

Chandrawat  
& Partners



# IMMIGRATION TO South Korea

[enquiries@chandrawatpartners.com](mailto:enquiries@chandrawatpartners.com)

[www.chandrawatpartners.com](http://www.chandrawatpartners.com)

# TABLE OF CONTENTS

<b>Contents</b>	<b>Page No.</b>
<b>THE SYSTEM OF IMMIGRATION IN SOUTH KOREA</b>	<b>3</b>
<b>PURPOSE OF IMMIGRATION</b>	<b>4</b>
<b>TYPES OF VISA</b>	<b>6</b>
<b>LICENSES AND DOCUMENTATION REQUIRED</b>	<b>7</b>
<b>ELIGIBILITY CRITERIA FOR VISAS</b>	<b>8</b>
<b>RECENT AMENDMENTS AND NEW GUIDELINES</b>	<b>13</b>
<b>HOW CAN WE HELP?</b>	<b>15</b>

# THE SYSTEM OF IMMIGRATION



Immigration in South Korea is governed by the Ministries of Justice, Labor, Health, and Welfare, as well as the Ministries of Foreign Affairs and Trade. The Nationality Act, Immigration Control Act, Multicultural Families Support Act, and Framework Act on Treatment of Foreigners are the cornerstones of Korean immigration law. Although there hasn't been much progress, the Korean government began discussing the establishment of an independent immigration office in 2003 to deal with the rapidly growing immigrant population in the nation and to provide just and reasonable immigration policies.

These policies are coordinated by the Prime Minister's Foreign Policy Committee, which controlled the management of foreign affairs by various departments. But because of a labor and resource shortage, it can only perform so many tasks. All foreign employees in South Korea are required to have the proper visas and work permits.

Obtaining work permits for employees who are sponsored by a locally controlled and established company may be difficult for enterprises that are newly entering the South Korean market. It can use a GEO Employer of Record or an outsourced management company to sponsor the employee for the necessary approvals if the incorporation process hasn't been completed.

# PURPOSE OF IMMIGRATION

- **Professor:** Foreign nationals interested in conducting research or giving lectures at a place that offers higher education should apply for this visa. Employees can normally renew it at intervals of one year. It is a multiple-entry option with a one-year validity.
- **Foreign language teacher:** This visa is an alternative for foreign nationals who want to instruct in a foreign language at a business, a school run by a broadcast station, an elementary, middle, or high school. It is a multiple-entry visa with a two-year validity period that the employee may renew every two years.
- **Research:** for foreign nationals who are invited to do research in a field of natural science or cutting-edge technology. Another multiple-entry visa with a one-year validity period.
- **Technological advice:** When invited by a public or private entity, foreign nationals with exceptional experience in science or technology are eligible to enter South Korea on an E-4 visa. The single-entry form of this visa is valid for three months and can also be renewed annually, while the multiple-entry version is valid for one year.





- **Special profession:** Professionals with worldwide licenses and approval from the South Korean government to practice in their field including architects, lawyers, doctors, and accountants. Select a single-entry visa for a stay of three months or a multiple-entry visa for a stay of a year that can be renewed every year.
- **Culture & the Arts:** This multiple-entry, one-year visa is available to foreign nationals with backgrounds in music, the arts, or literature. Every year, they have the option to renew it.
- **Specially designed activities:** Foreign nationals are required to participate in events that the Korean Ministry of Justice has specially planned through a public or private organization. Employees can choose the multiple-entry option to stay for one to three years and can renew it every one to three years. Additionally, they are able to apply for and renew a three-month single-entry visa.
- **Long-term news coverage:** This visa is designed exclusively for journalists who work in foreign media, including TV, newspapers, magazines, and more. It is valid for three months and can be renewed annually.



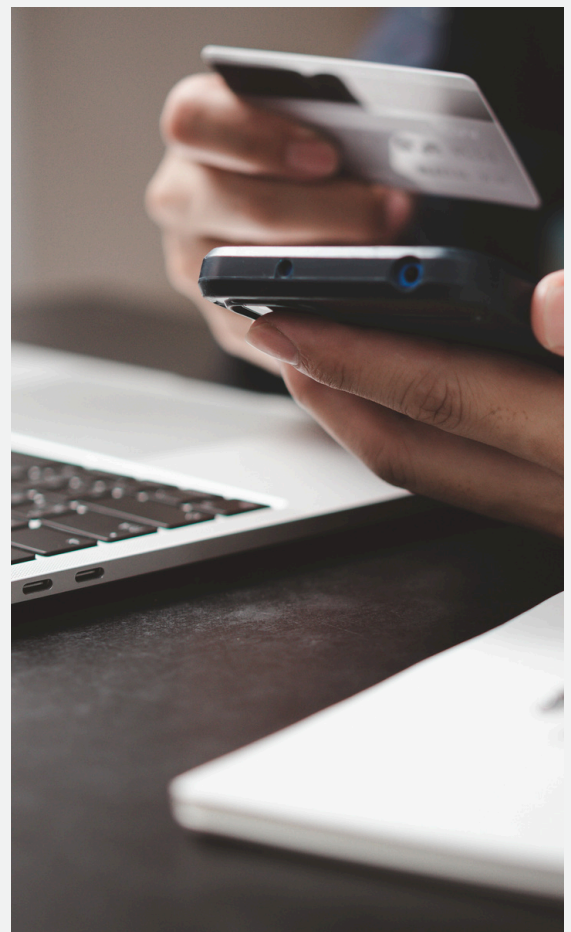
# TYPES OF VISA



To move to South Korea for work, there is need to obtain a work visa and a work permit. What type of work visa and permit needed to hold depends on the job position and how long the stay in South Korea. The following visas allows to work longer than 90 days:

- E-1 professor visa.
- E-2 foreign language instructor.
- E-3 research.
- E-4 technological guidance.
- E-5 special profession.
- E-6 culture and art.
- E-7 specially designed activities.
- D-5 long-term new coverage.
- D-8-4 technology and business start-up visa.
- D-10-2 business start-up visa.
- D-8-1 investment visa.

Upon entering the country, there must registration of stay at a local Immigration Office in South Korea. In addition, there must also get the Alien Registration Card ("ARC") at the Immigration Office.



# LICENSES AND DOCUMENTATION REQUIRED

## South Korea's Work Visa Document Requirements

The documents need to present when applying for a visa depends on which type of visa opted for. However, all work visas require to have-

- a completed application forms.
- passport (original and/or copies, digital or physical).
- a coloured passport-style photograph (3.5 mm by 4.5 mm).

Some visa application procedures also require presenting the employment contract, educational and professional certificates, criminal record, or recommendation letter. When applying, will also need to pay a fee.

## South Korea's Work Permit Visa Application Form

South Korea allows for both online and physical visa applications. They are:

- e-visa application (via the visa portal)
- visa application (via Korean diplomatic missions abroad)
- confirmation of visa issuance application (via the visa portal)
- confirmation of visa issuance application (via Korean immigration offices).





### Self-Employment Visa

South Korea allows for a self-employment visa that encourages foreigners to start their business in Korea. As with traditional employment visas, the type of visa apply for is dependent on the job industry. For example:

- A D-8-4 technology and business start-up visa is designed to accommodate promising ventures in the country.
- The D-10-2 business start-up visa will let foreigners sort out all the documents and attend Overall Assistance of Start-up Immigration System (OASIS) training to prepare for the entrepreneurship path.
- The D-8-1 investment visa is for those who can invest a large sum of money into their business to get it started.



# ELIGIBILITY CRITERIA FOR VISAS

## South Korea Self-Employment Visa Requirements

Only in preparation stages when it comes to the business venture, they can opt for D-10-2 visa. The eligibility requirements for this type of visa are simple: one just needs to have a bachelor's or higher degree and appropriate skills necessary to start a business. The necessary documents for the application include:

- completed self-employment visa application form.
- passport.
- a coloured passport-style photograph (3.5 mm by 4.5 mm).
- education certificate.
- technology/business start-up plan.

if applicable, application certificate (patent proof, intellectual property right permission, etc.);

if applicable, OASIS (Overall Assistance for Startup Immigration System) program certificate or confirmation of participation letter.

The eligibility requirements for the D-8-4 start-up visa are the same, however, the document requirements are different. To apply it need the following:

- completed self-employment visa application form.
- passport.
- a coloured passport-style photograph (3.5 mm by 4.5 mm)
- corporate register and business registration certificate.
- proof that has the intellectual property or appropriate skills.





### Investment Visa

If cannot achieve enough points to qualify for the D-8-4 start-up visa, can opt for an investment visa D-8-1, by investing 100,000 USD or more into the company that is starting. For that, will need:

- completed self-employment visa application form.
- passport.
- a coloured passport-style photograph (3.5 mm by 4.5 mm)
- dispatch order indicating the period of dispatch and a certificate of employment.
- foreign investment notification or an FDI company registration.
- copy of business registration certificate, copy of unabridged corporate registration, or original or copy of a statement demonstrating the change of shareholders.
- documents demonstrating transfer of investment capitals (documents depend on whether the investment is made through a bank transfer or in cash).



### Self-Employment Visa Process

As mentioned above, to obtain a D-8-4 visa there is need to gain a certain number of qualifying points. There are 340 points in total and one needs to obtain 80 to get the D-8-4 start-up visa.

Prerequisite points:

- intellectual property ownership: patent or utility – 80 points.
- intellectual property ownership: design – 50 points.
- intellectual property application: patent or utility – 20 points.
- intellectual property application: design – 10 points.
- participating at OASIS-6: Start-up Exhibitions program and receiving third through first prize at invention – 25 points.
- participating at OASIS-9: Support for Start-up Commercialization and get selected as central or local government-supported business – 25 points.
- start-up recognition from the Minister of Justice – 25 points.
- completing OASIS-1: Intellectual Property Class, basic course – 15 points.
- completing OASIS-2: Intellectual Property Class, advanced class – 25 points.
- completing OASIS-4: Start-up Class – 25 points.
- completing OASIS-5: Start-up Coaching and Mentoring program – 15 points.
- graduating from OASIS-7: Start-up Incubator – 15 points.

## South Korea's Permanent Resident Visa Requirements

- The F-5 type visa is the permanent residence visa for South Korea. The eligibility requirements need to meet to get it are:
- Investing nearly 600 million KRW (500,000 USD) or more in a Korean business and hiring five or more locals.
- Marrying a Korean citizen or an F-5 holder.
- Obtaining a degree in South Korea. That can be a bachelor's degree in science or engineering or any type of master's degree. Additionally, must be living here for three years while earning sufficient annual income (higher than the country's per capita gross national income).
- Obtaining a doctorate degree in South Korea and getting a job in the field of high technologies.
- Running a business under a D-8-4 start-up visa in Korea for at least three years, making at least 300 million KRW (256,100 USD) in total, and hiring at least two Korean employees for no less than six months.
- Holding an F-2 type visa for five years or more while having sufficient income to support oneself and family and the ability to understand Korean culture and traditions.
- Holding an F-4 Overseas Korean Visa for at least two years in addition to sufficient income or property tax payments. The Ministry of Justice for exceptional talent in Science, Education, Culture and Arts, Sports, or Management



# RECENT AMENDMENTS AND NEW GUIDELINES



## Introduction of new visas

Two new visa types will be made available to visitors, the Ministry of Culture, Sports and Tourism announced last month.

Another addition is the so-called "workcation" visa, which is Korea's version of what is better known internationally as the "digital nomad visa." It is a temporary residence permit that will allow foreigners to stay in Korea while working remotely for an employer in their home country.

Slated to be introduced in the second half of this year, the digital nomad visa can be extended for up to two years.

Regulations for foreign workers here will also undergo change-

The Ministry of Labour and Employment and Labour announced last month a plan to allow long-term foreign employees with E-9 visas, or manual labour workers, to work here for up to 10 years, without having to leave the country.



The E-9 visa, which covers foreigners in fields like fishing, farming, manufacturing, and other labour-intensive jobs, currently permits workers to stay for three years. It can be extended for one year and 10 months, meaning one can work here with the visa for up to four years and 10 months. Although the permit can be further extended, one would have to depart and reenter Korea for the renewal.

While the maximum period has provisionally been set to 10 years, officials said they will hold further discussions with related government bodies and those in the industry to extend it even further.

The ministry is also mulling expanding the range of jobs that E-9 visa holders can work in.

Undergraduates with D-2 student visas will be allowed to work for up to 30 hours a week, up from the current 25 hours. Rules for graduate students, who can work up to 35 hours per week, remain unchanged.

Another change is that hotels will be able to hire five foreigners, up from the current two, on the E-7 visa. The E-7 visa is issued to foreign nationals in white collar industries and applicants must be invited by a public or private organization.

D-2 visa holders, who are fluent in Korean and not eligible for E-7 visas, could be allowed to stay and work in Korea with the E-9 visa, the ministry plan shows.

More information on the qualifications for each visa type is available on the government-run Korea Visa Portal.

# How we can help?

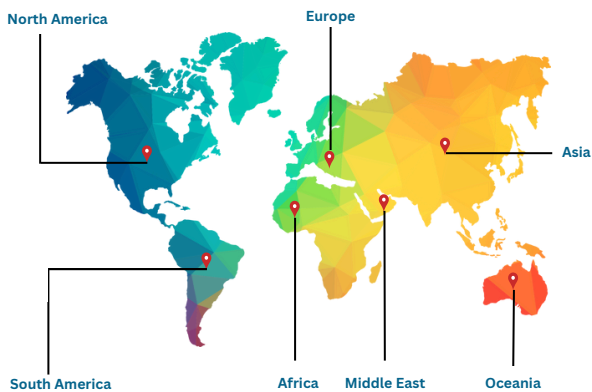


At Chandrawat & Partners, we provide full-service for immigration law including visa applications, sponsorship applications, interview preparation, appeals process, and general counseling. Some of the services provided by our team are as follows:

- Our Team work to help our clients apply for visas across the spectrum like employment, education, entertainment, business, and tourist visas.
- Our Team also work with the internal application processes to ensure full compliance with the law.
- Our Team can assist clients with single or multiple-entry business visas, social visas, visa-on-arrival, and visit visa extensions.
- Our team can assist clients in immigration audits, deportation cases, detainment cases, and administrative court cases.



## SERVING CLIENTS WORLDWIDE



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## Key Contact



**Surendra Singh Chandrawat**

Managing Partner

✉ [surendra@chandrawatpartners.com](mailto:surendra@chandrawatpartners.com)

Connect Surendra on

[LinkedIn](#)

[WhatsApp](#)

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