours and show it to the foreigner concerned. If the official fails to obtain such order, he/she shall immediately release the foreigner.

■ **Article 52 (Period and Place of Internment)**

(1) The period of internment shall be ten or fewer days: *Provided*, That if there is an inevitable reason, the period may be extended once up to ten days with the permission of the head of the office or branch office or the head of the foreigner internment camp.

(2) The place to intern any foreigner shall be the foreigner internment room, foreigner internment camp or other place as designated by the Minister of Justice.

■ Article 53 (Execution of Internment Order)

When the immigration control official executes an internment order, he/she shall show it to the suspect.

■ Article 54 (Notification of Internment)

When the immigration control official has interned a suspect, he shall notify in writing within three days the suspect's legal representative, spouse, lineal relatives, siblings, family, counsel (hereinafter referred to as "legal representative, etc.") or a person designated by the suspect, who is in the Republic of Korea of the date, time, place and reason for the internment: *Provided*, That when there exists no legal representative, etc. or the suspect fails to designate the person to be notified, he may state such reasons in writing and refrain from notification.

■ Article 55 (Objection to Internment)

(1) Any person who has been interned pursuant to an internment order, or such person's legal representative, etc. may raise an objection to the internment to the Minister of Justice through the head of the office or branch office, or the head of the foreigner internment camp.

(2) The Minister of Justice, upon receiving an objection under paragraph (1), shall examine without delay the relevant documents. If the request is groundless, he/she shall reject it by decision, and if he/she deems it well-grounded, he/she shall order by decision the release of the foreigner from the internment.

(3) If required in making the decision as referred to in paragraph (2), the Minister of Justice may hear statements from interested persons in advance.

■ Article 56 (Temporary Internment of Foreigners)

(1) The immigration control official may temporarily intern up to 48 hours any of those foreigners given below in a foreigner internment room,

1. whose entries are not permitted under Article 12 (4);
2. who have obtained a conditional entry permission under Article 13 (1) and who have fled or appear very likely to flee; or
3. who have obtained an order of departure under Article 68 (1) and who have fled or appear very likely to flee.

(2) Where immigration control officials are unable to deport within 48 hours a foreigner detained temporarily in accordance with paragraph(1) because of unavailability of transportation to

remove the foreigner from the Republic of Korea, illness, or other unavoidable causes, the detention period may be extended only once for up to 48 hours with the approval of the head of office or branch office.

■ Article 57 (Treatment of Internee)

Matters concerning facilities of the foreigner internment rooms and camps, treatment, supplies, guards for internees, and other necessary matters shall be determined by the Ordinance of the Ministry of Justice.

SECTION 4 Examination and Objection

■ Article 58 (Examination and Decision)

When the immigration control official has finished the investigation of a suspect, the head of the office or branch office or the head of the foreigner internment camp shall examine and determine without delay whether the suspect falls under any of subparagraphs of Article 46 (1).

■ Article 59 (Procedure after Examination)

(1) If the head of the office or branch office or the head of the foreigner internment camp determines after examination that the suspect does not fall under any of subparagraphs of Article 46 (1), the he/she shall inform the suspect without delay, and if the suspect is interned, he/she shall immediately release the suspect from the internment.

(2) If the head of the office or branch office, or the head of the foreigner internment camp determines after examination that the suspect falls under any of subparagraphs of Article 46 (1), he/she may issue a deportation order.

(3) In case where the head of the office or branch office or the head of the foreigner internment camp issues a deportation order, he/she shall inform the suspect of the fact that the suspect may make an objection to the Minister of Justice.

■ Article 60 (Objection)

(1) If a suspect desires to make an objection to the deportation order, he/she shall file an objection with the Minister of Justice through the head of the office or branch office or the head of the foreigner internment camp within seven days after the suspect receives the deportation order.

(2) The head of the office or branch office or the head of the foreigner internment camp, upon receiving the objection as referred to in paragraph (1), shall submit it to the Minister of Justice together with the written examination and decision and the record of investigation.

(3) The Minister of Justice, upon receiving the objection, etc. as referred to in paragraphs (1) and (2), shall examine and decide whether or not the objection is well-grounded and notify the head of the office or branch office or the head of the foreigner internment camp of the Minister's decision.

(4) When the head of the office or branch office or the head of the foreigner internment camp has received from the Minister of Justice a notification of the decision that the objection is well-grounded, he/she shall inform the suspect without delay, and if the suspect is interned, he/she shall immediately release him/her from internment.

(5) When the head of the office or branch office or the head of the foreigner internment camp has received from the Minister of Justice a notification of the decision that the objection is groundless, he/she shall inform the suspect without delay.

■ Article 61 (Special Case of Sojourn Permission)

(1) In making a decision as prescribed in Article 60 (3), even though the objection is deemed groundless, if the suspect was formerly a national of the Republic of Korea, or if there are special circumstances deemed to require the suspect to sojourn in the Republic of Korea, the Minister of Justice may permit his/her sojourn.

(2) In granting the permission as referred to in paragraph (1), the Minister of Justice may determine the period of sojourn and impose other necessary conditions.

SECTION 5 Execution of Deportation Orders

■ Article 62 (Execution of Deportation Orders)

(1) The deportation order shall be executed by an immigration control official.

(2) The head of the office or branch office or the head of the foreigner internment camp may entrust any judicial police official to execute a deportation order.

(3) To execute a deportation order, the order shall be presented to the person who is subject to it, and he/she shall be repatriated without delay to the country of repatriation as prescribed in Article 64: *Provided*, That if the captain of the vessel, etc. or the forwarder repatriates him/her under Article 76, the immigration control official may hand over such person to the captain of the vessel, etc. or the forwarder.

■ Article 63 (Internment of Persons Subject to Deportation Orders, or Release from Internment)

(1) If it is impossible to immediately repatriate a person, who is subject to a deportation order, out of the Republic of Korea, the head of the office or branch office or the head of the foreigner internment camp may intern him/her in a foreigner internment room, foreigner internment camp or other place designated by the Minister of Justice until the repatriation is possible.

(2) If it becomes obvious that it is impossible to repatriate the person who is subject to a deportation order for the reasons, such as rejection of entry by the other country, and the like, the head of the office or branch office or the head of the foreigner internment camp may release the person from detention with necessary conditions attached, including restriction on residence.

■ Article 64 (Country of Repatriation)

(1) Any person who receives a deportation order shall be repatriated to the country in which he/she has a nationality or citizenship.

(2) If it is impossible to be repatriated to the country as referred to in paragraph (1), the person may be repatriated to any of the following countries:

1. A country in which he/she resided before he/she entered the Republic of Korea;
2. A country where he/she was born;
3. A country that includes the port at which he/she boarded the vessel, etc. to enter the Republic of Korea; and
4. Other country to which he/she desires to be repatriated.

(3) Notwithstanding the provisions of paragraph (1) or (2), no refugee shall be repatriated to a country that includes the territory in which the deportation or repatriation is prohibited, under Article 33 (1) of the Refugee Agreement: *Provided*, That this shall not apply in case in which the Minister of Justice deems that it might be detrimental to the interest or security of the Republic of Korea.

SECTION 6 Temporary Release from Internment

■ Article 65 (Temporary Release of Internment)

(1) Any person to whom the internment or deportation order is issued, and who is under the internment, his/her guarantor or legal representative, etc., may request a temporary release from the internment to the head of the office or branch office, or the head of the foreigner internment camp under the conditions as prescribed by the Presidential Decree.

(2) In case in which there is a request as referred to in paragraph (1) the head of the office or branch office or the head of the foreigner internment camp may temporarily release the internee from the internment under the deposit of guarantee money not exceeding ten million won and under residence restrictions residence and other necessary conditions, taking into consideration the circumstances of the internee, reason of request for release, assets and other matters.

(3) Procedures for deposit and return of guarantee money as referred to in paragraph (2) shall be determined by the Presidential Decree.

■ Article 66 (Revocation of Temporary Release from Internment)

(1) If a person, who is temporarily released from the internment, has fled, or it is deemed that he/she might flee, or he/she fails to comply with the order to appear without any justifiable reason, or if he/she violates conditions attached to such temporary release, the head of the office or branch office, or the head of the foreigner internment camp may revoke the temporary release from the internment and again take measures to intern the person.

(2) In case in which the head of the office or branch office or the head of the foreigner internment camp revokes the temporary release from the internment under paragraph (1), the head may issue a written revocation of temporary release from internment and revert the whole or part of the guarantee money to the National Treasury.

(3) The procedure for reversion of guarantee money to the National Treasury under paragraph (2) shall be determined by the Presidential Decree.

SECTION 7 Recommendation, etc. for Departure

■ Article 67 (Recommendation for Departure)

(1) If a foreigner sojourning in the Republic of Korea falls under any of the following subparagraphs, the head of the office or branch office may recommend him/her to depart voluntarily from the Republic of Korea:

1. In case he/she has violated the provisions of Articles 17 and 20 through a minor offense;
2. In case he/she has violated this Act or any order issued under this Act, and the Minister of Justice deems it necessary to recommend his/her departure.

(2) The head of the office or branch office, upon making a recommendation of departure under paragraph (1), shall issue a written departure recommendation.

(3) In case where a written departure recommendation is issued under paragraph (2), the departure time-limit may be determined within five days after it is issued.

■ Article 68 (Departure Order)

(1) The head of the office or branch office, or the head of the foreigner internment camp may order any foreigner falling under any of the following subparagraphs to depart from the Republic of Korea:

1. A person who is deemed to fall under any of subparagraphs of Article 46 (1), but desires to depart voluntarily at his/her own expenses;
2. A person who has received a recommendation of departure under Article 67, but fails to comply with it;

3. A person whose various permissions granted under this Act are revoked pursuant to Article 89;

3-2. A person who is deemed proper to be deported after being fined for negligence under Article 100 (1) through (3); or

4. A person, against whom it is deemed proper to take measures requiring his/her departure after a notification disposal being taken as prescribed in Article 102 (1).

(2) The head of the office or branch office or the head of the foreigner internment camp, upon ordering a departure under paragraph (1), shall issue a written departure order.

(3) Upon issuing a written departure order as referred to in paragraph (2), the time-limit of departure shall be determined under the conditions as prescribed by the Ordinance of the Ministry of Justice, and restrictions on residence and other necessary conditions may be imposed.

(4) The head of the office or branch office, or the head of the foreigner internment camp may issue without delay a written deportation order to a person who fails to depart from the Republic of Korea by the designated time-limit even after receiving the departure order, or who violates the conditions imposed under paragraph (3).

CHAPTER VII INSPECTION OF VESSEL, ETC.

■ Article 69 (Inspection and Examination of Vessel, etc.)

(1) Vessel, etc. shall, upon entering or departing from the immigration port, be subject to an inspection by an immigration control official.

(2) If there occurs any cause for the vessel, etc. inevitably to enter or depart from a place other than the immigration port, the captain of the vessel, etc. or the forwarder shall submit in advance to the head of the office or branch office a scheduled entry and departure notice as prescribed in Article 74 with materials explaining the causes of unavoidable entry or departure. The vessel, etc. shall also be subject to an inspection as referred to in paragraph (1): *Provided*, That if there occurs any unexpected accident, such as emergency landing of aircraft, shipwreck, etc., he/she shall report it without delay to the head of the office or branch office and shall be inspected by him/her.

(3) The immigration control official shall, upon making the inspection under paragraph (1) or (2), examine the following matters:

1. Whether or not the crew or passengers meet the eligibility requirements for entry and departure, or they left the vessel, etc.;

2. Whether or not a person attempting to enter or depart from the Republic of Korea in contravention of Acts and subordinate statutes, is aboard the vessel, etc.; and

3. Whether or not there is a person who fails to obtain the permission on embarkation as prescribed in Article 72.

(4) The immigration control official, upon making an inspection and examination under paragraphs (1) through (3), may demand the captain of the vessel, etc. to present the logbook and other necessary documents, or to disclose them for inspection.

(5) In order to establish the identity of the crew, passengers and other entering and departing persons who are aboard the vessel, etc., the immigration control official may question them or demand them to present documents, etc. to certify their status.

(6) The head of the office or branch office may conduct a document examination instead of the inspection of vessel, etc. under the conditions as prescribed by the Ordinance of the Ministry of Justice.

(7) If there occurs an unavoidable cause keeping the vessel, etc. from departing from the port within three hours after the departure inspection is finished, the captain of the vessel, etc. shall report that fact to the head of the office or branch office, and get a new inspection by him/her immediately before the vessel, etc. leaves the port.

■ Article 70 (Inspection and Examination of Vessel, etc. Qualified for Inland Navigation)

If a ship, aircraft or other means of transportation carrying persons or things within the territory of the Republic of Korea (hereinafter referred to as the "vessel, etc. eligible for inland navigation") calls at a port in a foreign country due to special circumstances, such as an unexpected accident, problems on navigation, etc., they shall, upon entering thereafter a port of the Republic of Korea, undergo an entry inspection conducted by the immigration control official under Chapters 7 and 8.

■ Article 71 (Suspension, etc. of Entry and Departure)

(1) If the head of the office or branch office finds any unlawful fact as a result of the examination as prescribed in Article 69 (3), he/she may suspend the departure or entry of any crew or passenger concerned.

(2) The suspension of entry or departure under paragraph (1) shall be limited to the period required for an investigation on such unlawful fact.

(3) If it is required to prohibit or suspend continuously the entry or departure even after the investigation as referred to in paragraph (2) is finished, it shall be required to obtain the decision of the Minister of Justice as prescribed in Article 4, 11 or 29.

(4) If it is deemed necessary for prohibiting or suspending the departure of any passenger or crew under paragraph (1), Article 4 or 29, the head of the office or branch office may order the vessel, etc. to suspend temporarily the departure from port or return to the port, or to restrict the passenger's or crew's entry and departure from the vessel, etc.

(5) If the head of the office or branch office orders the vessel, etc. to suspend temporarily its departure or return, or restricts its entry, under paragraph (4), he/she shall notify it without delay to the captain of the vessel, etc. or the forwarder. This provision shall also apply in case he/she releases such order on temporary suspension of entry or return, or restriction on entry.

(6) The temporary suspension, etc. of departure of the vessel, etc. from port under paragraph (4) shall be made only within the minimum scope necessary for carrying out official duties.

■ Article 72 (Permission on Embarkation)

(1) If the crew and passengers of the vessel, etc. being moored at an immigration port or place other than the immigration port, or any person other than those permitted to enter pursuant to the provisions of other Acts and subordinate statutes, desire to enter the vessel, etc., they shall obtain the permission of the head of the office or branch office on the embarkation.

(2) The provisions of paragraph (1) shall also apply in case any person other than the immigration control official desires to enter the immigration inspection place.

CHAPTER VIII RESPONSIBILITIES OF THE CAPTAIN OF VESSEL, ETC. AND THE FORWARDER

■ Article 73 (General Obligations of the Forwarder, etc.)

The Captain of a vessel, etc. or the forwarder shall comply with each requirement given in the following subparagraphs:

1. To prevent a person's entry or landing without entry or landing permission;
2. To prevent a person from embarking without a valid passport or seaman's pocketbook, and necessary visa;
3. To prevent embarkation of persons without permission to embark or of persons who did not receive departure examination;
4. To provide security guards requested by immigration control officials to prevent entry, landing, or embarkation as provided for in subparagraphs (1) through (3);
5. To search the inside of a vessel, etc. to determine whether or not a person is hiding in it while trying to enter or leave the Republic of Korea in contravention of this Acts;
6. To prohibit unauthorized entry or departure from the vessel, etc. before completion of the inspection of the vessel, etc. and the entry or departure examination;
7. To prevent the crews' or passengers' embarkation or disembarkation during the interval from the time of the inspection of the vessel, etc. and entry or departure examination to the time the vessel, etc. leaves port; or

8. Other matters as appear to immigration control officials to be especially necessary for carrying out their functions and duties in inspecting the vessel, etc. and conducting the entry or departure examinations.

■ Article 74 (Obligation of Prior Notification)

In case a vessel, etc. enters and departs from an immigration port, the captain of the vessel, etc. or the forwarder shall submit in advance to the head of the office or branch office a scheduled entry and departure notice specifying the scheduled entry and departure date and time and other necessary matters: *Provided*, That if any unexpected accident occurs, such as an emergency landing of the aircraft, a shipwreck, etc., the captain of the vessel, etc. or the forwarder shall notify without delay the head of office or branch office.

■ Article 75 (Obligation to Report)

(1) The captain of the vessel, etc. or the forwarder entering and departing from an immigration port or any other place, shall present to the head of the office or branch office a report on the entry and departure with the crew and passenger list.

(2) If the captain of the vessel, etc. or the forwarder entering and departing from the immigration port or other place, comes to the knowledge that a person who does not hold a passport or seaman's pocketbook is aboard the vessel, etc., he/she shall report such fact without delay to the head of the office or branch office and prevent the person from landing.

(3) The captain of the vessel, etc. or the forwarder departing from an immigration port or place other than the immigration port, shall report to the head of the office or branch office whether or not the crew has returned to the ship, or there is any person who attempts to depart from the Republic of Korea without passing through the due departure procedure.

■ Article 76 (Obligation to Repatriate)

The captain or the forwarder of the vessel, etc. where any of the following foreigners has been aboard, shall repatriate the foreigner without delay out of the Republic of Korea at their expense and responsibility:

1. A person who fails to meet the requirements as prescribed in Article 7 (1) through (4) or 10 (1);
2. A person whose entry is prohibited or refused under Article 11;
3. A person whose entry is not permitted by any cause attributable to the captain of the vessel, etc. or the forwarder under Article 12 (4);
4. A person who is a member of the crew who has landed pursuant to Article 14, but fails to return to the ship until the vessel, etc. departs from the port; and

5. A person who falls under subparagraph 5 or 6 of Article 46 (1), and receives the deportation order.

CHAPTER VIII-2 RECOGNITION,

ETC. OF REFUGEES

■ Article 76-2 (Recognition of Refugees)

(1) When a foreigner staying in the Republic of Korea applies for recognition of refugee status under the conditions as prescribed by the Presidential Decree, the Minister of Justice may recognize the foreigner as a refugee.

(2) The application as referred to in paragraph (1) shall be made within one year after the foreigner lands or enters the Republic of Korea (if he/she becomes a refugee during his/her sojourn in the Republic of Korea, the day on which he/she knows the fact), except in case he/she is ill, or there is any unavoidable reason.

(3) When the Minister of Justice has recognized a foreigner as a refugee under paragraph (1), he/she shall deliver a refugee recognition certificate to the foreigner, and if not, notify in writing him/her of the reason for refusal.

(4) The procedure of examination on a recognition of refugee under paragraph (1), and other necessary matters, shall be determined by the Presidential Decree.

■ Article 76-3 (Cancellation of Recognition of Refugee)

(1) If a person who is recognized as a refugee under Article 76-2 (1), falls under Article 1 C (1) through (6) or 1 F (a) through (c) of the Refugee Agreement, the Minister of Justice may cancel the recognition of the refugee.

(2) The Minister of Justice, upon cancelling a recognition of a refugee under paragraph (1) shall notify the foreigner in writing.

■ Article 76-4 (Objection)

Any person who has made an application for a recognition of refugee under Article 76-2 (1), but fails to be recognized as refugee, or whose recognition of refugee was cancelled pursuant to Article 76-3 (1), may make an objection against the Minister of Justice within seven days after he/she is informed of the fact, under the conditions as prescribed by the Presidential Decree. In this case, he/she may not raise an administrative appeal under the Administrative Appeals Act.

■ Article 76-5 (Refugee Travel Certificate)

(1) If a person who has been recognized as refugee under Article 76-2 (1) desires to depart from the Republic of Korea, the Minister of Justice shall issue, upon his/her request, a refugee travel

certificate under the conditions as prescribed by the Presidential Decree, except in case his/her departure is deemed detrimental to the interest or security of the Republic of Korea.

(2) The validity term of the refugee travel certificate as referred to in paragraph (1) shall be one year.

(3) Any person who has a refugee travel certificate issued under paragraph (1), may enter, or depart from the Republic of Korea during the validity term of such certificate. In this case, if he/she enters the Republic of Korea, he/she need not obtain permission to reenter as prescribed in Article 30.

(4) In the case as referred to in paragraph (3), if it is deemed necessary in particular, the Minister of Justice may limit the reentry period between three months to one year.

(5) If a person who has departed from the Republic of Korea with a refugee travel certificate issued under paragraph (1) is unable to reenter the Republic of Korea within the validity term of such certificate due to any disease or by other inevitable reason, the Minister of Justice may permit upon his/her request an extension of the validity term to the extent not exceeding six months.

(6) The Minister of Justice may delegate the authority to permit an extension of the validity term as referred to in paragraph (5), to the head of the diplomatic mission abroad under the conditions as prescribed by the Presidential Decree.

■ Article 76-6 (Return of Refugee Recognition Certificate, etc.)

(1) If a person who has been recognized as a refugee under Article 76-2 (1), falls under any of the following subparagraphs, he/she shall return without delay the refugee recognition or travel certificate which he/she holds, to the head of the office or branch office:

1. In case he/she receives a written deportation order under Article 59 (2), 68 (4), or 85 (1);
2. In case he/she receives a notification that the objection against the deportation order is groundless under Article 60 (5); and
3. In case he/she receives a notification that the recognition of refugee is cancelled pursuant to Article 76-3 (2).

(2) If the Minister of Justice deems that a person, who has a refugee travel certificate issued under Article 76-5 (1), might commit any act detrimental to the interest or security of the Republic of Korea, the Minister may order the person to return the refugee travel certificate within a fixed period not exceeding fourteen days.

(3) The refugee travel certificate which is returned under paragraph (2) shall lose its effect at the time it is returned, and if it is not returned by the designated time limit, at the time such time limit expires, respectively.

■ **Article 76-7 (Special Case of Permission on Sojourn of Refugee)**

In case a person who has been recognized as a refugee makes an objection in accordance with Article 60 (1), even if it does not fall under any of the causes as prescribed in Article 61 (1), and it is deemed groundless, the Minister of Justice may permit his/her sojourn. In this case, the provisions of Article 61 (2) shall apply mutatis mutandis.

CHAPTER IX SUPPLEMENTARY PROVISIONS

■ **Article 77 (Carrying and Use of Arms, etc.)**

(1) If it is required for performing his duties, the immigration control official may carry himself arms, etc. (referring to the equipment, outfit, sprayer, arms as stipulated in Articles 10 through 10-4 of the Act on the Performance of Duties by Police Officers, and hereinafter referred to as the "arms, etc.").

(2) The immigration control official may use arms, etc. according to the provisions of Articles 10 through 10-4 of the Act on the Performance of Duties by Police Officers.

■ **Article 78 (Cooperation of Relevant Agencies)**

(1) If it is required for conducting any investigation as prescribed in Article 47, or investigation on a recognition, etc. of a refugee or an immigration offense prescribed in Article 80, the immigration control official may request any relevant agency or organization to present materials or to cooperate in investigation on fact, etc.

(2) The relevant agency or organization shall, upon receiving a request for cooperation under paragraph (1), not refuse it without any justifiable reason.

■ **Article 79 (Person Responsible for Application, etc. for Permission)**

In case a person falling under any of the following subparagraphs is under seventeen years of age and fails to make an application for permission, etc., his/her parents or other person who is prescribed by the Presidential Decree, shall make such application for his/her place:

1. A person who is required to obtain a permission for the activities other than status of sojourn under Article 20;

1-2. A person who is required to obtain status of sojourn under Article 23;

2. A person who is required to obtain permission for change of status of sojourn under Article 24;

3. A person who is required to obtain permission to extend his/her sojourn period under Article 25;

4. A person who is required to make a foreigner registration under Article 31;

5. A person who is required to make a report on a change in the foreigner registration matters under Article 35; and

6. A person who is required to make a report on change of sojourn place under Article 36.

■ Article 80 (Investigation of Facts)

(1) In order to make any report or registration under this Act to be accurate, the immigration control official or competent public official may conduct a fact-finding, if there is considerable reason to suspect that the contents of report or registration as prescribed in Articles 19, 31, 35, and 36 are different from the fact.

(2) If it is deemed necessary for the issue of a visa issuance certificate as prescribed in Article 9, the recognition of a refugee as prescribed in Article 76-2 or the cancellation of the recognition of a refugee as prescribed in Article 76-3, the Minister of Justice may have an immigration control official conduct a fact-finding.

(3) If it is required to conduct the investigation for fact-finding as referred to in paragraph (1) or (2), any person who has made a report, registration or application under paragraph (1) or (2), or other interested person, may be obliged to appear and answer any question, or to present documents and other materials.

■ Article 81 (Investigation of Foreigner State of Things by Immigration Control Officials, etc.)

(1) In order to investigate whether or not any foreigner sojourns lawfully in accordance with this Act or any order issued under this Act, the immigration control officials or public officials belonging to related agencies as determined by the Presidential Decree may visit the foreigner, the foreigner's employer, representative of the organization to which the foreigner belongs or foreigner's work place, or those who provide the foreigner with accommodation, and to ask them any question or demand them to present other necessary materials.

(2) No person who is asked any question or is demanded to present materials under paragraph (1), shall refuse it without any justifiable reason.

■ Article 82 (Carrying and Presentation of Certificate)

The immigration control official or competent public official shall carry himself a certificate indicating his/her authority, and show it to any interested person, in case he/she carries out the following duties:

1. Inspection on residence or things, or demanding to present documents and other things pursuant to Article 50;
2. Inspection and examination under Articles 69 and 70;
3. Asking questions or demanding other necessary materials pursuant to Articles 80 and 81; and

4. Other duties as referred to in subparagraphs 1 through 3.

■ **Article 83 (Report on Immigration Offender)**

Any person who finds a person suspected of violating this Act, may report the fact to an immigration control official.

■ **Article 84 (Obligation of Notification)**

(1) If any public official of the state or local government finds, in the course of carrying out his/her duties, a person falling under any of subparagraphs of Article 46 (1), or a person deemed to be in contravention of this Act, the official shall without delay inform the head of the office or branch office or the head of the foreigner internment camp.

(2) If a foreigner falling under paragraph (1) who has been subject to execution of a penalty, is released by termination of his prison term, suspension of execution of sentence or by other reason, or a foreigner who has been interned under a disposition of protective or medical internment, is released from the internment camp, or a foreigner who has been interned in a juvenile reformatory under the Juvenile Act, is released from such reformatory, the head of the prison, juvenile prison, detention house and its branch, protective or medical internment camp, or juvenile reformatory shall without delay inform the head of the office or branch office, or the head of the foreigner internment camp.

■ **Article 85 (Relation to Penal Procedure)**

(1) Even when a foreigner falling under any of subparagraphs of Article 46 (1) is subject to execution of a sentence, the head of the office or branch office, or the head of the foreigner internment camp may take a procedure of deportation.

(2) In the case as referred to in paragraph (1), if a written deportation order is issued, it shall be executed after the execution of a sentence against the foreigner is terminated: *Provided*, That if the director of the district public prosecutor's office having jurisdiction over the present place of the foreigner permits it, the written deportation order may be executed even before the execution of sentence is terminated.

■ **Article 86 (Delivery of Person)**

(1) When a public prosecutor makes a disposition not to indict an arrested suspect to whom a written deportation order has been issued, he/she shall hand him/her over to an immigration control official.

(2) If a written deportation order is issued to a foreigner who is reported to the head of the office or branch office or the head of a foreigner internment camp under Article 84 (2), the head of the prison, juvenile prison, detention house and its branch, protective or medical internment camp, or

juvenile reformatory shall hand him over to an immigration control official at the same time he is released from such institution.

■ **Article 87 (Immigration Control Fee)**

(1) Any person who obtains permission, etc. under this Act shall pay a fee as determined by the Ordinance of the Ministry of Justice.

(2) If it is deemed necessary in the light of international practices or reciprocity principles and other reasons as prescribed by the Ordinance of the Ministry of Justice, the Minister of Justice may exempt the fee as referred to in paragraph (1), and if an agreement, etc. includes separate provisions concerning the fee, he shall comply with the provisions.

■ **Article 88 (Issue of Fact-Certification)**

(1) The head of the office or branch office may issue a fact-certification on entry and departure from the Republic of Korea, to a person who has ever been departed from or entered the Republic of Korea according to the procedures as prescribed by this Act, under the conditions as prescribed by the Ordinance of the Ministry of Justice.

(2) The head of the office or branch office, or the head of *Shi/Kun/Ku* may, under the conditions as prescribed by the Ordinance of the Ministry of Justice, issue a fact-certification on foreigner registration to a foreigner who has made a foreigner registration according to the procedures as prescribed by this Act.

[This Article Wholly Amended by Act No. 6540, Dec. 29, 2001]

■ **88-2 (Relation Between Foreigner Registration Certificates, etc. and Resident Registration Card, etc.)**

(1) In the event that any resident registration card, or certified copy or the abridged copy of any resident registration certificate is required to execute various procedures and transactions, etc. provided for in Acts and subordinate statutes, any foreigner registration certificate or any certificate attesting the fact of foreigner registration shall substitute.

(2) Any foreigner registration and any report on a change of sojourn place under this Act shall substitute any resident registration and any moving-in report.

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ **Article 89 (Revocation and Alteration of Various Permission, etc.)**

(1) If a foreigner falls under any of the following subparagraphs, the Minister of Justice may revoke or alter the issue of visa under Article 8, the issuance of certificate of confirmation on the issuance of visa pursuant to the provisions of Article 9, permission of entry pursuant to the

provisions of Article 12 (3), permission on conditional entry under Article 13, permission on landing under Article 14 or permission, etc. on sojourn under Articles 20, 21, 23 through 25:

1. In case the guarantor withdraws his/her fidelity guarantee or there is no guarantor;
2. In case it is found that the permission, etc. is obtained by a deceitful or other unlawful way;
3. In case the conditions of permission are violated;
4. In case any alteration of circumstances raises a grave cause to maintain no longer the permitted conditions; or
5. In case the degree of violation against this Act or other Acts is serious, or any *ex officio* order issued by the immigration control official is violated.

(2) If it is deemed necessary for the revocation or alteration of permission, etc. under paragraph (1), the Minister of Justice may have the foreigner concerned or the applicant as prescribed in Article 79 appear and hear from him/her.

(3) In the case as referred to in paragraph (2), the Minister of Justice shall notify the foreigner or applicant of the reason why the revocation or alteration is made, and the date, time and place of appearance not later than seven days before the date of appearance.

■ Article 90 (Fidelity Guarantee)

(1) If it is deemed necessary in connection with the issuance of a visa or certificate of confirmation on the issuance of a visa, permission to enter, permission on conditional entry or various sojourns, internment or handing over of immigration offenders, etc., the Minister of Justice may have the inviter or other related person stand guarantee for such foreigner (hereinafter referred to as a "guaranteed foreigner").

(2) The Minister of Justice may have a person agreeing to subscribe to fidelity bond (hereinafter referred to as a "guarantor of fidelity bond") for a guaranteed foreigner under paragraph (1), bear the whole or part of the expenses needed for the foreigner's sojourn, internment and departure from the Republic of Korea.

(3) In case expenses are defrayed out of moneys provided by the National Treasury because a guarantor of fidelity bond fails to pay such expenses imposed in pursuance of the provisions of paragraph(2) above, the Minister of Justice may have the guarantor of fidelity bond provide an indemnity against such expenses.

(4) In case the Minister of Justice deems a guarantor of fidelity bond is likely to fail to pay such expenses as provided for in the provisions of paragraph (2), or in case he/she deems it is impossible to achieve expected purposes only by the subscription to fidelity bond, he/she may have the guarantor of fidelity bond deposit the amount of money not exceeding 3 million won per guaranteed foreigner.

(5) The qualifications for a guarantor of a fidelity bond, period of guarantee and other matters necessary for the fidelity guarantee shall be determined by the Ordinance of the Ministry of Justice.

■ Article 90-2 (Liability for Expenses in Connection with Removal of Unlawfully Employed Foreigners)

(1) The Minister of Justice may impose the whole or part of the expenses incurred in connection with the removal of a foreigner from the Republic of Korea on a person who employed the foreigner without status of sojourn eligible for employment (hereinafter referred to as an "unlawful employer").

(2) Where expenses are defrayed out of moneys provided by the National Treasury because an unlawful employer fails to pay such expenses imposed in pursuance of the provisions of paragraph(1), the Minister of Justice may require the unlawful employer to indemnify the National Treasury for such expenses.

■ Article 91 (Delivery of Documents, etc.)

(1) Except as otherwise provided for in this Act, documents, etc. shall be delivered personally or by mail to the person concerned, his/her family, guarantor, or head of the organization to which he/she belongs, in that order.

(2) If it is deemed impossible to deliver documents, etc. pursuant to the provisions of paragraph (1), the head of the office or branch office or the head of the foreigner internment camp shall keep the documents, etc. to be delivered, and provide public notice by posting the reason for nondelivery on the bulletin board in the office building.

(3) The public notice by posting as referred to in paragraph (2) shall take effect at the expiration of fourteen days after such notice is posted.

■ Article 92 (Delegation of Authority)

(1) The Minister of Justice may delegate part of his/her authority vested under this Act to the head of the office or branch office, or the head of the foreigner internment camp under the conditions as prescribed by the Presidential Decree.

(2) The head of the *Shi/Kun/Ku* may delegate part of his/her authority vested under this Act to the head of the *Ku* (limited only to the *Ku* which is not an autonomous *Ku*) *Eup/Myon/Dong* or branch office under the conditions as prescribed by the Presidential Decree.

■ Article 93 (Procedure for Travel between South and North Korea)

(1) If a national who resides south of the Military Demarcation Line (hereinafter referred to as "South Korea") or in a foreign country, enters or departs from the Republic of Korea through the area north of the Military Demarcation Line (hereinafter referred to as "North Korea"), he/she

shall undergo an immigration inspection before he/she goes to North Korea from South Korea, or after he/she comes to South Korea from North Korea.

(2) With respect to the procedure for travel of any foreigner between South Korea and North Korea, the provisions of this Act concerning the procedure for immigration shall be applicable, except for the case as separately prescribed by the Minister of Justice.

(3) If a foreigner enters or departs from the Republic of Korea through the North Korea, he/she shall be subject to the provisions of this Act concerning the procedure of immigration.

(4) Matters necessary for enforcement of paragraphs (1) through (3) shall be determined by the Presidential Decree.

CHAPTER X PENAL PROVISIONS

■ Article 93-2 (Penal Provisions)

Any person who falls under any of the following subparagraphs and has acted for the profit of his own shall be punished by imprisonment with prison labor or without prison labor for not more than 7 years, or by a fine not exceeding 50 million won:

1. Person who has illegally allowed a group of foreigners subject to the entry inspection required under the provisions of Article 12 (1) or (2) to enter the Republic of Korea or arranged their illegal entry into the Republic of Korea;
2. Person who has provisioned or arranged any ship, etc. for the purpose of getting a group of foreigners to illegally enter the Republic of Korea or to illegally depart from the Republic of Korea in violation of the provisions of Article 12-2 (1); and
3. Person who has provisioned or arranged any ship, etc. for the purpose of helping a group of foreigners who have illegally entered the Republic of Korea hide out or evade their arrest in the country in violation of the provisions of Article 12-2 (2).

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ Article 93-3 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor or without prison labor for not more than 5 years or by a fine not exceeding 30 million won:

1. Person who has entered the Republic of Korea without getting through entry inspection in violation of the provisions of Article 12 (1) or (2); and
2. Person who has committed the offense specified in each subparagraph of Article 93-2 (excluding any person who has committed such offence for the profit of his own).

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ **Article 94 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment with or without prison labor for not more than three years or a fine not exceeding twenty million won:

1. A person who departs from the Republic of Korea without undergoing the departure examination in contravention of the provisions of Article 3 (1);
2. A person who has entered the Republic of Korea in violation of the provisions of Article 7 (1) or (4);
- 2-2. A person who has violated the provisions of Article 12-2 and does not fall under the provisions of Article 93-2 or Article 93-3;
- 2-3. A person who violates the provisions of Article 7-2;
3. A person who lands without obtaining permission as prescribed in Article 14 (1);
4. A person who violates the conditions as prescribed in Article 14 (2);
5. A person who violates the provisions of Articles 17(1), 18(1) and (5) and 20;
- 5-2. A person who violates the provisions of Article 18 (3);
6. A person who mediates or solicits as a business the employment of foreigners who have no sojourn eligibility to work, in contravention of the provisions of Article 18 (4);
- 6-2. A person who mediates as a business the employment of foreigners who fail to obtain permission to change or add a work place, in contravention of the provisions of Article 21 (2);
7. A person who violates the restriction, etc. as prescribed in Article 22;
8. A person who violates the provisions of Article 23, 24 or 25;
9. A person who has departed from the Republic of Korea in contravention of the provisions of Article 28 (1) or (2);
- 9-2. A person who has violated the provisions of Article 33-2; and
10. A person who violates the provisions of Article 69 or 70.

■ **Article 95 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment with or without prison labor for not more than one year or a fine not exceeding five million won:

1. A person who has entered the Republic of Korea without undergoing the entry examination in contravention of the provisions of Article 6 (1);
2. A person who violates the conditions as prescribed in Article 13 (2);
3. A person who has landed without obtaining the permission as prescribed in Article 15 (1), 16 (1) or 16-2 (1);
4. A person who violates the conditions as prescribed in Article 15 (2), 16 (2) or 16-2 (2);
5. A person who violates the provisions of Article 18 (2) or 21 (1);
6. Deleted;
- 6-2. A person who employs any foreigner who fails to obtain the permission on the change or addition of work place, in contravention of the provisions of Article 21 (2);
7. A person who violates the provisions of Article 31;
8. A person who has been interned under Article 51 (1), (3), 56 or 63 (1), and has fled;
9. A person who violates the conditions as prescribed in Article 63 (2); and
10. A person who obtains the recognition of refugee as prescribed in Article 76-2 (1) by a deceitful or other unlawful way.

■ **Article 96 Deleted.**

■ **Article 97 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding three million won:

1. A person who violates the order or restriction as prescribed in Article 71 (4);
2. A person who violates the provisions of Article 72;
3. A person who fails to comply with the provisions of Article 73 without reasonable grounds;
4. A person who violates the provisions of Article 74, 75 or 76; and

5. A person who violates the provisions of Article 76-6 (1), or an order issued under paragraph (2) of the said Article.

■ Article 98 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding one million won:

1. A person who mediates or solicits an employment of any foreigner having no status of sojourn by which he/she is entitled to work (excluding a person who does so as a business), in contravention of the provisions of Article 18 (4);

1-2. A person who mediates(excluding persons who do so as a business) foreigners who fail to obtain the permission to change or add a work place, in contravention of the provisions of Article 21 (2);

2. A person who violates the provisions of Article 27; and

3. A person who violates the provisions of Article 36 (1).

4. and 5. Deleted.

■ Article 99 (Person Guilty of Attempt to Commit Crime, etc.)

(1) A person who plans or conspires to commit a crime falling under Article 93-2, Article 93-3 and subparagraphs 1, 2, 2-2 and 9 of Article 94 or subparagraph 1 of Article 95 or a person who is guilty of an attempt to commit such a crime shall be punished as if he committed the respective principal crimes.

(2) A person who aids and abets activities as falling under the provisions of paragraph (1) shall be punished as if he/she is a principal.

■ Article 99-2 (Exemption of Refugee from Punishment)

In case a person who falls under any of subparagraph 1 of Article 93-3 and subparagraph 2, 3, 4 or 8 of Article 94, or subparagraph 3 or 4 of Article 95, reports directly to the head of the office or branch office, without delay after committing an offense, the fact that he/she is a refugee who has entered or landed in the Republic of Korea from a territory where he/she feared that his/her life, body or physical freedom might have been infringed for the reason as prescribed in Article 1 (2) of the Refugee Agreement, and he/she has committed the offense due to such fear, and if the fact is established, he/she shall be exempted from the punishment.

[This Article Newly Inserted by Act No. 4592, Dec. 10, 1993]

■ Article 100 (Fine for Negligence)

(1) Any person who violates the provisions of Article 19, shall be punished by a fine for negligence not exceeding two million won.

(2) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding one million won:

1. A person who violates the provisions of Article 35 or 37;
2. A person who violates the provisions of Article 79; and
3. A person who refuses or evades a demand by an immigration control official to present books or materials under Article 81 (2).

(3) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding five hundred thousand won:

1. A person who violates the provisions of Article 33 (2); and
2. A person who enters or reports any false fact in various applications or reports as prescribed by this Act.

(4) The fine for negligence as referred to in paragraphs (1) through (3) shall be imposed and collected by the head of the office or branch office under the conditions as prescribed by the Presidential Decree.

(5) Any person who object to the disposition of fine for negligence as referred to in paragraph (4), may make an objection against the head of the office or branch office within thirty days after he/she get the knowledge of such disposition.

(6) If a person who is subject to a disposition of fine for negligence under paragraph (4), has made an objection under paragraph (5), the head of the office or branch office shall notify it without delay to the competent court, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(7) If no objection is made, and no fine for negligence is paid, in the period as referred to in paragraph (5), it shall be collected in accordance with procedures for collecting national taxes in arrears.

CHAPTER XI ACCUSATION

AND DISPOSITION OF NOTICE

SECTION 1 Accusation

■ Article 101 (Accusation)

(1) With respect to any offense regarding immigration, no public action shall be instituted without an accusation of the head of the office or branch office or the head of the foreigner internment camp.

(2) If a criminal investigation agency other than the immigration control official has booked for any case falling under the text of paragraph (1), it shall without delay hand the case over to the head of the office or branch office or the head of the foreigner internment camp.

SECTION 2 Disposition of Notice

■ Article 102 (Disposition of Notice)

(1) When the head of the office or branch office, or the head of the foreigner internment camp secures a positive evidence on a crime as a result of investigation on an immigration offender, he/she may give him/her a notice to pay an amount equivalent to the fine (hereinafter referred to as "penalty") at a designated place by papers specifying the reason thereof.

(2) If a person who is subject to a disposition of notice as referred to in paragraph (1), desires to pay provisionally the penalty, the head of the office or branch office, or the head of the foreigner internment camp may allow him/her to do so.

(3) If it is deemed as a result of an investigation, that the circumstances of crimes are recognized to be sentenced to the punishment heavier than imprisonment without prison labor, the head of the office or branch office, or the head of the foreigner internment camp shall immediately bring an accusation.

(4) The provisions of Articles 47 through 50 shall be apply mutatis muntandis to the case of investigation against any immigration offender. In this case, the verbal suspect interrogation record shall be considered as the verbal suspect interrogation record as prescribed in Article 244 of the Criminal Procedure Act.

■ Article 103 (Criteria, etc. for Determination of Penalty)

(1) The criteria for determination of the penalty as prescribed in Article 102 (1) shall be determined by the Ordinance of the Ministry of Justice.

(2) The Minister of Justice may exempt any immigration offender from the disposition of notice as prescribed in Article 102 (1) taking into consideration his/her age and background, motive and consequence of the offense, penalty-bearing capacity, and other circumstances.

■ Article 104 (Method for Notification of Disposition of Notice)

The notification of a disposition of notice shall be made through a service of written notice.

■ Article 105 (Non-Fulfillment of Noticed Disposition and Accusation)

(1) When an immigration offender has a written notice served, he/she shall pay the penalty within ten days.

(2) If the immigration offender fails to pay the penalty in the period as referred to in paragraph (1), the head of the office or branch office, or the head of the foreigner internment camp shall bring an accusation against him, except in case where he/she pays it prior to the accusation.

(3) Notwithstanding the provisions of the text of paragraph (2), if a written deportation order is issued against the immigration offender, no accusation shall be brought.

■ Article 106 (Prohibition against Double Jeopardy)

When an immigration offender has paid the penalty as noticed, he/she shall not be punished for the same violation.

ADDENDA

■ Article 1 (Enforcement Date)

This Act shall enter into force on April 1, 1993.

■ Article 2 (Transitional Measures concerning Visa Issuance Certificate, etc.)

(1) Any visa issuance certificate issued at the time of the enforcement of this Act shall be considered as that issued under this Act.

(2) Any person who has reported a change of work place under the previous provisions of Article 29 at the time this Act enters into force shall be considered to have obtained permission to change and add a working place under this Act.

■ Article 3 (Transitional Measures concerning Foreigner Registration)

(1) Any foreigner registration made with the head of the *Shi/Ku/Eup/Myon* pursuant to the previous provisions at the time this Act enters into force, shall be considered as made under this Act.

(2) Any residence report certificate issued pursuant to the previous provisions at the time this Act enters into force, shall be considered as a foreigner registration certificate issued under this Act until the certificate is returned or renewed, but the residence report certificate issued pursuant to the previous provisions shall be renewed when various permissions or reports related to the sojourn are granted or made for the first time after this Act enters into force.

(3) Any foreigner registration card prepared pursuant to the previous provisions at the time this Act enters into force, shall be considered as a foreigner registration card as prescribed by this Act.

■ **Article 4 (Transitional Measures concerning Foreigner Internment, etc.)**

(1) Any foreigner detention place and camp installed pursuant to the previous provisions at the time this Act enters into force shall be considered as a foreigner internment room and camp as prescribed by this Act.

(2) Any detention as prescribed by the previous provisions at the time this Act enters into force shall be considered as an internment as prescribed by this Act.

(3) Any detention order, departure recommendation and revocation of temporary release from detention made pursuant to the previous provisions at the time this Act enters into force shall be considered as an internment order, departure order and revocation of temporary release from internment.

■ **Article 5 (Transitional Measures concerning Penal Provisions)**

In applying the penal provisions to any act committed before this Act enters into force, the previous provisions shall prevail, but if the penal provisions as prescribed by this Act are lighter than those as prescribed by the former Act, the provisions of this Act shall be applied.

■ **Article 6 (Revision of Other Acts)**

(1) through (3) Omitted.

(4) In case where the provisions of the Immigration Control Act are cited in other Acts other than paragraphs (1) through (3), if this Act includes the provisions corresponding to the cited provisions, the corresponding provisions of this Act shall be considered to have been cited in lieu of the previous provisions.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 1994.

(2) (Transitional Measures) In applying the penal provisions to any act committed before this Act enters into force, the previous provisions shall apply.

(3) Omitted.

ADDENDA

■ **Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1995.

■ **Articles 2 through 4 Omitted.**

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 1997.

(2) (Examples of Application as to Landing Permits Issued to the Crew) The amended provisions of Article 14 (4) shall apply to landing permits which are issued to a member of the crew for the first time after this Act enters into force.

(3) (Transitional Measures as to Permission on Extension of Sojourn Period) After this Act enters into force, a person whose sojourn period was extended in accordance with the previous provisions of this Act shall be deemed to have been given an extended sojourn period under the amended provisions of Article 25.

ADDENDUM

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

ADDENDUM

This Act shall enter into force on March 1, 1999.

ADDENDUM

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

ADDENDUM

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

INTRODUCTION

Details of Enactment and Amendment

● **Enactment:** Because at that time the Acts relating to Entry, Exit and Registration of Foreigners lacked provisions for entry and exit of the nationals of the Republic of Korea, and the details relating to a system of temporary landing as well as the responsibilities of the captains of ships, etc. and transportation business operators entering into or exiting from the Republic of Korea were insufficient, this Act was enacted on March 5, 1963 as Act No. 1289 in order to improve these matters.

● **Amendment:** This Act has arrived at its present form as the result of being amended twelve times, and the latest amendment was on December 5, 2002.

Main Contents

- Details concerning immigration control for all Korean nationals and foreigners entering into the Republic of Korea or exiting from the Republic of Korea, control of the sojourn of foreigners staying in the Republic of Korea, and procedures for recognition of refugees, etc. are provided.
- A foreigner who fails to meet the entry requirements, such as possession of a valid passport or visa, due to an unavoidable circumstance may be granted provisional permission for entry, with such conditions as restrictions on residence attached thereto, while the decision as to whether the entry shall be permitted is being made.
- Details concerning entries and exits by South Korean residents via North Korea and entries or foreigners' travel between South and North Korea and entries and exits via North Korea are provided.
- When a foreigner on board a ship, etc. escapes from a territory where he fears violation of his bodily freedom, etc. for reasons prescribed in Article 1 of the Refugee Agreement and requests the Republic of Korea for protection, landing may be permitted within the limit of ninety days.
- In order to prevent unlawful employment of foreigners and to establish their orderly sojourns in Korea, unlawful employers shall be punished.
- The duty of the government to take the necessary measures for protection of foreign industrial trainees is prescribed.
- In order to reinforce the function of regulating foreigners who are staying in Korea illegally, in addition to the immigration control officials, public officials belonging under the relevant agencies are also granted an investigative authority.

Wholly Amended by Dec. 8, 1992 Act No. 4522

Amended by Dec. 10, 1993 Act No. 4592

Dec. 22, 1994 Act No. 4796

Dec. 12, 1996 Act No. 5176

Dec. 13, 1997 Act No. 5434

Feb. 5, 1999 Act No. 5755

Dec. 29, 2001 Act No. 6540

CHAPTER I GENERAL PROVISIONS

■ Article 1 (Purpose)

The purpose of this Act is to provide for matters concerning control over the immigration of all nationals and foreigners entering or departing from the Republic of Korea, control over the sojourn of foreigners staying in the Republic of Korea, and the procedure for recognition of refugees, etc.

■ Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term "national" means a national of the Republic of Korea;
2. The term "foreigner" means any person who does not have a nationality of the Republic of Korea;
- 2-2. The term "refugee" means a person to whom the Convention relating to the Status of Refugees (hereinafter referred to as the "Refugee Agreement") applies under Article 1 of the Refugee Agreement and Article 1 of the Protocol relating to the Status of Refugees;
3. The term "passport" means a passport or refugee travel certificate issued by the Government of the Republic of Korea, any foreign government or competent international organization, or any other certificate equivalent to a passport and which the Government of the Republic of Korea acknowledges valid;
4. The term "seaman's pocketbook" means a document certifying that the person holding it is a seaman, which is issued by the Government of the Republic of Korea or a foreign government, and is corresponding to a passport;
5. The term "entry and departure port" means a harbor, airport or other place in the Republic of Korea, through which any person may enter or depart from the Republic of Korea, and which is prescribed by the Presidential Decree;
6. The term "head of a diplomatic mission abroad" means ambassador, minister, consul-general or consul of the Republic of Korea residing in a foreign country, or head of organizations carrying out the consular affairs;
7. Deleted;
8. The term "vessels, etc." means ships, airplanes, trains, automobiles and other transportation means which transport persons or things between the Republic of Korea and any area outside the Republic of Korea;

9. The term "crew" means persons who perform their duties on the vessel, etc.;
10. The term "forwarder" means a person who operates any business using the vessel, etc., and a person who executes vicariously any transaction belonging to the forwarder's business on behalf of the forwarder;
11. The term "foreigner internment room" means a place provided at the Immigration Control Office or its branch office for the purpose of detaining foreigners under this Act;
12. The term "foreigner internment camp" means facilities installed for the purpose of detaining foreigners under this Act, and prescribed by the Presidential Decree; and
13. The term "immigration offender" means a person who is deemed to have committed any of offenses as prescribed in Articles 93-2, 93-3, 94 through 99, 99-2 and 100.

CHAPTER II ENTRY AND DEPARTURE

OF NATIONALS TO AND FROM KOREA

■ Article 3 (Departure of National from Korea)

(1) Any national who desires to depart from the Republic of Korea to an area outside the Republic of Korea (hereinafter referred to as "departure"), shall hold a valid passport or seaman's pocketbook and undergo a departure inspection conducted by the immigration control official at the entry and departure port from which the national is to depart: *Provided*, That if it is impossible to depart from the entry and departure port by any inevitable reason, he/she may depart after undergoing the departure inspection conducted by an immigration control official at a place other than the entry and departure port with a permission of the head of the competent Immigration Control Office (hereinafter referred to as the "head of office") or the head of the competent branch office of the Immigration Control Office (hereinafter referred to as the "head of branch office").

(2) When the national has undergone the inspection as referred to in paragraph (1), he/she shall hold an effective entry visa issued by the country of destination or transit, except in case where he/she departs for a country in which he/she is exempted from obtaining an entry visa under an agreement between the Republic of Korea and the country concerned, or the immigration control official recognizes that a visa is not required.

■ Article 4 (Prohibition of Departure)

(1) The Minister of Justice may prohibit a national who falls under any of the following subparagraphs from departing from the Republic of Korea:

1. A person whose departure is deemed to be undue for a criminal investigation;
2. A person who is pending in a criminal trial;

3. A person whose penal servitude or imprisonment penalty has not yet completed;
4. A person who has not paid the fine or additional charge not less than the amount as stipulated by the Ordinance of the Ministry of Justice;
5. A person who has not paid the national tax, customs or local tax not less than the amount as stipulated by the Ordinance of the Ministry of Justice by the deadline of payment without any justifiable reasons; and
6. Other persons corresponding to subparagraphs 1 through 5 and whose departure is deemed by the Ordinance of the Ministry of Justice to be undue, as there exist some concerns over damaging the interest, public safety or economic order of the Republic of Korea.

(2) In conducting the departure inspection, the immigration control official shall not allow a person whose departure is prohibited under paragraph (1), to depart from the Republic of Korea.

■ Article 5 (Custody of National's Passport, etc.)

(1) The immigration control official may withdraw and have the custody of a passport or seaman's pocketbook of a person whose departure is prohibited under Article 4 (1).

(2) If the immigration control official finds a national's forged or altered passport or seaman's pocketbook, he/she may withdraw and have the custody of it.

■ Article 6 (Entry of National)

(1) If a national desires to enter the Republic of Korea from an area outside the Republic of Korea (hereinafter referred to as "entry"), he/she shall hold a valid passport or seaman's pocketbook, and undergo an entry inspection conducted by an immigration control official at the entry and departure port through which he/she may enter the Republic of Korea: *Provided*, That if it is impossible to enter the Republic of Korea through the entry and departure port for any inevitable reason, he/she may enter after undergoing the entry inspection conducted by the immigration control official at a place other than the entry and departure port with the permission of the head of the office or branch office.

(2) If a national desires to enter into the Republic of Korea without holding a valid passport or seaman's pocketbook due to loss of it or for any other reason, the immigration control official may allow him/her to enter through a procedure of confirmation.

CHAPTER III ENTRY AND

LANDING OF FOREIGNER

SECTION 1 Entry of Foreigner

■ Article 7 (Entry of Foreigner)

(1) If any foreigner desires to enter the Republic of Korea, he/she shall hold a valid passport or seaman's pocketbook and a visa issued by the Minister of Justice.

(2) Notwithstanding the provisions of paragraph (1), any foreigner who falls under any of the following subparagraphs, may enter the Republic of Korea without visa:

1. A person who enters the Republic of Korea after obtaining the permission of reentry, but before the period of reentry permission expires;

2. A person who is a national of the country which has concluded an agreement on the waiver of visa with the Republic of Korea, and who becomes the object of exemption under the convention; and

3. A person who enters into the Republic of Korea for the international friendship, sightseeing or interest of the Republic of Korea, etc., and who has obtained the permission of entry under the conditions as prescribed by the Presidential Decree; and

4. A person who departed from the Republic of Korea with a Nansen passport issued, and enters into the Republic of Korea before the term of validity of such certificate expires.

(3) If it is deemed necessary for maintenance of public order or for national interests of the Republic of Korea, the Minister of Justice may temporarily suspend the application of the Visa Exemption Convention to those who fall under paragraph (2) 2.

(4) Notwithstanding the provisions of paragraph (1), any national of a country which has no diplomatic relationship with the Republic of Korea, or which is designated by the Minister of Justice after consulting with the Minister of Foreign Affairs and Trade, may enter the Republic of Korea holding a foreigner entry permit issued by the head of the diplomatic mission abroad, office or branch office under the conditions as prescribed by the Presidential Decree.

(5) In order for immigration control officials to engage in affairs issuing visas or foreigner entry permit as referred to in paragraph (1) or (4), the Minister of Justice may assign such officials to diplomatic missions abroad, etc. under the conditions as prescribed by the Presidential Decree.

■ Article 7-2 (Prohibition of False Invitation, etc.)

No one shall conduct the activities falling under any of the following sub- paragraphs in order to allow a foreigner to enter the Republic of Korea:

1. Acts of inviting a foreigner by illegal means such as a statement of false fact or a false identity guarantee, or acts of assisting it; and

2. Acts of falsely applying for a visa or a visa issuance certificate, or acts of assisting it.

[This Article Newly Inserted by Act No. 6540, Dec. 29, 2001]

■ Article 8 (Visa)

(1) Visas as prescribed in Article 7 shall be categorized as single visas valid for only one entry into the Republic of Korea and multiple visas valid for two or more entries.

(2) The Minister of Justice may delegate his authority to issue visas to the head of the diplomatic mission abroad under the conditions as prescribed by the Presidential Decree.

(3) The criteria and procedure for issuing visas shall be determined by the Ordinance of the Ministry of Justice.

■ Article 9 (Visa Issuance Certificates)

(1) If it is deemed essential, the Minister of Justice may issue a visa issuance certificate at the request of any foreigner who intends to enter the Republic of Korea prior to issuance of a visa as prescribed in Article 7 (1).

(2) The application for a visa issuance certificate referred to in paragraph (1) may be filed by any person who intends to invite any foreigner to visit the Republic of Korea on behalf of the latter.

(3) The object, criteria and procedure for issuing visa issuance certificates as referred to in paragraph (1) shall be determined by the Ordinance of the Ministry of Justice.

■ Article 10 (Status of Sojourn)

(1) A foreigner wishing to enter the Republic of Korea shall satisfy requirements of status of sojourn as provided for in the Presidential Decree.

(2) The maximum period of sojourn for each status of sojourn, which is allowed at each occasion, shall be determined by the Ordinance of the Ministry of Justice.

■ Article 11 (Prohibition, etc. of Entry)

(1) The Minister of Justice may prohibit the entry of a foreigner who falls under any of the following subparagraphs:

1. Persons carrying an epidemic disease, narcotic addicts or other persons deemed likely to cause danger and harm to the public health;
2. Persons who intend to enter the Republic of Korea unlawfully carrying firearms and guns, swords, explosives, etc. as prescribed by the Control of Firearms, Swords, Explosives, etc. Act;
3. Persons deemed likely to commit any act detrimental to national interests of the Republic of Korea or public safety;

4. Persons deemed likely to commit any act detrimental to economic or social order or good morals;
5. Mentally handicapped persons, vagabonds, the destitute or other persons in need of relief;
6. Persons for whom five years have not elapsed after departure from the Republic of Korea under a deportation order;
7. Persons who have taken part in slaughter or cruel treatment of peoples on the grounds of race, ethnicity, religion, nationality, political opinion, etc. under instructions from or in liaison with the Japanese government, any government which was in alliance with the Japanese government, or any government on which the Japanese government exercised predominant influence from August 29, 1910 until August 15, 1945; and
8. Persons who correspond to any of subparagraphs 1 through 7 and who are deemed by the Minister of Justice as persons whose entry is improper.

(2) If the home country of a foreigner who intends to enter the Republic of Korea refuses an entry of a national of the Republic of Korea for any reason other than those as referred to in any of subparagraphs of paragraph (1), the Minister of Justice may refuse the entry of such foreigner for the same reason.

■ Article 12 (Entry Inspection)

(1) If a foreigner desires to enter the Republic of Korea, he/she shall undergo an entry inspection by the immigration control official at the entry and departure port.

(2) The proviso of Article 6 (1) shall be applicable to the case as referred to in paragraph (1).

(3) In conducting the entry inspection, the immigration control official shall permit the entry after examining whether or not the following requirements are satisfied:

1. The passport or seaman's pocketbook and the visa shall be valid: *Provided*, That the visa is limited only to case where it is required;
2. The object of entry shall comply with the status of sojourn;
3. The sojourn period shall be determined under the conditions as prescribed by the Ordinance of the Ministry of Justice; and
4. The foreigner shall not be subject to the prohibition or refusal of the entry as prescribed in Article 11.

(4) If the immigration control official deems that a foreigner fails to meet any of the requirements as referred to in subparagraphs of paragraph (3), he/she may refuse to grant entry permission.

(5) Upon granting entry permission to a foreigner falling under Article 7 (2) 2 or 3, the immigration control official shall qualify him/her for sojourn and determine the period of sojourn under the conditions as prescribed by the Presidential Decree.

(6) The immigration control official may enter vessel, etc. for the purpose of conducting the inspection as referred to in paragraph (1) or (2).

(7) The provisions of Article 5 (2) shall apply *mutatis mutandis* to the case as referred to in paragraphs (1) and (2).

■ Article 12-2 (Ban on Provision of Vessels, etc.)

(1) No person shall provide or arrange ships, etc., passports, seamen's pocket books, visa, boarding tickets, and other documents and goods usable for entry into or departure from the country for the purpose of illegally allowing any foreigner to enter or depart from the Republic of Korea.

(2) No person shall harbor or allow any foreigner who has illegally entered into the Republic of Korea to flee within the country or provide or arrange traffic means for such purposes.

[This Article Newly Inserted by Act No. 5434, Dec. 13, 1997]

■ Article 12-3 (Custody of Foreigner's Passport, etc.)

(1) The provisions of Article 5 (2) shall apply *mutatis mutandis* with respect to the forged or altered passports or seamen's pocket books of foreigners.

(2) An immigration control official may, when he has found the passport or seaman's pocket book of an immigration illegality equivalent to the person to be deported under Article 46, who is under investigation due to the violation of this Act, recover it and take in custody.

[This Article Newly Inserted by Act No. 6540, Dec. 29, 2001]

■ Article 13 (Conditional Entry Permission)

(1) The head of the office or branch office may grant conditional entry permission to the foreigner who falls within any of the following subparagraphs under the conditions as prescribed by the Presidential Decree:

1. A person who fails to meet the requirements as prescribed in Article 12 (3) 1 for any inevitable reason, but who is deemed able to meet them within a specified period;

2. A person who is suspicious of falling under any of subparagraphs of Article 11 (1), or is deemed suspicious of failing to meet the requirements as prescribed in Article 12 (3) 2, and necessary for special inspection; and

3. A person whose conditional entry is deemed necessary to be permitted by the head of the office or branch office.

(2) The head of the office or branch office shall, upon granting a conditional entry permission as referred to in paragraph (1), issue a written conditional entry permission. In this case, such written permission shall include any restriction on residence, obligation to comply with any demand for attendance and other necessary conditions, and may, if necessary, have any security not exceeding ten million won deposited.

(3) If a foreigner who has obtained a conditional entry permission as referred to in paragraph (1), violates such condition, the head of the office or branch office may have the whole or part of such deposited security reverted to the National Treasury.

(4) The deposit and return of the security as referred to in paragraphs (2) and (3), and the procedure for reverting it to the National Treasury shall be determined by the Presidential Decree.

SECTION 2 Landing of Foreigner

■ Article 14 (Permission on Landing of Crew)

(1) If a foreign crew desires to land for the purpose of transferring to another vessel, etc. or taking a rest, etc., the immigration control official may grant upon request of the captain of the vessel, etc., forwarder or the person concerned, a permission on landing of crew in the limit of fifteen days, except a person who falls under any of subparagraphs of Article 11 (1).

(2) The immigration control official shall, upon granting the permission as referred to in paragraph (1), issue a written crew landing permission. In this case, the written crew landing permission may include the period of landing permission, restrictions on the area of activities and other necessary conditions.

(3) The head of the office or branch office may, if necessary, extend the period of landing permission for the person who obtained the crew landing permission.

(4) The written crew landing permission which was issued to a member of the crew of a vessel, etc. in accordance with the provisions of paragraph (2) may be used in any other ports of entry into the Republic of Korea until such vessel, etc. leaves the Republic of Korea.

■ Article 15 (Emergency Landing Permission)

(1) If it is deemed urgent that a foreigner on board the vessel, etc. (including crew) needs to land due to any disease or accident, the immigration control official may grant, upon the request of the head of such vessel, etc. or the forwarder, a permission on emergency landing in the limit of thirty days.

(2) The provisions of Article 14 (2) and (3) shall be applicable to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be regarded as the term "written emergency landing permission", and the term "crew landing permission", as the term "emergency landing permission".

(3) The captain of the vessel, etc. or the forwarder shall bear the living, medical and funeral expenses of the person who makes an emergency landing, and all other expenses incurred during such landing.

■ Article 16 (Disaster Landing Permission)

(1) If the head of the office or branch office deems it urgent to rescue a foreigner on board the vessel, etc. in distress (including the crew), he/she may grant a permission on a disaster landing in the limit of thirty days, upon request of the captain of the vessel, etc., forwarder, person carrying out the rescue operation under the Rescue and Aid at Sea and in the River Act, or the captain of the vessel, etc. who rescued the foreigner.

(2) The provisions of Article 14 (2) and (3) shall apply mutatis muntandis to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be regarded as the term "written disaster landing permission", and the term "crew landing permission", as the term "disaster landing permission".

(3) The provisions of Article 15 (3) shall apply mutatis muntandis to a person to whom a landing permit for disaster is issued. In such cases, reference to "landing for emergency" shall be construed to include "landing for disaster".

■ Article 16-2 (Permission on Refugees' Temporary Landing)

(1) In case where a foreigner on board a vessel, etc. escapes from a territory in which he/she is afraid that his/her life, body or physical freedom might be infringed, by the cause as prescribed in Article 1A (2) of the Refugee Agreement, or other similar one, and requests directly any protection from the Republic of Korea, if it is deemed well-grounded to have the foreigner land, the head of the office or branch office may grant him/her a refugees temporary landing permission with the approval of the Minister of Justice, in the limit of ninety days. In this case, the Minister of Justice shall consult with the Minister of Foreign Affairs and Trade.

(2) The provisions of Article 14 (2) and (3) shall apply mutatis muntandis to the case as referred to in paragraph (1). In this case, the term "written crew landing permission" shall be read as the term "written refugees temporary landing permission", and the term "crew landing permission", as the term "refugees temporary landing permission".

CHAPTER IV SOJOURN AND

DEPARTURE OF FOREIGNERS

SECTION 1 Sojourn of Foreigners

■ Article 17 (Sojourn and Activity Scope of Foreigners)

(1) Any foreigner may sojourn in the Republic of Korea within the scope of his/her status of sojourn and period of sojourn.

(2) No foreigner sojourning in the Republic of Korea shall engage in any political activity.

(3) If a foreigner sojourning in the Republic of Korea is engaged in any political activity, the Minister of Justice may order him/her in writing to suspend such activity or may take other necessary measures.

■ Article 18 (Restriction on Employment of Foreigners)

(1) If a foreigner desires to be employed in the Republic of Korea, he/she shall obtain the status of sojourn eligible for employment under the conditions as prescribed by the Presidential Decree.

(2) No foreigner having the status of sojourn as referred to in paragraph (1) shall work at any place other than the designated working place.

(3) No person shall employ any person having no status of sojourn as referred to in paragraph (1).

(4) No person shall mediate or solicit for any employment of a person having no status of sojourn as referred to in paragraph (1).

(5) No person shall put under his/her control any foreigner having no status of sojourn as referred to in paragraph (1) with the intention to mediate an employment of such person.

■ Article 19 (Reporting Obligation of Persons Employing Foreigners)

(1) Any person who employs a foreigner shall, in any case given below, report it to the head of the office or branch office within fifteen days after learning of such occurrences:

1. In case he/she has discharged the foreigner, or the foreigner has retired from the service or dies;

2. In case the whereabouts of the employed foreigner become unknown;

3. In case important contents of the employment contract are changed; or

4. In case he/she comes to know that the employed foreigner has committed an act violating this Act or any order issued under this Act.

(2) The provisions of paragraph (1) shall apply mutatis mutandis to the head of an industry or business which provides foreigners with training of industrial technology.

■ Article 19-2 (Protection of Industrial Trainees)

(1) The government shall take necessary measures to protect foreigners who are in the course of being trained at a designated industry with sojourn qualifications for industrial training activities pursuant to Article 10 (hereinafter referred to as "industrial trainees").

(2) The necessary matters for the designation of industries referred to in paragraph (1) shall be determined by the Presidential Decree.

■ Article 19-3 (Administration of Industrial Trainees)

(1) By investigating whether any industrial trainee has left the training place without authorization, carried out activities other than for training purposes, or violated other authorized conditions, the Minister of Justice shall take necessary measures to administer industrial trainees, such as a measure ordering those foreigners to depart from the Republic of Korea who did not observe the sojourn conditions for industrial trainees.

(2) The necessary matters for the administration of industrial trainees referred to in paragraph (1) and the invitation related to the entry of industrial trainees shall be determined by the Presidential Decree.

(3) The Minister of Justice may grant permission on modification of sojourn qualifications to industrial trainees who meet the qualifications as determined by the Presidential Decree (hereinafter in this paragraph referred to as "trainees in employment") so that they may seek employment. In this case, with respect to the management of trainee in employment, the provisions of paragraphs (1) and (2) shall apply *mutatis muntandis*.

■ Article 20 (Activities other than Status of Sojourn)

If a foreigner sojourning in the Republic of Korea desires to perform activities corresponding to a different status of sojourn in addition to those activities corresponding to his/her original status of sojourn, he/she shall obtain permission in advance from the Minister of Justice.

■ Article 21 (Change and Addition of Work Place)

(1) If a foreigner sojourning in the Republic of Korea desires to change or add his/her work place within the scope of his/her status of sojourn, he/she shall obtain permission in advance from the Minister of Justice.

(2) No person shall employ a foreigner who has not obtained permission on change or addition of his/her work place under paragraph (1), nor shall he/she mediate an employment of such foreigner, except in case where the employment can be mediated under other Acts.

■ Article 22 (Restriction on Scope of Activity)

If it is deemed necessary for the public peace and order or important national interests of the Republic of Korea, the Minister of Justice may restrict the scope of residence or activities of foreigners, or determine necessary matters to be observed by them.

■ **Article 23 (Granting of Status of Sojourn)**

Any foreigner sojourning without the status of sojourn granted, due to loss of the nationality of the Republic of Korea, birth in the Republic of Korea or other reasons as prescribed in Article 10, shall obtain the status of sojourn under the conditions as prescribed by the Presidential Decree, within thirty days after such cause occurs.

■ **Article 24 (Permission for Change of Status of Sojourn)**

(1) If a foreigner sojourning in the Republic of Korea desires to carry out any activity corresponding to status of sojourn different from his/her own, he/she shall obtain permission for change of status of sojourn in advance from the Minister of Justice.

(2) Any person who falls under any of subparagraphs of Article 31 (1) and desires to alter his/her status of sojourn due to a change of his/her status, shall obtain the status of sojourn alteration permission from the Minister of Justice within thirty days after his/her status is changed.

■ **Article 25 (Permission on Extension of Sojourn Period)**

If a foreigner desires to continue to sojourn in excess of the permitted sojourn period within the ceiling of the sojourn period conformed to the sojourn qualification as prescribed in Article 10 (2), he/she shall obtain the permission from the Minister of Justice on the extension of sojourn period before the original period expires, under the conditions as prescribed by the Presidential Decree.

■ **Article 26 Deleted.**

■ **Article 27 (Carrying and Presentation of Passport, etc.)**

(1) Any foreigner sojourning in the Republic of Korea shall carry at any time his/her passport, seaman's pocketbook, written foreigner entry permission, foreigner registration certificate or written landing permission (hereinafter referred to as "passport, etc."), except in case the foreigner is under seventeen years of age.

(2) When the immigration control official or a competent public official demands to present the passport, etc. in carrying out his/her duty, the foreigner as referred to in the text of paragraph (1) shall comply with it.

SECTION 2 Departure of Foreigners

■ **Article 28 (Departure Inspection)**

(1) If a foreigner desires to depart from the Republic of Korea, he/she shall undergo the departure inspection of the immigration control official with his/her valid passport or seamen's pocketbook at the entry and departure port through which he/she departs.

(2) The proviso of Article 3 (1) shall apply mutatis mutandis to the case as referred to in paragraph (1).

(3) The provisions of Article 5 (2) shall apply mutatis mutandis to the case as referred to in paragraphs (1) and (2).

(4) The provisions of Article 12 (6) shall apply mutatis mutandis to the cases in which the provisions of paragraphs (1) and (2) apply.

■ Article 29 (Suspension of Foreigner's Departure)

The Minister of Justice may suspend the departure of the foreigners falling under any of each subparagraph of Article 4 (1).

[This Article Wholly Amended by Act No. 6540, Dec. 29, 2001]

■ Article 30 (Permission on Reentry)

(1) If a foreigner who has made a foreigner registration or been exempted from such registration under Article 31 desires to reenter the Republic of Korea after departure in his sojourn period, the Minister of Justice may permit such reentry upon his request: *Provided*, That any foreigner who holds his sojourn status that entitles him to the permanent residentship in the Republic of Korea from among foreigners who hold their sojourn statuses provided for in Article 10 (1) may be exempted from the reentry permission.

(2) The reentry permission as referred to in paragraph (1) shall be classified into the single reentry permission valid only for one time and the multiple reentry permission valid for twice or more times.

(3) If a foreigner is unable to reenter in the period permitted under paragraph (1) due to any disease or by any other inevitable reason, he/she shall obtain the permission of the Minister of Justice on extension of the reentry permission period before the period expires.

(4) The Minister of Justice may delegate the authority pertaining to the permission on the reentry permission period extension to the heads of the diplomatic missions abroad, under the conditions as prescribed by the Presidential Decree.

(5) The reentry permission, the permission for extending its period and standards as well as procedures for exempting from the reentry permission shall be prescribed by the Ordinance of the Ministry of Justice.

CHAPTER V REGISTRATION,

ETC. OF FOREIGNER

SECTION 1 Registration of Foreigner

■ Article 31 (Foreigner Registration)

(1) If a foreigner sojourns in the Republic of Korea in excess of ninety days from his/her entry, he/she shall make a foreigner registration with the head of the office or branch office having jurisdiction over his/her sojourn place within ninety days from his/her entry under the conditions as prescribed by the Presidential Decree, except in case of the foreigners who fall under any of the following subparagraphs:

1. Personnel and their families of foreign diplomatic missions (including embassies and consulates) and international organizations in the Republic of Korea;
2. Foreigners and their families who enjoy privileges and immunity similar to those of diplomats or consuls under any agreement concluded with the government of the Republic of Korea; and
3. Foreigners who are invited by the government of the Republic of Korea and prescribed by the Ordinance of the Ministry of Justice.

(2) Notwithstanding the provisions of paragraph (1), any person who is granted the status of sojourn under Article 23, and continues to sojourn in excess of ninety days after obtaining the status of sojourn, shall make the foreigner registration when he/she is granted the status of sojourn.

(3) Notwithstanding the provisions of paragraph (1), any person who obtained the status of sojourn alteration permission under Article 24, and continues to sojourn in excess of ninety days from his/her entry, shall make the foreigner registration when he/she obtains the status of sojourn alteration permission.

(4) With respect to any foreigner who has finished his foreigner registration in accordance with the provisions of paragraphs (1) through (3), the head of the office or branch office shall grant him or her the registration number of his own (hereinafter referred to as "foreigner registration number") according to the method prescribed by the Presidential Decree.

■ Article 32 (Matters to be Registered by Foreigners)

Matters to be registered by a foreigner under Article 31 shall be as follows:

1. Name, sex, date of birth and nationality;
2. Number, date of issue and valid term of passport;
3. Work place and position or affairs in charge;

4. Home country address and sojourn place in the Republic of Korea;
5. Status and period of sojourn; and
6. Other matters as determined by the Ordinance of the Ministry of Justice.

■ **Article 33 (Issuance of Foreigner Registration Certificates)**

(1) The head of the office or branch office who received an application for a foreigner registration under Article 31 shall issue a foreigner registration certificate to the foreigner under the conditions as prescribed by the Presidential Decree: *Provided*, That if the foreigner is under seventeen years of age, the head of the office or branch office may refuse to issue such certificate.

(2) When a foreigner to whom a foreigner registration certificate is not issued under the proviso of paragraph (1), becomes seventeen years of age, he/she shall apply for the issue of foreigner registration certificate to the head of the office or branch office having jurisdiction over his/her sojourn place within sixty days.

■ **Article 33-2 (Prohibition on Using Foreigner Registration Certificates as Means to Secure Fulfillment of Obligation)**

Any person shall be prohibited from committing the act falling under each of the following subparagraphs:

1. The act of being provided with or coercing any foreigner to provide his passport or foreigner registration certificate for the purpose of using it as a means to secure a contract for job or the fulfillment of obligation;
2. The act of generating any bogus foreigner registration number in violation of the provisions of Article 31 (4) for the purpose of using it in the interest of his or another person's goods or property;
3. The act of delivering any program developed to produce bogus foreigner registration numbers to another person or widely disseminating such program;
4. The act of illegally using the foreigner registration certificate of another person; and
5. The act of illegally using the foreigner registration number of another person in the interest of his or another person's goods or property.

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ **Article 34 (Preparation and Management of Foreigner Registration Cards, etc.)**

(1) The head of the office or branch office who received a foreigner registration under Article 31, shall prepare and keep the foreigner registration record, and make out a foreigner registration card and send it to the head of the *Shi* (excluding the Special Metropolitan City and Metropolitan Cities; hereinafter the same shall apply), *Kun* or *Ku* (referred to an autonomous *Ku*; hereinafter the same shall apply) where the foreigner sojourns.

(2) The head of the *Shi/Kun/Ku* shall, upon receiving the foreigner registration card under paragraph (1), enter the registered matters in the foreigners' register to manage such informations.

(3) Matters necessary for preparation and management of the foreigner registration record, foreigner registration cards and foreigner's register shall be determined by the Presidential Decree.

■ Article 35 (Report on Change in Foreigner Registration Matters)

Any foreigner who has made a registration under Article 31, shall make a report on a change in the foreigner registration matters to the head of the office or branch office having jurisdiction over his/her sojourn place within fourteen days under the conditions as prescribed by the Presidential Decree, if any of the following matters is changed:

1. Name, sex, date of birth and nationality;
2. Number, date of issue and valid term of passport; and
3. Other matters as stipulated by the Ordinance of the Ministry of Justice.

■ Article 36 (Report on Change of Sojourn Place)

(1) If a foreigner who has made a registration under Article 31, changes his sojourn place, he shall make a moving-in report to the head of *Shi/Kun/Ku* of new sojourn place or the head of the office or branch office having jurisdiction over a new sojourn place within fourteen days from the date on which he moves in, under the conditions as prescribed by the Presidential Decree.

(2) If a foreigner makes the report as referred to in paragraph (1), he shall present the foreigner registration certificate. In this case, the head of *Shi/Kun/Ku* or the head of the office or branch office shall enter the matters concerning the change of sojourn place in such foreigner registration certificate, and return it to the foreigner.

(3) The head of the office or branch office who has received a moving-in report under paragraph (1) shall notify without delay the fact of changing the place of sojourn to the head of *Shi/Kun/Ku* of a new place of sojourn.

(4) The head of *Shi/Kun/Ku* who has directly received a moving-in report under paragraph (1) or a notification of change of a sojourn place from the head of the office or branch office under paragraph (3) shall make a request for the transfer of the relevant foreigner registration card

accompanied by a copy of report on change of sojourn places to the head of *Shi/Kun/Ku* having jurisdiction over the former sojourn place.

(5) In the event of a request for transfer of a foreigner registration card pursuant to the provisions of paragraph (4), the head of *Shi/Kun/Ku* shall transfer not later than three days from the date of such request to the head of *Shi/Kun/Ku* having jurisdiction over a new sojourn place.

(6) The head of *Shi/Kun/Ku* having received the transfer of a foreigner registration card pursuant to the provisions of paragraph (5), shall re-adjust the foreigner registration card and manage it pursuant to Article 34 (2).

(7) The head of *Shi/Kun/Ku* or the head of the office or branch office having received a moving-in report under paragraph (1) shall notify it without delay to the head of the office or branch office having jurisdiction over the former sojourn place under the conditions as prescribed by the Presidential Decree.

■ Article 37 (Return, etc. of Foreigner Registration Certificate)

(1) If a foreigner who has made the registration under Article 31, departs from the Republic of Korea, he/she shall return the foreigner registration certificate to the immigration control official, except in any of the following cases:

1. In case a foreigner who obtained a reentry permission, desires to enter again within the permission period after a temporary departure;
2. In case a foreigner who holds a multiple visa, or who is a national of the country exempted from the requirement of the reentry permission, desires to enter again within the permitted sojourn period after a temporary departure; and
3. In case a foreigner who desires to enter again within the valid term of a refugee travel certificate after a temporary departure with the refugee travel certificate issued.

(2) If a foreigner who has made a registration under Article 31, becomes a national of the Republic of Korea, dies or falls under any of subparagraphs of Article 31 (1), he/she shall return his foreigner registration certificate under the conditions as prescribed by the Presidential Decree.

(3) The head of the office or branch office shall, upon having the foreigner registration certificate returned under paragraph (1) or (2), notify it without delay to the head of the *Shi/Kun/Ku* of the sojourn place under the conditions as prescribed by the Presidential Decree.

(4) If it is deemed necessary for the interest of the Republic of Korea, the head of the office or branch office may take a temporary custody of the foreigner registration certificate of the foreigner falling under any of subparagraphs of paragraph (1).

(5) In the case as referred to in paragraph (4), if the foreigner reenters the Republic of Korea within the permitted period, he/she shall have his/her foreigner registration certificate returned

from the head of the office or branch office within fourteen days after his/her reentry, and if he/she fails to reenter within the permitted period, he/she shall be considered to have returned his/her foreigner registration certificate under paragraph (1).

■ **Article 38 (Fingerprinting)**

(1) Any foreigner who falls under any of the following subparagraphs shall fingerprint under the conditions as prescribed by the Presidential Decree:

1. A foreigner who is over twenty years of age and makes a registration of foreigner, except for the case in which the sojourn period is less than one year from the date he/she entered the Republic of Korea or he/she is granted the status of sojourn;
2. A foreigner who undergoes an investigation for violation of this Act or a criminal investigation for violation of other Acts;
3. A foreigner whose identity is not established; and
4. Other foreigners who are required to make a fingerprint, which is deemed especially necessary, by the Minister of Justice, for the security or interest of the Republic of Korea.

(2) The head of the office or branch office may refuse to grant a permission as prescribed by this Act, such as sojourn period extension permission, etc., against a foreigner refusing to make a fingerprint as referred to in paragraph (1).

SECTION 2 Deleted.

■ **Articles 39 through 45 Deleted.**

CHAPTER VI DEPORTATION, ETC.

SECTION 1 Persons to be Deported

■ **Article 46 (Persons to be Deported)**

(1) The head of the office or branch office or head of a foreigner internment camp may deport any of the following foreigners from the Republic of Korea according to procedures as prescribed in this Chapter:

1. A person who violated the provisions of Article 7;
- 1-2. A person who violated the provisions of Article 7-2, or a person who entered the country by the act such as a false invitation as stipulated in the same Article;
2. A person who are found to fall under any subparagraph of Article 11 (1) after entry;

3. A person who violated the provisions of Article 12 (1) or (2), or 12-2;
4. A person who violated the condition imposed by the head of the office or branch office under Article 13 (2);
5. A person who landed without obtaining permission as prescribed in Article 14 (1), 15 (1), 16 (1) or 16-2 (1);
6. A person who violated the condition imposed by the head of the office or branch office or immigration control official under Article 14 (2), 15 (2), 16 (2) or 16-2 (2);
7. A person who violated the provisions of Article 17 (1) and (2), 18, 20, 21, 23, 24 or 25;
8. A person who violated a residence restriction, restriction on the scope of activity, or other matters to be observed, etc. as prescribed by the Minister of Justice under Article 22;
9. A person who attempted to depart from the Republic of Korea in contravention of Article 28;
10. A person who violated the provisions of Article 31; and
11. A person who are released after receiving a sentence of punishment heavier than imprisonment without prison labor.

(2) Notwithstanding paragraph (1), any foreigner who holds his sojourn status that entitles him to the permanent residentship in the Republic of Korea from among foreigners who hold their sojourn statuses provided for in Article 10 (1) shall not be forcibly expelled from the Republic of Korea: Provided, That the same shall not apply to the foreigner falling under any of the following subparagraphs:

1. Foreigner who has committed the insurrection provided for in the Chapter I of the Part II of the Criminal Act or the foreign aggression provided for in the Chapter II of the same Act;
2. Foreigner who is prescribed by the Ordinance of the Ministry of Justice from among foreigners who have been released after having been sentenced to imprisonment with prison labor or without prison labor for not less than 5 years: and
3. Foreigner who has committed a violation of the provisions of Article 12-2 (1) or (2), or has abetted or aided another person in such violation.

SECTION 2 Investigations

■ Article 47 (Investigations)

The immigration control official may investigate foreigners suspected of falling under any of subparagraphs of Article 46 (1) (hereinafter referred to as the "suspect").

■ **Article 48 (Demand for Attendance and Interrogation of Suspect)**

(1) If required for conducting an investigation as prescribed in Article 47, the immigration control official may demand the suspect come forward and may interrogate him/her.

(2) The immigration control official, when conducting any interrogation under paragraph (1), shall have another immigration control official participate in the interrogation.

(3) In conducting the interrogation as referred to in paragraph (1), any statement made by the suspect shall be entered into the investigation record.

(4) The investigation record as referred to in paragraph (3) shall be read to, or inspected by, the suspect, who shall be asked whether there is any error in the record. If the suspect requests any addition, deletion or change in the contents thereof, his/her statement shall be entered into such investigation record.

(5) The suspect shall sign or affix a seal, after intersealing each pages, to the investigation record. If the suspect is unable to sign or affix a seal, or if he/she refuses to do so, that fact shall be entered into the investigation record.

(6) If a person who is not versed in the Korean language or is deaf or dumb, such person shall be provided with an interpreter to interpret his/her statement: *Provided*, That the deaf and the dumb may be interrogated or required to make a statement in writing.

(7) Letters or signs in the statement, which are not the Korean language, shall be translated into the Korean language.

■ **Article 49 (Demand for Appearance and Statement of Witnesses)**

(1) If it is required for conducting an investigation as prescribed in Article 47, the immigration control official may demand a witness to apply for questioning.

(2) The provisions of Article 48 (2) through (7) shall apply mutatis muntandis to statements by witnesses.

■ **Article 50 (Inspection and Demand for Presentation of Documents, etc.)**

If it is necessary for conducting the investigation as prescribed in Article 47, the immigration control official may inspect the suspect's residence or possessions with his/her consent, or demand him/her to present documents or possessions.

SECTION 3 Internment

■ **Article 51 (Internment)**

(1) If there is considerable reasons to suspect that a foreigner falls under Article 46 (1), and he/she flees or might flee, the immigration control official may intern such foreigner after obtaining an internment order issued by the head of the office or branch office or head of the foreigner internment camp.

(2) To apply for an internment order as referred to in paragraph (1), the immigration control official shall submit an application with materials showing the necessity of internment.

(3) In case there is considerable reasons to suspect that a foreigner falls under any of subparagraphs of Article 46 (1) and the foreigner flees or might flee, and no sufficient time left to get an internment order, the immigration control official may issue an emergency internment note to intern the foreigner by his/her own authority after informing the head of the office or branch office or the foreigner internment camp of the emergency situation concerned.

(4) If the immigration control official has interned a foreigner under paragraph (3), he/she shall obtain an internment order within forty-eight hours and show it to the foreigner concerned. If the official fails to obtain such order, he/she shall immediately release the foreigner.

■ Article 52 (Period and Place of Internment)

(1) The period of internment shall be ten or fewer days: *Provided*, That if there is an inevitable reason, the period may be extended once up to ten days with the permission of the head of the office or branch office or the head of the foreigner internment camp.

(2) The place to intern any foreigner shall be the foreigner internment room, foreigner internment camp or other place as designated by the Minister of Justice.

■ Article 53 (Execution of Internment Order)

When the immigration control official executes an internment order, he/she shall show it to the suspect.

■ Article 54 (Notification of Internment)

When the immigration control official has interned a suspect, he shall notify in writing within three days the suspect's legal representative, spouse, lineal relatives, siblings, family, counsel (hereinafter referred to as "legal representative, etc.") or a person designated by the suspect, who is in the Republic of Korea of the date, time, place and reason for the internment: *Provided*, That when there exists no legal representative, etc. or the suspect fails to designate the person to be notified, he may state such reasons in writing and refrain from notification.

■ Article 55 (Objection to Internment)

(1) Any person who has been interned pursuant to an internment order, or such person's legal representative, etc. may raise an objection to the internment to the Minister of Justice through the head of the office or branch office, or the head of the foreigner internment camp.

(2) The Minister of Justice, upon receiving an objection under paragraph (1), shall examine without delay the relevant documents. If the request is groundless, he/she shall reject it by decision, and if he/she deems it well-grounded, he/she shall order by decision the release of the foreigner from the internment.

(3) If required in making the decision as referred to in paragraph (2), the Minister of Justice may hear statements from interested persons in advance.

■ Article 56 (Temporary Internment of Foreigners)

(1) The immigration control official may temporarily intern up to 48 hours any of those foreigners given below in a foreigner internment room,

1. whose entries are not permitted under Article 12 (4);
2. who have obtained a conditional entry permission under Article 13 (1) and who have fled or appear very likely to flee; or
3. who have obtained an order of departure under Article 68 (1) and who have fled or appear very likely to flee.

(2) Where immigration control officials are unable to deport within 48 hours a foreigner detained temporarily in accordance with paragraph(1) because of unavailability of transportation to remove the foreigner from the Republic of Korea, illness, or other unavoidable causes, the detention period may be extended only once for up to 48 hours with the approval of the head of office or branch office.

■ Article 57 (Treatment of Internee)

Matters concerning facilities of the foreigner internment rooms and camps, treatment, supplies, guards for internees, and other necessary matters shall be determined by the Ordinance of the Ministry of Justice.

SECTION 4 Examination and Objection

■ Article 58 (Examination and Decision)

When the immigration control official has finished the investigation of a suspect, the head of the office or branch office or the head of the foreigner internment camp shall examine and determine without delay whether the suspect falls under any of subparagraphs of Article 46 (1).

■ Article 59 (Procedure after Examination)

(1) If the head of the office or branch office or the head of the foreigner internment camp determines after examination that the suspect does not fall under any of subparagraphs of Article

46 (1), the he/she shall inform the suspect without delay, and if the suspect is interned, he/she shall immediately release the suspect from the internment.

(2) If the head of the office or branch office, or the head of the foreigner internment camp determines after examination that the suspect falls under any of subparagraphs of Article 46 (1), he/she may issue a deportation order.

(3) In case where the head of the office or branch office or the head of the foreigner internment camp issues a deportation order, he/she shall inform the suspect of the fact that the suspect may make an objection to the Minister of Justice.

■ Article 60 (Objection)

(1) If a suspect desires to make an objection to the deportation order, he/she shall file an objection with the Minister of Justice through the head of the office or branch office or the head of the foreigner internment camp within seven days after the suspect receives the deportation order.

(2) The head of the office or branch office or the head of the foreigner internment camp, upon receiving the objection as referred to in paragraph (1), shall submit it to the Minister of Justice together with the written examination and decision and the record of investigation.

(3) The Minister of Justice, upon receiving the objection, etc. as referred to in paragraphs (1) and (2), shall examine and decide whether or not the objection is well-grounded and notify the head of the office or branch office or the head of the foreigner internment camp of the Minister's decision.

(4) When the head of the office or branch office or the head of the foreigner internment camp has received from the Minister of Justice a notification of the decision that the objection is well-grounded, he/she shall inform the suspect without delay, and if the suspect is interned, he/she shall immediately release him/her from internment.

(5) When the head of the office or branch office or the head of the foreigner internment camp has received from the Minister of Justice a notification of the decision that the objection is groundless, he/she shall inform the suspect without delay.

■ Article 61 (Special Case of Sojourn Permission)

(1) In making a decision as prescribed in Article 60 (3), even though the objection is deemed groundless, if the suspect was formerly a national of the Republic of Korea, or if there are special circumstances deemed to require the suspect to sojourn in the Republic of Korea, the Minister of Justice may permit his/her sojourn.

(2) In granting the permission as referred to in paragraph (1), the Minister of Justice may determine the period of sojourn and impose other necessary conditions.

SECTION 5 Execution of Deportation Orders

■ Article 62 (Execution of Deportation Orders)

(1) The deportation order shall be executed by an immigration control official.

(2) The head of the office or branch office or the head of the foreigner internment camp may entrust any judicial police official to execute a deportation order.

(3) To execute a deportation order, the order shall be presented to the person who is subject to it, and he/she shall be repatriated without delay to the country of repatriation as prescribed in Article 64: *Provided*, That if the captain of the vessel, etc. or the forwarder repatriates him/her under Article 76, the immigration control official may hand over such person to the captain of the vessel, etc. or the forwarder.

■ Article 63 (Internment of Persons Subject to Deportation Orders, or Release from Internment)

(1) If it is impossible to immediately repatriate a person, who is subject to a deportation order, out of the Republic of Korea, the head of the office or branch office or the head of the foreigner internment camp may intern him/her in a foreigner internment room, foreigner internment camp or other place designated by the Minister of Justice until the repatriation is possible.

(2) If it becomes obvious that it is impossible to repatriate the person who is subject to a deportation order for the reasons, such as rejection of entry by the other country, and the like, the head of the office or branch office or the head of the foreigner internment camp may release the person from detention with necessary conditions attached, including restriction on residence.

■ Article 64 (Country of Repatriation)

(1) Any person who receives a deportation order shall be repatriated to the country in which he/she has a nationality or citizenship.

(2) If it is impossible to be repatriated to the country as referred to in paragraph (1), the person may be repatriated to any of the following countries:

1. A country in which he/she resided before he/she entered the Republic of Korea;
2. A country where he/she was born;
3. A country that includes the port at which he/she boarded the vessel, etc. to enter the Republic of Korea; and
4. Other country to which he/she desires to be repatriated.

(3) Notwithstanding the provisions of paragraph (1) or (2), no refugee shall be repatriated to a country that includes the territory in which the deportation or repatriation is prohibited, under Article 33 (1) of the Refugee Agreement: *Provided*, That this shall not apply in case in which the

Minister of Justice deems that it might be detrimental to the interest or security of the Republic of Korea.

SECTION 6 Temporary Release from Internment

■ Article 65 (Temporary Release of Internment)

(1) Any person to whom the internment or deportation order is issued, and who is under the internment, his/her guarantor or legal representative, etc., may request a temporary release from the internment to the head of the office or branch office, or the head of the foreigner internment camp under the conditions as prescribed by the Presidential Decree.

(2) In case in which there is a request as referred to in paragraph (1) the head of the office or branch office or the head of the foreigner internment camp may temporarily release the internee from the internment under the deposit of guarantee money not exceeding ten million won and under residence restrictions residence and other necessary conditions, taking into consideration the circumstances of the internee, reason of request for release, assets and other matters.

(3) Procedures for deposit and return of guarantee money as referred to in paragraph (2) shall be determined by the Presidential Decree.

■ Article 66 (Revocation of Temporary Release from Internment)

(1) If a person, who is temporarily released from the internment, has fled, or it is deemed that he/she might flee, or he/she fails to comply with the order to appear without any justifiable reason, or if he/she violates conditions attached to such temporary release, the head of the office or branch office, or the head of the foreigner internment camp may revoke the temporary release from the internment and again take measures to intern the person.

(2) In case in which the head of the office or branch office or the head of the foreigner internment camp revokes the temporary release from the internment under paragraph (1), the head may issue a written revocation of temporary release from internment and revert the whole or part of the guarantee money to the National Treasury.

(3) The procedure for reversion of guarantee money to the National Treasury under paragraph (2) shall be determined by the Presidential Decree.

SECTION 7 Recommendation, etc. for Departure

■ Article 67 (Recommendation for Departure)

(1) If a foreigner sojourning in the Republic of Korea falls under any of the following subparagraphs, the head of the office or branch office may recommend him/her to depart voluntarily from the Republic of Korea:

1. In case he/she has violated the provisions of Articles 17 and 20 through a minor offense;

2. In case he/she has violated this Act or any order issued under this Act, and the Minister of Justice deems it necessary to recommend his/her departure.

(2) The head of the office or branch office, upon making a recommendation of departure under paragraph (1), shall issue a written departure recommendation.

(3) In case where a written departure recommendation is issued under paragraph (2), the departure time-limit may be determined within five days after it is issued.

■ Article 68 (Departure Order)

(1) The head of the office or branch office, or the head of the foreigner internment camp may order any foreigner falling under any of the following subparagraphs to depart from the Republic of Korea:

1. A person who is deemed to fall under any of subparagraphs of Article 46 (1), but desires to depart voluntarily at his/her own expenses;
2. A person who has received a recommendation of departure under Article 67, but fails to comply with it;
3. A person whose various permissions granted under this Act are revoked pursuant to Article 89;
- 3-2. A person who is deemed proper to be deported after being fined for negligence under Article 100 (1) through (3); or
4. A person, against whom it is deemed proper to take measures requiring his/her departure after a notification disposal being taken as prescribed in Article 102 (1).

(2) The head of the office or branch office or the head of the foreigner internment camp, upon ordering a departure under paragraph (1), shall issue a written departure order.

(3) Upon issuing a written departure order as referred to in paragraph (2), the time-limit of departure shall be determined under the conditions as prescribed by the Ordinance of the Ministry of Justice, and restrictions on residence and other necessary conditions may be imposed.

(4) The head of the office or branch office, or the head of the foreigner internment camp may issue without delay a written deportation order to a person who fails to depart from the Republic of Korea by the designated time-limit even after receiving the departure order, or who violates the conditions imposed under paragraph (3).

CHAPTER VII INSPECTION OF VESSEL, ETC.

■ Article 69 (Inspection and Examination of Vessel, etc.)

(1) Vessel, etc. shall, upon entering or departing from the immigration port, be subject to an inspection by an immigration control official.

(2) If there occurs any cause for the vessel, etc. inevitably to enter or depart from a place other than the immigration port, the captain of the vessel, etc. or the forwarder shall submit in advance to the head of the office or branch office a scheduled entry and departure notice as prescribed in Article 74 with materials explaining the causes of unavoidable entry or departure, The vessel, etc. shall also be subject to an inspection as referred to in paragraph (1): *Provided*, That if there occurs any unexpected accident, such as emergency landing of aircraft, shipwreck, etc., he/she shall report it without delay to the head of the office or branch office and shall be inspected by him/her.

(3) The immigration control official shall, upon making the inspection under paragraph (1) or (2), examine the following matters:

1. Whether or not the crew or passengers meet the eligibility requirements for entry and departure, or they left the vessel, etc.;

2. Whether or not a person attempting to enter or depart from the Republic of Korea in contravention of Acts and subordinate statutes, is aboard the vessel, etc.; and

3. Whether or not there is a person who fails to obtain the permission on embarkation as prescribed in Article 72.

(4) The immigration control official, upon making an inspection and examination under paragraphs (1) through (3), may demand the captain of the vessel, etc. to present the logbook and other necessary documents, or to disclose them for inspection.

(5) In order to establish the identity of the crew, passengers and other entering and departing persons who are aboard the vessel, etc., the immigration control official may question them or demand them to present documents, etc. to certify their status.

(6) The head of the office or branch office may conduct a document examination instead of the inspection of vessel, etc. under the conditions as prescribed by the Ordinance of the Ministry of Justice.

(7) If there occurs an unavoidable cause keeping the vessel, etc. from departing from the port within three hours after the departure inspection is finished, the captain of the vessel, etc. shall report that fact to the head of the office or branch office, and get a new inspection by him/her immediately before the vessel, etc. leaves the port.

■ Article 70 (Inspection and Examination of Vessel, etc. Qualified for Inland Navigation)

If a ship, aircraft or other means of transportation carrying persons or things within the territory of the Republic of Korea (hereinafter referred to as the "vessel, etc. eligible for inland navigation")

calls at a port in a foreign country due to special circumstances, such as an unexpected accident, problems on navigation, etc., they shall, upon entering thereafter a port of the Republic of Korea, undergo an entry inspection conducted by the immigration control official under Chapters 7 and 8.

■ **Article 71 (Suspension, etc. of Entry and Departure)**

(1) If the head of the office or branch office finds any unlawful fact as a result of the examination as prescribed in Article 69 (3), he/she may suspend the departure or entry of any crew or passenger concerned.

(2) The suspension of entry or departure under paragraph (1) shall be limited to the period required for an investigation on such unlawful fact.

(3) If it is required to prohibit or suspend continuously the entry or departure even after the investigation as referred to in paragraph (2) is finished, it shall be required to obtain the decision of the Minister of Justice as prescribed in Article 4, 11 or 29.

(4) If it is deemed necessary for prohibiting or suspending the departure of any passenger or crew under paragraph (1), Article 4 or 29, the head of the office or branch office may order the vessel, etc. to suspend temporarily the departure from port or return to the port, or to restrict the passenger's or crew's entry and departure from the vessel, etc.

(5) If the head of the office or branch office orders the vessel, etc. to suspend temporarily its departure or return, or restricts its entry, under paragraph (4), he/she shall notify it without delay to the captain of the vessel, etc. or the forwarder. This provision shall also apply in case he/she releases such order on temporary suspension of entry or return, or restriction on entry.

(6) The temporary suspension, etc. of departure of the vessel, etc. from port under paragraph (4) shall be made only within the minimum scope necessary for carrying out official duties.

■ **Article 72 (Permission on Embarkation)**

(1) If the crew and passengers of the vessel, etc. being moored at an immigration port or place other than the immigration port, or any person other than those permitted to enter pursuant to the provisions of other Acts and subordinate statutes, desire to enter the vessel, etc., they shall obtain the permission of the head of the office or branch office on the embarkation.

(2) The provisions of paragraph (1) shall also apply in case any person other than the immigration control official desires to enter the immigration inspection place.

CHAPTER VIII RESPONSIBILITIES OF THE CAPTAIN OF VESSEL, ETC. AND THE FORWARDER

■ **Article 73 (General Obligations of the Forwarder, etc.)**

The Captain of a vessel, etc. or the forwarder shall comply with each requirement given in the following subparagraphs:

1. To prevent a person's entry or landing without entry or landing permission;
2. To prevent a person from embarking without a valid passport or seaman's pocketbook, and necessary visa;
3. To prevent embarkation of persons without permission to embark or of persons who did not receive departure examination;
4. To provide security guards requested by immigration control officials to prevent entry, landing, or embarkation as provided for in subparagraphs (1) through (3);
5. To search the inside of a vessel, etc. to determine whether or not a person is hiding in it while trying to enter or leave the Republic of Korea in contravention of this Acts;
6. To prohibit unauthorized entry or departure from the vessel, etc. before completion of the inspection of the vessel, etc. and the entry or departure examination;
7. To prevent the crews' or passengers' embarkation or disembarkation during the interval from the time of the inspection of the vessel, etc. and entry or departure examination to the time the vessel, etc. leaves port; or
8. Other matters as appear to immigration control officials to be especially necessary for carrying out their functions and duties in inspecting the vessel, etc. and conducting the entry or departure examinations.

■ Article 74 (Obligation of Prior Notification)

In case a vessel, etc. enters and departs from an immigration port, the captain of the vessel, etc. or the forwarder shall submit in advance to the head of the office or branch office a scheduled entry and departure notice specifying the scheduled entry and departure date and time and other necessary matters: *Provided*, That if any unexpected accident occurs, such as an emergency landing of the aircraft, a shipwreck, etc., the captain of the vessel, etc. or the forwarder shall notify without delay the head of office or branch office.

■ Article 75 (Obligation to Report)

(1) The captain of the vessel, etc. or the forwarder entering and departing from an immigration port or any other place, shall present to the head of the office or branch office a report on the entry and departure with the crew and passenger list.

(2) If the captain of the vessel, etc. or the forwarder entering and departing from the immigration port or other place, comes to the knowledge that a person who does not hold a passport or

seaman's pocketbook is aboard the vessel, etc., he/she shall report such fact without delay to the head of the office or branch office and prevent the person from landing.

(3) The captain of the vessel, etc. or the forwarder departing from an immigration port or place other than the immigration port, shall report to the head of the office or branch office whether or not the crew has returned to the ship, or there is any person who attempts to depart from the Republic of Korea without passing through the due departure procedure.

■ Article 76 (Obligation to Repatriate)

The captain or the forwarder of the vessel, etc. where any of the following foreigners has been aboard, shall repatriate the foreigner without delay out of the Republic of Korea at their expense and responsibility:

1. A person who fails to meet the requirements as prescribed in Article 7 (1) through (4) or 10 (1);
2. A person whose entry is prohibited or refused under Article 11;
3. A person whose entry is not permitted by any cause attributable to the captain of the vessel, etc. or the forwarder under Article 12 (4);
4. A person who is a member of the crew who has landed pursuant to Article 14, but fails to return to the ship until the vessel, etc. departs from the port; and
5. A person who falls under subparagraph 5 or 6 of Article 46 (1), and receives the deportation order.

CHAPTER VIII-2 RECOGNITION,

ETC. OF REFUGEES

■ Article 76-2 (Recognition of Refugees)

(1) When a foreigner staying in the Republic of Korea applies for recognition of refugee status under the conditions as prescribed by the Presidential Decree, the Minister of Justice may recognize the foreigner as a refugee.

(2) The application as referred to in paragraph (1) shall be made within one year after the foreigner lands or enters the Republic of Korea (if he/she becomes a refugee during his/her sojourn in the Republic of Korea, the day on which he/she knows the fact), except in case he/she is ill, or there is any unavoidable reason.

(3) When the Minister of Justice has recognized a foreigner as a refugee under paragraph (1), he/she shall deliver a refugee recognition certificate to the foreigner, and if not, notify in writing him/her of the reason for refusal.

(4) The procedure of examination on a recognition of refugee under paragraph (1), and other necessary matters, shall be determined by the Presidential Decree.

■ Article 76-3 (Cancellation of Recognition of Refugee)

(1) If a person who is recognized as a refugee under Article 76-2 (1), falls under Article 1 C (1) through (6) or 1 F (a) through (c) of the Refugee Agreement, the Minister of Justice may cancel the recognition of the refugee.

(2) The Minister of Justice, upon cancelling a recognition of a refugee under paragraph (1) shall notify the foreigner in writing.

■ Article 76-4 (Objection)

Any person who has made an application for a recognition of refugee under Article 76-2 (1), but fails to be recognized as refugee, or whose recognition of refugee was cancelled pursuant to Article 76-3 (1), may make an objection against the Minister of Justice within seven days after he/she is informed of the fact, under the conditions as prescribed by the Presidential Decree. In this case, he/she may not raise an administrative appeal under the Administrative Appeals Act.

■ Article 76-5 (Refugee Travel Certificate)

(1) If a person who has been recognized as refugee under Article 76-2 (1) desires to depart from the Republic of Korea, the Minister of Justice shall issue, upon his/her request, a refugee travel certificate under the conditions as prescribed by the Presidential Decree, except in case his/her departure is deemed detrimental to the interest or security of the Republic of Korea.

(2) The validity term of the refugee travel certificate as referred to in paragraph (1) shall be one year.

(3) Any person who has a refugee travel certificate issued under paragraph (1), may enter, or depart from the Republic of Korea during the validity term of such certificate. In this case, if he/she enters the Republic of Korea, he/she need not obtain permission to reenter as prescribed in Article 30.

(4) In the case as referred to in paragraph (3), if it is deemed necessary in particular, the Minister of Justice may limit the reentry period between three months to one year.

(5) If a person who has departed from the Republic of Korea with a refugee travel certificate issued under paragraph (1) is unable to reenter the Republic of Korea within the validity term of such certificate due to any disease or by other inevitable reason, the Minister of Justice may permit upon his/her request an extension of the validity term to the extent not exceeding six months.

(6) The Minister of Justice may delegate the authority to permit an extension of the validity term as referred to in paragraph (5), to the head of the diplomatic mission abroad under the conditions as prescribed by the Presidential Decree.

■ **Article 76-6 (Return of Refugee Recognition Certificate, etc.)**

(1) If a person who has been recognized as a refugee under Article 76-2 (1), falls under any of the following subparagraphs, he/she shall return without delay the refugee recognition or travel certificate which he/she holds, to the head of the office or branch office:

1. In case he/she receives a written deportation order under Article 59 (2), 68 (4), or 85 (1);
2. In case he/she receives a notification that the objection against the deportation order is groundless under Article 60 (5); and
3. In case he/she receives a notification that the recognition of refugee is cancelled pursuant to Article 76-3 (2).

(2) If the Minister of Justice deems that a person, who has a refugee travel certificate issued under Article 76-5 (1), might commit any act detrimental to the interest or security of the Republic of Korea, the Minister may order the person to return the refugee travel certificate within a fixed period not exceeding fourteen days.

(3) The refugee travel certificate which is returned under paragraph (2) shall lose its effect at the time it is returned, and if it is not returned by the designated time limit, at the time such time limit expires, respectively.

■ **Article 76-7 (Special Case of Permission on Sojourn of Refugee)**

In case a person who has been recognized as a refugee makes an objection in accordance with Article 60 (1), even if it does not fall under any of the causes as prescribed in Article 61 (1), and it is deemed groundless, the Minister of Justice may permit his/her sojourn. In this case, the provisions of Article 61 (2) shall apply *mutatis muntandis*.

CHAPTER IX SUPPLEMENTARY PROVISIONS

■ **Article 77 (Carrying and Use of Arms, etc.)**

(1) If it is required for performing his duties, the immigration control official may carry himself arms, etc. (referring to the equipment, outfit, sprayer, arms as stipulated in Articles 10 through 10-4 of the Act on the Performance of Duties by Police Officers, and hereinafter referred to as the "arms. etc.").

(2) The immigration control official may use arms, etc. according to the provisions of Articles 10 through 10-4 of the Act on the Performance of Duties by Police Officers.

■ Article 78 (Cooperation of Relevant Agencies)

(1) If it is required for conducting any investigation as prescribed in Article 47, or investigation on a recognition, etc. of a refugee or an immigration offense prescribed in Article 80, the immigration control official may request any relevant agency or organization to present materials or to cooperate in investigation on fact, etc.

(2) The relevant agency or organization shall, upon receiving a request for cooperation under paragraph (1), not refuse it without any justifiable reason.

■ Article 79 (Person Responsible for Application, etc. for Permission)

In case a person falling under any of the following subparagraphs is under seventeen years of age and fails to make an application for permission, etc., his/her parents or other person who is prescribed by the Presidential Decree, shall make such application for his/her place:

1. A person who is required to obtain a permission for the activities other than status of sojourn under Article 20;

1-2. A person who is required to obtain status of sojourn under Article 23;

2. A person who is required to obtain permission for change of status of sojourn under Article 24;

3. A person who is required to obtain permission to extend his/her sojourn period under Article 25;

4. A person who is required to make a foreigner registration under Article 31;

5. A person who is required to make a report on a change in the foreigner registration matters under Article 35; and

6. A person who is required to make a report on change of sojourn place under Article 36.

■ Article 80 (Investigation of Facts)

(1) In order to make any report or registration under this Act to be accurate, the immigration control official or competent public official may conduct a fact-finding, if there is considerable reason to suspect that the contents of report or registration as prescribed in Articles 19, 31, 35, and 36 are different from the fact.

(2) If it is deemed necessary for the issue of a visa issuance certificate as prescribed in Article 9, the recognition of a refugee as prescribed in Article 76-2 or the cancellation of the recognition of a refugee as prescribed in Article 76-3, the Minister of Justice may have an immigration control official conduct a fact-finding.

(3) If it is required to conduct the investigation for fact-finding as referred to in paragraph (1) or (2), any person who has made a report, registration or application under paragraph (1) or (2), or other interested person, may be obliged to appear and answer any question, or to present documents and other materials.

■ **Article 81 (Investigation of Foreigner State of Things by Immigration Control Officials, etc.)**

(1) In order to investigate whether or not any foreigner sojourns lawfully in accordance with this Act or any order issued under this Act, the immigration control officials or public officials belonging to related agencies as determined by the Presidential Decree may visit the foreigner, the foreigner's employer, representative of the organization to which the foreigner belongs or foreigner's work place, or those who provide the foreigner with accommodation, and to ask them any question or demand them to present other necessary materials.

(2) No person who is asked any question or is demanded to present materials under paragraph (1), shall refuse it without any justifiable reason.

■ **Article 82 (Carrying and Presentation of Certificate)**

The immigration control official or competent public official shall carry himself a certificate indicating his/her authority, and show it to any interested person, in case he/she carries out the following duties:

1. Inspection on residence or things, or demanding to present documents and other things pursuant to Article 50;
2. Inspection and examination under Articles 69 and 70;
3. Asking questions or demanding other necessary materials pursuant to Articles 80 and 81; and
4. Other duties as referred to in subparagraphs 1 through 3.

■ **Article 83 (Report on Immigration Offender)**

Any person who finds a person suspected of violating this Act, may report the fact to an immigration control official.

■ **Article 84 (Obligation of Notification)**

(1) If any public official of the state or local government finds, in the course of carrying out his/her duties, a person falling under any of subparagraphs of Article 46 (1), or a person deemed to be in contravention of this Act, the official shall without delay inform the head of the office or branch office or the head of the foreigner internment camp.

(2) If a foreigner falling under paragraph (1) who has been subject to execution of a penalty, is released by termination of his prison term, suspension of execution of sentence or by other

reason, or a foreigner who has been interned under a disposition of protective or medical internment, is released from the internment camp, or a foreigner who has been interned in a juvenile reformatory under the Juvenile Act, is released from such reformatory, the head of the prison, juvenile prison, detention house and its branch, protective or medical internment camp, or juvenile reformatory shall without delay inform the head of the office or branch office, or the head of the foreigner internment camp.

■ Article 85 (Relation to Penal Procedure)

(1) Even when a foreigner falling under any of subparagraphs of Article 46 (1) is subject to execution of a sentence, the head of the office or branch office, or the head of the foreigner internment camp may take a procedure of deportation.

(2) In the case as referred to in paragraph (1), if a written deportation order is issued, it shall be executed after the execution of a sentence against the foreigner is terminated: *Provided*, That if the director of the district public prosecutor's office having jurisdiction over the present place of the foreigner permits it, the written deportation order may be executed even before the execution of sentence is terminated.

■ Article 86 (Delivery of Person)

(1) When a public prosecutor makes a disposition not to indict an arrested suspect to whom a written deportation order has been issued, he/she shall hand him/her over to an immigration control official.

(2) If a written deportation order is issued to a foreigner who is reported to the head of the office or branch office or the head of a foreigner internment camp under Article 84 (2), the head of the prison, juvenile prison, detention house and its branch, protective or medical internment camp, or juvenile reformatory shall hand him over to an immigration control official at the same time he is released from such institution.

■ Article 87 (Immigration Control Fee)

(1) Any person who obtains permission, etc. under this Act shall pay a fee as determined by the Ordinance of the Ministry of Justice.

(2) If it is deemed necessary in the light of international practices or reciprocity principles and other reasons as prescribed by the Ordinance of the Ministry of Justice, the Minister of Justice may exempt the fee as referred to in paragraph (1), and if an agreement, etc. includes separate provisions concerning the fee, he shall comply with the provisions.

■ Article 88 (Issue of Fact-Certification)

(1) The head of the office or branch office may issue a fact-certification on entry and departure from the Republic of Korea, to a person who has ever been departed from or entered the Republic

of Korea according to the procedures as prescribed by this Act, under the conditions as prescribed by the Ordinance of the Ministry of Justice.

(2) The head of the office or branch office, or the head of *Shi/Kun/Ku* may, under the conditions as prescribed by the Ordinance of the Ministry of Justice, issue a fact-certification on foreigner registration to a foreigner who has made a foreigner registration according to the procedures as prescribed by this Act.

[This Article Wholly Amended by Act No. 6540, Dec. 29, 2001]

■ 88-2 (Relation Between Foreigner Registration Certificates, etc. and Resident Registration Card, etc.)

(1) In the event that any resident registration card, or certified copy or the abridged copy of any resident registration certificate is required to execute various procedures and transactions, etc. provided for in Acts and subordinate statutes, any foreigner registration certificate or any certificate attesting the fact of foreigner registration shall substitute.

(2) Any foreigner registration and any report on a change of sojourn place under this Act shall substitute any resident registration and any moving-in report.

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ Article 89 (Revocation and Alteration of Various Permission, etc.)

(1) If a foreigner falls under any of the following subparagraphs, the Minister of Justice may revoke or alter the issue of visa under Article 8, the issuance of certificate of confirmation on the issuance of visa pursuant to the provisions of Article 9, permission of entry pursuant to the provisions of Article 12 (3), permission on conditional entry under Article 13, permission on landing under Article 14 or permission, etc. on sojourn under Articles 20, 21, 23 through 25:

1. In case the guarantor withdraws his/her fidelity guarantee or there is no guarantor;
2. In case it is found that the permission, etc. is obtained by a deceitful or other unlawful way;
3. In case the conditions of permission are violated;
4. In case any alteration of circumstances raises a grave cause to maintain no longer the permitted conditions; or
5. In case the degree of violation against this Act or other Acts is serious, or any *ex officio* order issued by the immigration control official is violated.

(2) If it is deemed necessary for the revocation or alteration of permission, etc. under paragraph (1), the Minister of Justice may have the foreigner concerned or the applicant as prescribed in Article 79 appear and hear from him/her.

(3) In the case as referred to in paragraph (2), the Minister of Justice shall notify the foreigner or applicant of the reason why the revocation or alteration is made, and the date, time and place of appearance not later than seven days before the date of appearance.

■ Article 90 (Fidelity Guarantee)

(1) If it is deemed necessary in connection with the issuance of a visa or certificate of confirmation on the issuance of a visa, permission to enter, permission on conditional entry or various sojourns, internment or handing over of immigration offenders, etc., the Minister of Justice may have the inviter or other related person stand guarantee for such foreigner (hereinafter referred to as a "guaranteed foreigner").

(2) The Minister of Justice may have a person agreeing to subscribe to fidelity bond (hereinafter referred to as a "guarantor of fidelity bond") for a guaranteed foreigner under paragraph (1), bear the whole or part of the expenses needed for the foreigner's sojourn, internment and departure from the Republic of Korea.

(3) In case expenses are defrayed out of moneys provided by the National Treasury because a guarantor of fidelity bond fails to pay such expenses imposed in pursuance of the provisions of paragraph(2) above, the Minister of Justice may have the guarantor of fidelity bond provide an indemnity against such expenses.

(4) In case the Minister of Justice deems a guarantor of fidelity bond is likely to fail to pay such expenses as provided for in the provisions of paragraph (2), or in case he/she deems it is impossible to achieve expected purposes only by the subscription to fidelity bond, he/she may have the guarantor of fidelity bond deposit the amount of money not exceeding 3 million won per guaranteed foreigner.

(5) The qualifications for a guarantor of a fidelity bond, period of guarantee and other matters necessary for the fidelity guarantee shall be determined by the Ordinance of the Ministry of Justice.

■ Article 90-2 (Liability for Expenses in Connection with Removal of Unlawfully Employed Foreigners)

(1) The Minister of Justice may impose the whole or part of the expenses incurred in connection with the removal of a foreigner from the Republic of Korea on a person who employed the foreigner without status of sojourn eligible for employment (hereinafter referred to as an "unlawful employer").

(2) Where expenses are defrayed out of moneys provided by the National Treasury because an unlawful employer fails to pay such expenses imposed in pursuance of the provisions of paragraph(1), the Minister of Justice may require the unlawful employer to indemnify the National Treasury for such expenses.

■ Article 91 (Delivery of Documents, etc.)

(1) Except as otherwise provided for in this Act, documents, etc. shall be delivered personally or by mail to the person concerned, his/her family, guarantor, or head of the organization to which he/she belongs, in that order.

(2) If it is deemed impossible to deliver documents, etc. pursuant to the provisions of paragraph (1), the head of the office or branch office or the head of the foreigner internment camp shall keep the documents, etc. to be delivered, and provide public notice by posting the reason for nondelivery on the bulletin board in the office building.

(3) The public notice by posting as referred to in paragraph (2) shall take effect at the expiration of fourteen days after such notice is posted.

■ Article 92 (Delegation of Authority)

(1) The Minister of Justice may delegate part of his/her authority vested under this Act to the head of the office or branch office, or the head of the foreigner internment camp under the conditions as prescribed by the Presidential Decree.

(2) The head of the *Shi/Kun/Ku* may delegate part of his/her authority vested under this Act to the head of the *Ku* (limited only to the *Ku* which is not an autonomous *Ku*) *Eup/Myon/Dong* or branch office under the conditions as prescribed by the Presidential Decree.

■ Article 93 (Procedure for Travel between South and North Korea)

(1) If a national who resides south of the Military Demarcation Line (hereinafter referred to as "South Korea") or in a foreign country, enters or departs from the Republic of Korea through the area north of the Military Demarcation Line (hereinafter referred to as "North Korea"), he/she shall undergo an immigration inspection before he/she goes to North Korea from South Korea, or after he/she comes to South Korea from North Korea.

(2) With respect to the procedure for travel of any foreigner between South Korea and North Korea, the provisions of this Act concerning the procedure for immigration shall be applicable, except for the case as separately prescribed by the Minister of Justice.

(3) If a foreigner enters or departs from the Republic of Korea through the North Korea, he/she shall be subject to the provisions of this Act concerning the procedure of immigration.

(4) Matters necessary for enforcement of paragraphs (1) through (3) shall be determined by the Presidential Decree.

CHAPTER X PENAL PROVISIONS

■ Article 93-2 (Penal Provisions)

Any person who falls under any of the following subparagraphs and has acted for the profit of his own shall be punished by imprisonment with prison labor or without prison labor for not more than 7 years, or by a fine not exceeding 50 million won:

1. Person who has illegally allowed a group of foreigners subject to the entry inspection required under the provisions of Article 12 (1) or (2) to enter the Republic of Korea or arranged their illegal entry into the Republic of Korea;
2. Person who has provisioned or arranged any ship, etc. for the purpose of getting a group of foreigners to illegally enter the Republic of Korea or to illegally depart from the Republic of Korea in violation of the provisions of Article 12-2 (1); and
3. Person who has provisioned or arranged any ship, etc. for the purpose of helping a group of foreigners who have illegally entered the Republic of Korea hide out or evade their arrest in the country in violation of the provisions of Article 12-2 (2).

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ Article 93-3 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment with prison labor or without prison labor for not more than 5 years or by a fine not exceeding 30 million won:

1. Person who has entered the Republic of Korea without getting through entry inspection in violation of the provisions of Article 12 (1) or (2); and
2. Person who has committed the offense specified in each subparagraph of Article 93-2 (excluding any person who has committed such offence for the profit of his own).

[This Article Newly Inserted by Act No. 6745, Dec. 5, 2002]

■ Article 94 (Penal Provisions)

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment with or without prison labor for not more than three years or a fine not exceeding twenty million won:

1. A person who departs from the Republic of Korea without undergoing the departure examination in contravention of the provisions of Article 3 (1);
2. A person who has entered the Republic of Korea in violation of the provisions of Article 7 (1) or (4);
- 2-2. A person who has violated the provisions of Article 12-2 and does not fall under the provisions of Article 93-2 or Article 93-3;

- 2-3. A person who violates the provisions of Article 7-2;
3. A person who lands without obtaining permission as prescribed in Article 14 (1);
4. A person who violates the conditions as prescribed in Article 14 (2);
5. A person who violates the provisions of Articles 17(1), 18(1) and (5) and 20;
- 5-2. A person who violates the provisions of Article 18 (3);
6. A person who mediates or solicits as a business the employment of foreigners who have no sojourn eligibility to work, in contravention of the provisions of Article 18 (4);
- 6-2. A person who mediates as a business the employment of foreigners who fail to obtain permission to change or add a work place, in contravention of the provisions of Article 21 (2);
7. A person who violates the restriction, etc. as prescribed in Article 22;
8. A person who violates the provisions of Article 23, 24 or 25;
9. A person who has departed from the Republic of Korea in contravention of the provisions of Article 28 (1) or (2);
- 9-2. A person who has violated the provisions of Article 33-2; and
10. A person who violates the provisions of Article 69 or 70.

■ **Article 95 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by imprisonment with or without prison labor for not more than one year or a fine not exceeding five million won:

1. A person who has entered the Republic of Korea without undergoing the entry examination in contravention of the provisions of Article 6 (1);
2. A person who violates the conditions as prescribed in Article 13 (2);
3. A person who has landed without obtaining the permission as prescribed in Article 15 (1), 16 (1) or 16-2 (1);
4. A person who violates the conditions as prescribed in Article 15 (2), 16 (2) or 16-2 (2);
5. A person who violates the provisions of Article 18 (2) or 21 (1);
6. Deleted;

6-2. A person who employs any foreigner who fails to obtain the permission on the change or addition of work place, in contravention of the provisions of Article 21 (2);

7. A person who violates the provisions of Article 31;

8. A person who has been interned under Article 51 (1), (3), 56 or 63 (1), and has fled;

9. A person who violates the conditions as prescribed in Article 63 (2); and

10. A person who obtains the recognition of refugee as prescribed in Article 76-2 (1) by a deceitful or other unlawful way.

■ **Article 96 Deleted.**

■ **Article 97 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding three million won:

1. A person who violates the order or restriction as prescribed in Article 71 (4);

2. A person who violates the provisions of Article 72;

3. A person who fails to comply with the provisions of Article 73 without reasonable grounds;

4. A person who violates the provisions of Article 74, 75 or 76; and

5. A person who violates the provisions of Article 76-6 (1), or an order issued under paragraph (2) of the said Article.

■ **Article 98 (Penal Provisions)**

Any person who falls under any of the following subparagraphs, shall be punished by a fine not exceeding one million won:

1. A person who mediates or solicits an employment of any foreigner having no status of sojourn by which he/she is entitled to work (excluding a person who does so as a business), in contravention of the provisions of Article 18 (4);

1-2. A person who mediates(excluding persons who do so as a business) foreigners who fail to obtain the permission to change or add a work place, in contravention of the provisions of Article 21 (2);

2. A person who violates the provisions of Article 27; and

3. A person who violates the provisions of Article 36 (1).

4. and 5. Deleted.

■ **Article 99 (Person Guilty of Attempt to Commit Crime, etc.)**

(1) A person who plans or conspires to commit a crime falling under Article 93-2, Article 93-3 and subparagraphs 1, 2, 2-2 and 9 of Article 94 or subparagraph 1 of Article 95 or a person who is guilty of an attempt to commit such a crime shall be punished as if he committed the respective principal crimes.

(2) A person who aids and abets activities as falling under the provisions of paragraph (1) shall be punished as if he/she is a principal.

■ **Article 99-2 (Exemption of Refugee from Punishment)**

In case a person who falls under any of subparagraph 1 of Article 93-3 and subparagraph 2, 3, 4 or 8 of Article 94, or subparagraph 3 or 4 of Article 95, reports directly to the head of the office or branch office, without delay after committing an offense, the fact that he/she is a refugee who has entered or landed in the Republic of Korea from a territory where he/she feared that his/her life, body or physical freedom might have been infringed for the reason as prescribed in Article 1 (2) of the Refugee Agreement, and he/she has committed the offense due to such fear, and if the fact is established, he/she shall be exempted from the punishment.

[This Article Newly Inserted by Act No. 4592, Dec. 10, 1993]

■ **Article 100 (Fine for Negligence)**

(1) Any person who violates the provisions of Article 19, shall be punished by a fine for negligence not exceeding two million won.

(2) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding one million won:

1. A person who violates the provisions of Article 35 or 37;
2. A person who violates the provisions of Article 79; and
3. A person who refuses or evades a demand by an immigration control official to present books or materials under Article 81 (2).

(3) Any person who falls under any of the following subparagraphs, shall be punished by a fine for negligence not exceeding five hundred thousand won:

1. A person who violates the provisions of Article 33 (2); and
2. A person who enters or reports any false fact in various applications or reports as prescribed by this Act.

(4) The fine for negligence as referred to in paragraphs (1) through (3) shall be imposed and collected by the head of the office or branch office under the conditions as prescribed by the Presidential Decree.

(5) Any person who object to the disposition of fine for negligence as referred to in paragraph (4), may make an objection against the head of the office or branch office within thirty days after he/she get the knowledge of such disposition.

(6) If a person who is subject to a disposition of fine for negligence under paragraph (4), has made an objection under paragraph (5), the head of the office or branch office shall notify it without delay to the competent court, which shall, upon receiving the notification, bring the case of fine for negligence to a trial under the Non-Contentious Case Litigation Procedure Act.

(7) If no objection is made, and no fine for negligence is paid, in the period as referred to in paragraph (5), it shall be collected in accordance with procedures for collecting national taxes in arrears.

CHAPTER XI ACCUSATION

AND DISPOSITION OF NOTICE

SECTION 1 Accusation

■ Article 101 (Accusation)

(1) With respect to any offense regarding immigration, no public action shall be instituted without an accusation of the head of the office or branch office or the head of the foreigner internment camp.

(2) If a criminal investigation agency other than the immigration control official has booked for any case falling under the text of paragraph (1), it shall without delay hand the case over to the head of the office or branch office or the head of the foreigner internment camp.

SECTION 2 Disposition of Notice

■ Article 102 (Disposition of Notice)

(1) When the head of the office or branch office, or the head of the foreigner internment camp secures a positive evidence on a crime as a result of investigation on an immigration offender, he/she may give him/her a notice to pay an amount equivalent to the fine (hereinafter referred to as "penalty") at a designated place by papers specifying the reason thereof.

(2) If a person who is subject to a disposition of notice as referred to in paragraph (1), desires to pay provisionally the penalty, the head of the office or branch office, or the head of the foreigner internment camp may allow him/her to do so.

(3) If it is deemed as a result of an investigation, that the circumstances of crimes are recognized to be sentenced to the punishment heavier than imprisonment without prison labor, the head of the office or branch office, or the head of the foreigner internment camp shall immediately bring an accusation.

(4) The provisions of Articles 47 through 50 shall be apply mutatis muntandis to the case of investigation against any immigration offender. In this case, the verbal suspect interrogation record shall be considered as the verbal suspect interrogation record as prescribed in Article 244 of the Criminal Procedure Act.

■ **Article 103 (Criteria, etc. for Determination of Penalty)**

(1) The criteria for determination of the penalty as prescribed in Article 102 (1) shall be determined by the Ordinance of the Ministry of Justice.

(2) The Minister of Justice may exempt any immigration offender from the disposition of notice as prescribed in Article 102 (1) taking into consideration his/her age and background, motive and consequence of the offense, penalty-bearing capacity, and other circumstances.

■ **Article 104 (Method for Notification of Disposition of Notice)**

The notification of a disposition of notice shall be made through a service of written notice.

■ **Article 105 (Non-Fulfillment of Noticed Disposition and Accusation)**

(1) When an immigration offender has a written notice served, he/she shall pay the penalty within ten days.

(2) If the immigration offender fails to pay the penalty in the period as referred to in paragraph (1), the head of the office or branch office, or the head of the foreigner internment camp shall bring an accusation against him, except in case where he/she pays it prior to the accusation.

(3) Notwithstanding the provisions of the text of paragraph (2), if a written deportation order is issued against the immigration offender, no accusation shall be brought.

■ **Article 106 (Prohibition against Double Jeopardy)**

When an immigration offender has paid the penalty as noticed, he/she shall not be punished for the same violation.

ADDENDA

■ **Article 1 (Enforcement Date)**

This Act shall enter into force on April 1, 1993.

■ **Article 2 (Transitional Measures concerning Visa Issuance Certificate, etc.)**

(1) Any visa issuance certificate issued at the time of the enforcement of this Act shall be considered as that issued under this Act.

(2) Any person who has reported a change of work place under the previous provisions of Article 29 at the time this Act enters into force shall be considered to have obtained permission to change and add a working place under this Act.

■ **Article 3 (Transitional Measures concerning Foreigner Registration)**

(1) Any foreigner registration made with the head of the *Shi/Ku/Eup/Myon* pursuant to the previous provisions at the time this Act enters into force, shall be considered as made under this Act.

(2) Any residence report certificate issued pursuant to the previous provisions at the time this Act enters into force, shall be considered as a foreigner registration certificate issued under this Act until the certificate is returned or renewed, but the residence report certificate issued pursuant to the previous provisions shall be renewed when various permissions or reports related to the sojourn are granted or made for the first time after this Act enters into force.

(3) Any foreigner registration card prepared pursuant to the previous provisions at the time this Act enters into force, shall be considered as a foreigner registration card as prescribed by this Act.

■ **Article 4 (Transitional Measures concerning Foreigner Internment, etc.)**

(1) Any foreigner detention place and camp installed pursuant to the previous provisions at the time this Act enters into force shall be considered as a foreigner internment room and camp as prescribed by this Act.

(2) Any detention as prescribed by the previous provisions at the time this Act enters into force shall be considered as an internment as prescribed by this Act.

(3) Any detention order, departure recommendation and revocation of temporary release from detention made pursuant to the previous provisions at the time this Act enters into force shall be considered as an internment order, departure order and revocation of temporary release from internment.

■ **Article 5 (Transitional Measures concerning Penal Provisions)**

In applying the penal provisions to any act committed before this Act enters into force, the previous provisions shall prevail, but if the penal provisions as prescribed by this Act are lighter than those as prescribed by the former Act, the provisions of this Act shall be applied.

■ **Article 6 (Revision of Other Acts)**

(1) through (3) Omitted.

(4) In case where the provisions of the Immigration Control Act are cited in other Acts other than paragraphs (1) through (3), if this Act includes the provisions corresponding to the cited provisions, the corresponding provisions of this Act shall be considered to have been cited in lieu of the previous provisions.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 1994.

(2) (Transitional Measures) In applying the penal provisions to any act committed before this Act enters into force, the previous provisions shall apply.

(3) Omitted.

ADDENDA

■ Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1995.

■ Articles 2 through 4 Omitted.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on July 1, 1997.

(2) (Examples of Application as to Landing Permits Issued to the Crew) The amended provisions of Article 14 (4) shall apply to landing permits which are issued to a member of the crew for the first time after this Act enters into force.

(3) (Transitional Measures as to Permission on Extension of Sojourn Period) After this Act enters into force, a person whose sojourn period was extended in accordance with the previous provisions of this Act shall be deemed to have been given an extended sojourn period under the amended provisions of Article 25.

ADDENDUM

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

ADDENDUM

This Act shall enter into force on March 1, 1999.

ADDENDUM

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

ADDENDUM

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

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