

# IMMIGRATION LAW

Law No. 1289, Enacted on March 5, 1963

Law No. 1900, Amended on March 3, 1967

Law No. 2437, Amended on January 15, 1973

Law No. 3044, Amended on December 31, 1977

Law No. 3694, Amended on December 31, 1983

Law No. 4522, Amended on December 8, 1992

Law No. 4592, Amended on December 10, 1993

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## CHAPTER 1 GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Law is to provide matters concerning the control over the entry into or departure from the Republic of Korea of all nationals and aliens, the control over the sojourn of aliens who stay in the Republic of Korea, and the procedure for recognition of refugees, etc.

### Article 2 (Definitions)

Definitions of the terms used in this Law shall be as follows:

1. the term “National” means the national of the Republic of Korea.
2. the term “Alien” means any person who has no nationality of the Republic of Korea.
- 2.2 the term “Refugee” means a person who falls within the provisions of Article 1 of the Convention relating to the Status of Refugees (hereinafter referred to as “Refugee Convention”) or the provisions of Article 1 of the Protocol relating to the Status of Refugees.
3. the term “Passport” means a passport or refugee travel document issued by the Government of the Republic of Korea, foreign government or competent international organization, or other certificate substituted for the passport and acknowledged valid by the Government of the Republic of Korea.
4. the term “Seaman’s book” 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 “Port of exit and entry” means a port, airport or other places of the Republic of Korea, through which departure from or entry into the Republic of Korea may be made, as specified by a Presidential Decree.

6. the term “Chief of Korean mission abroad” means an Ambassador, Minister, Consul-General, Consul, of the Republic of Korea, or the chief of an organization performing consular affairs, stationed abroad.
7. Repealed (February 5, 1999)
8. the term “Vessel, etc.” means a vessel, aircraft, train, automobile or other means of transportation that transports persons or things between the Republic of Korea and any area outside the Republic of Korea.
9. the term “Crew” means persons serving on board a vessel, etc.
10. the term “Forwarder” means a person who conducts business by means of vessel, etc., and a person who performs any transaction belonging to the forwarder’s business in behalf of the forwarder.
11. the term “Immigration Detention Place” means a place set up in the immigration office or its branch office for the purpose of detaining aliens under this Law.
12. the term “Immigration Detention Center” means the facilities installed for the purpose of detaining aliens under this Law, as specified by the Presidential Decree.
13. the term “Offender of this Law” means a person who is acknowledged to have committed any of offenses prescribed in Article 94 to 100.

## **CHAPTER 2 DEPARTURE AND ENTRY OF A NATIONAL**

### Article 3. (Departure of a National)

(1) A national who intends to depart from the Republic of Korea for an area outside the Republic of Korea (hereinafter referred to as “departure”), shall hold a valid passport or seaman's book and undergo a departure inspection conducted by the immigration officer at the port of exit and entry, from which he desires to depart. However, if it is impossible to depart from the port of exit and entry under unavoidable circumstances, he may depart from the place other than the port of exit and entry after having been granted permission of the chief of the competent immigration office (hereinafter referred to as “office chief”) or the chief of the competent branch of immigration office (hereinafter referred to as “branch chief”) and having received a departure inspection conducted by the immigration officer.

(2) When the national undergoes the inspection under Paragraph (1), he shall hold a valid visa issued by the country of destination or transit, unless the national leaves for a country where the visa has been exempted by the agreement between the Republic of Korea and the country concerned or the immigration officer determines that the visa is not required.

### Article 4. (Prohibition of Departure)

(1) The Minister of Justice may prohibit the departure of a person who falls under any of the following Subparagraphs:

1. A person whose departure is considered extremely detrimental to the interest of the Republic of Korea.
2. A person whose departure is considered undue for a criminal investigation.

(2) The immigration officer, in conducting a departure inspection, shall not allow a person whose departure is prohibited pursuant to Paragraph (1), to depart from the Republic of Korea.

Article 5. (Custody of Passport, etc.)

(1) The immigration officer may withdraw and take custody of a pass port or seaman's book of a person whose departure is prohibited in accordance with Article 4.

(2) When the Immigration officer discovers a forged or altered passport or seaman's book, he may withdraw and take custody of it.

Article 6. (Entry of a National)

(1) If a national intends to enter the Republic of Korea from an area outside the Republic of Korea (hereinafter referred to as "entry"), he shall hold a valid passport or seaman's book, and receive an entry inspection conducted by the immigration officer at the port of exit and entry. However, when the national cannot enter through the port of exit and entry under unavoidable circumstances, he may enter through the place other than the port of exit and entry after undergoing the entry inspection conducted by the immigration officer with a permission of the office chief or the branch office chief.

(2) In case a national desires to enter without holding a valid passport or seaman's book on account of loss of it or other reason, the immigration officer may allow him to enter through a procedure of confirmation.

## **CHAPTER 3 ENTRY AND LANDING OF ALIEN**

### **Section 1 Entry of Alien**

Article 7. (Entry of Alien)

(1) An alien who desires to enter the Republic of Korea shall be in possession of a valid passport or seaman's book and a visa issued by the Minister of Justice.

(2) An alien falling under any of the following Subparagraphs may enter the Republic of Korea without a visa notwithstanding the provisions of Paragraph (1)

1. A person who enters the Republic of Korea before the expiration of the period of the re-entry permission after obtaining the permission.

2. A person who is a national of the country which has concluded the visa waiver agreement with the Republic of Korea, and who becomes the object of exemption according to the agreement.

3. A person who enters the Republic of Korea for the international friendship, sightseeing or interest of the Republic of Korea, etc., and who has obtained an entry permission as provided by the presidential Decree.

4. A person who departed from the Republic of Korea with a refugee travel document issued, and who enters the Republic of Korea before the expiration of its valid period.

(3) If deemed necessary for the maintenance of public order or the interest of the nation, the Minister of Justice may temporarily suspend the application of visa waiver agreement to those who falls under Subparagraph 2 of Paragraph (2).

(4) Notwithstanding the provision of Paragraph (1), any national of country having no diplomatic relationship with the Republic of Korea or having been designated by the Minister of Justice through consultation with the Minister of Foreign Affairs and trade, may enter the Republic of Korea with the alien entry permit issued by the chief of Korean mission abroad, Immigration office or branch office in accordance with the provisions of the Presidential Decree.

(5) The Minister of Justice may have immigration officers station at the Korean mission abroad in order to issue the visa or alien entry permit as referred to in Paragraphs (1) or (4) in accordance with the provisions of the Presidential Decree.

#### Article 8. (Visa)

1. The visa as prescribed in Article 7 shall be divided into a single visa with which an alien can enter only once the Republic of Korea, and a multiple visa usable twice or more times.

2. The Minister of Justice may delegate the authority of issuing visa to the chief of Korean mission abroad in accordance with the provisions of the Presidential Decree.

3. The criteria and procedures for issuing the visa shall be prescribed by the Ordinance of the Ministry of Justice.

#### Article 9. (Certificate for Recognition of Visa Issuance)

(1) When deemed necessary in particular, the Minister of Justice may issue, upon inviter's request, a certificate for recognition of visa issuance before issuing the visa as referred to in Article 7 (1).

(2) The object, criteria and procedures of issuing a certificate for recognition of visa issuance under Paragraph 1 shall be determined by the Ordinance of the Ministry of Justice.

#### Article 10. (Status of Sojourn)

(1) An alien who desires to enter the Republic of Korea shall have a status of sojourn prescribed by the Presidential Decree. The upper limit of the sojourn period for one time shall be prescribed by the ordinance.

#### Article 11. (Prohibition, etc. of Entry)

(1) The Minister of Justice may prohibit the entry of an alien who falls under any of the following Subparagraphs:

1. A patient of an epidemic disease, addict of narcotics and other person who is deemed apprehensive to inflict any danger and injury on public sanitation.

2. A person who intends to enter the Republic of Korea illegally carrying firearms, swords and explosives prescribed in the firearms, Swords & Explosives, etc. Control Law.

3. A person who is deemed to have a considerable reason to commit any act detrimental to the interest of the Republic of Korea or security of the public.

4. A person who is deemed to have a considerable reason to commit any act detrimental to the economic or social order or the good morals.

5. A mentally handicapped person, vagabond, destitute or other person in need of relief.

6. A person for whom five years have not elapsed after departure from the Republic of Korea under a deportation order.

7. Any alien who, during the period beginning on August 29, 1910, and ending on August 15, 1945, participated in genocide/persecution of any person because of race, national origin, religion, nationality, or political opinion, under the direction of, or in association with, the government of Japan, any government which was an ally of the government of Japan, or any government under the control of the government of Japan.

8. A person who corresponds to any of Subparagraph 1 to 7, and who is deemed by the Minister of Justice as a person whose entry is improper.

(2) In case the home country of an alien intending to enter the Republic of Korea refuses entry of a national of the Republic of Korea into that country for the reason other than those mentioned in each Subparagraph under Paragraph (1), the Minister of Justice may refuse the entry of the said alien for the same reason.

#### Article 12. (Entry Inspection)

(1) An alien who intends to enter the Republic of Korea shall receive an entry inspection conducted by the immigration officer at the port of exit and entry through which he desires to enter.

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

(3) The immigration officer shall, at the time of conducting entry inspection, examine whether or not an alien fulfills the necessary conditions of the following requirements to grant an entry permit:

1. The passport or seaman's book and visa shall be valid: Provided, that the visa is limited only to case where it is required.

2. The purpose of entry shall comply with the status of sojourn.

3. The sojourn period shall have been determined according to the Ordinance of the Ministry of Justice.

4. The entry of an alien shall not be prohibited or refused by the provisions of Article 1(1)

(4) When it is deemed that an alien does not fulfill the requirements as referred to in Subparagraphs of Paragraph (3), the immigration officer may refuse to grant the entry permit.

(5) When the immigration officer permits the entry of an alien who falls under Subparagraphs 2 or 3 of Article 7 (2), the officer shall grant the status of sojourn and determine the period of sojourn in accordance with the provisions of the Presidential Decree.

(6) The immigration officer may have access to a vessel, etc. for an inspection pursuant to Paragraph (1) or (2).

(7) The provisions of Article 5(2) shall be applicable to the case as referred to in Paragraph (1) or (2).

Article 12-2 (Prohibition of providing vessels etc)

(1) Any person shall not provide a vessel etc or a passport or a seaman's book with a view to, illegally, helping any alien to enter the Republic of Korea from the outside of the Republic of Korea, or helping him to leave for the outside of the Republic of Korea from the Republic of Korea.

(2) Any person shall not provide shelters to any illegally entered alien, help him to abscond or provide a vessel etc for such a purpose.

Article 13. (Conditional Entry Permit)

(1) The chief of the office or branch office may give conditional entry permit to an alien who falls under any of the following Subparagraphs, as provided by the Presidential Decree:

1. An alien who fails to meet the requirements as prescribed in Subparagraph 1 of Article 12 (3) by any unavoidable reasons, but is deemed to meet them in a specified period.

2. An alien who is deemed to require special inspection, as he is doubted to fall under any of Subparagraphs of Article 11(1) or he is doubted not to meet the requirements as prescribed in Subparagraph 2 of Article 12 (3).

3. Other alien whose conditional entry permit is deemed necessary by the chief of the office or branch office.

(2) Upon granting a conditional entry permission as referred to in Paragraph (1), the chief of the office or branch office shall issue the written conditional entry permit. In this case, he shall attach to it the residence restriction, the duty to meet the attendance requirement or any other necessary conditions, and, when deemed necessary, he may have the alien deposit a bond not exceeding 10,000,000 Won.

(3) The chief of the office or branch office may have a whole or a part of the bond vested to the National Treasury, in case that the alien who has obtained conditional entry permit pursuant to the provisions of Paragraph (1) violates the conditions.

(4) The procedures for depositing, returning and vesting the bond to the National Treasury pursuant to Paragraphs (2) and (3) shall be prescribed by the Presidential Decree.

Section 2. Landing of Alien

Article 14. (Landing Permission to Crew)

(1) When an alien crew desires to make a landing for the purpose of transferring to another vessel, etc. or taking a rest and so forth, the immigration officer may grant landing permission to the crew up to 15 days upon the request of the captain of the vessel, etc. or the forwarder or the principal. However, this provision shall not apply to the aliens falling under any of Subparagraphs of Article 11 (1).

(2) When the immigration officer grants landing permission according to the provision of Paragraph (1), he shall issue a written crew landing permit. In this case, the immigration officer may attach to it the area of activity, or other necessary conditions.

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

A written crew landing permit issued by the provision of Paragraph (2) may be valid even in other port of exit and entry until the vessel etc completely clear a port of the Republic of Korea.

#### Article 15. (Emergency Landing Permission)

(1) When the captain of the vessel, etc. or the forwarder applies for an emergency landing permission on account of illness of an alien(including the crew) on board the vessel, etc. or any other accident, if deemed necessary, the immigration officer may grant the permission for emergency landing within the scope of 30 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 “the written crew landing permit” shall be considered as the term “the written emergency landing permit”, and the term “the crew landing permission” as the term “the emergency landing permission”.

(3) The captain of the vessel, etc. or the forwarder shall bear the living costs, medical, funeral and all other expenses required while on land for the alien who has made an emergency landing.

#### Article 16. (Disaster Landing Permission)

(1) When the chief of the office or branch office deems that there exists the need for urgent rescue of the alien(including the crew) on board the vessel, etc. in distress, he may grant disaster landing permission, within the scope of 30 days, upon the request of the captain of the vessel, etc. or the forwarder concerned, or the executor of the rescue operation prescribed in the Sea Disaster Relief Act, or the captain of the vessel, etc. who has rescued the aliens concerned.

(2) The provisions of Article 14 (2) and (3) shall be applicable to the case as prescribed in Paragraph (1). In this case the term “the written crew landing permit” shall be considered as the term “the written disaster landing permit”, and the term “the crew landing permission” as the disaster landing permission.

(3) The provisions of Article 15 (3) shall be applicable to the case as referred to a person who received the disaster landing permission. In this case “emergency landing” shall be considered as “disaster landing”.

#### Article 16.2 (Landing Permission for Temporary Refuge)

(1) When an alien who is on board a vessel, etc. applies for a refugee status escaping to the Republic of Korea directly from a territory with the well-founded fear of being persecuted life, body, or the bodily freedom for reasons specified in Article 1, Section A(2) of the Convention relating to the Status of Refugees and other corresponding reasons thereof the chief of the office or branch office may grant a landing permission for temporary refuge within the scope of 90 days with the approval of the Minister of Justice if he deems that there exist considerable reasons to land the alien. 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 be applicable to the case as referred to in Paragraph (1). In this case, the term “the written crew landing permit” shall be considered as the term “the written landing permit for temporary refuge”, and the term “the crew landing permission” as the term “the landing permission for temporary refuge.”

## CHAPTER 4 SOJOURN AND DEPARTURE OF ALIEN

### Section 1. Sojourn of Alien

#### Article 17. (Sojourn and Activity Scope of Alien)

- (1) An alien may sojourn in the Republic of Korea within the scope of the status and period of his sojourn.
- (2) An alien sojourning in the Republic of Korea shall not engage in political activities.
- (3) In case an alien sojourning in the Republic of Korea is engaged in political activities, the Minister of Justice may order in writing to suspend such activities or other necessary measures.

#### Article 18. (Restrictions on the Employment of Alien)

- (1) An alien who desires to get an employment in the Republic of Korea shall obtain the status of sojourn with which the alien can engage in occupational activities in accordance with the provisions of the Presidential Decree.
  - (2) No alien who has the status of sojourn as referred to in Paragraph (1) shall work at any place other than the designated working place.
  - (3) No one shall employ the alien who has not obtained the status of sojourn in accordance with Paragraph (1).
  - (4) No one shall arrange or induce the employment of an alien who has not obtained the status of sojourn in accordance with Paragraph (1).
- No one shall put an alien who has not obtained the status of sojourn in accordance with Paragraph (1) under his control for the purpose of arranging employment.

#### Article 19. (Report Obligation by a Person etc, who Employs an Alien)

- (1) In case of the occurrence of any of the following Subparagraphs, the person who has employed an alien shall report to the chief of the office or branch office within 15 days from the date when he is informed of the facts:
  1. In case that he has dismissed the alien, or the alien has retired from the service or died.
  2. In case that the whereabouts of the employed alien is unknown.
  3. In case that the material contents of employment agreement have been changed.
  4. In case that he discovers that the employed alien has violated this Law or order issued under this Law.
- (2) The provisions of Paragraph (1) shall be applicable to a head of the industry which instructs industrial technology to aliens.

#### Article 19-2. (Protection etc of Industrial Trainees)

- (1) The government shall take necessary measures so as to protect aliens who are being trained at designated industries (hereinafter referred to as “industrial trainees”) with the status of sojourn corresponding to industrial training activities in accordance with Article 10.
- (2) What is necessary regarding the designation of industries regulated by the provision of Paragraph (1) shall be prescribed by a Presidential Decree.

Article 19-3. (Management etc of industrial Trainees)

- (1) The Minister of Justice shall take necessary actions for the management of industrial trainees, including departure of the alien, by investigation of industrial trainees desertion from his or her training place, activities other than training, or his or her violations of permitted condition.
- (2) Matters necessary for the management of industrial trainees regulated by the provision of Paragraph (1) and recruitment related to entry of industrial trainees shall be prescribed by a Presidential Decree.
- (3) The Minister of Justice may grant permission of change of the status of sojourn to aliens (hereinafter referred to as “training employees” in this Paragraph) who have qualification specified by a Presidential Decree as industrial trainees so that they may engage in employment activities. In this case, the management of training employees shall apply to the provision of Paragraph (1) and (2).

Article 20. (Activities Other Than Those Under the Status of Sojourn)

In case an alien sojourning in the Republic of Korea intends to engage in any activities corresponding to other status of sojourn in parallel with those corresponding to his status of sojourn, he shall obtain permission on the activities other than those under his status of sojourn from the Minister of Justice in advance.

Article 21. (Change and Addition of Working Place)

- (1) In case an alien sojourning in the Republic of Korea intends to change or add working place within the scope of his status of sojourn, he shall obtain permission from the Minister of Justice in advance.
- (2) No one shall employ or arrange an employment of an alien who has not obtained a permission on the change and addition of his working place under Paragraph (1), except when the employment was arranged under other laws.

Article 22. (Restriction on the Scope of Activities)

The Minister of Justice, when deemed necessary for public peace and order or for grave interest of the Republic of Korea, may restrict the scope of the residence or activities of an alien sojourning in the Republic of Korea, or determine necessary matters to be observed, on or by any alien.

Article 23. (Granting Status of Sojourn)

An alien who comes to sojourn without obtaining a status of sojourn pursuant to Article 10 on account of loss of the nationality of the Republic of Korea, birth in the Republic of Korea, or by other reason, shall obtain the proper status of sojourn within 30 days from the date on which such cause occurs in accordance with the provisions of the Presidential Decree.

Article 24. (Permission for Change of Sojourn Status)

- (1) An alien sojourning in the Republic of Korea who intends to engage in the activities falling under status of sojourn different from his status of sojourn shall obtain in advance a permission for change of sojourn status from the Minister of Justice.

(2) An alien who falls under any Subparagraphs of Article 31(1) and who intends to change his status of sojourn on account of change in his personal status, shall obtain a permission for change of sojourn status from the Minister of Justice within 30 days from the date of change of his personal status.

Article 25. (Permission for Extension of Sojourn Period)

An alien who desires to continue to stay beyond the period of sojourn shall obtain a permission for extension of his sojourn period from the Minister of Justice before expiration thereof in accordance with the provisions of the Presidential Decree.

Article 26. (Permission for Renewal of Sojourn Period)

*Repealed (December 12, 1996)*

Article 27. (Carrying and Showing Passport, etc.)

(1) An alien sojourning in the Republic of Korea shall always carry with him his passport, seaman's book, alien entry permit, alien registration certificate or written landing permit(hereinafter referred to as "passport, etc."), except in the case of any alien less than the age of seventeen years.

(2) An alien under the text of Paragraph (1) shall present the passport, etc. in response to the demand of the immigration officer or other authorized official in performance of his official duty.

#### Section (2) Departure of Alien

Article 28. (Departure Inspection)

(1) An alien who is going to leave the Republic of Korea shall go through departure inspection, with a valid passport or seaman's book, conducted by the immigration officer at the port of exit and entry through which he intends to leave.

(2) The provision of the proviso of Article 3 (1) shall be applicable to the case as referred to in Paragraph (1).

(3) The provision of Article 5 (2) shall be applicable to the case as referred to in Paragraph (1) and (2).

4. The provision of Article 12 (6) shall apply to the case as referred to in Paragraph (1) and (2).

Article 29. (Suspension of Alien's Departure)

The Minister of Justice may suspend the departure of an alien falling under any of the following Subparagraphs:

1. An alien who is detrimental to the security or social order of the Republic of Korea, or who is under investigation on the suspicion of having committed any other grave crime.

2. An alien who is delinquent of taxes or other public imposts.

3. An alien whose departure is considered particularly improper for protecting the interest of the Republic of Korea.

Article 30. (Permission of Re-Entry)

(1) When an alien who has temporarily left the Republic of Korea is going to re-enter the country within his period of sojourn, the Minister of Justice may grant a re-entry permission upon his request.

(2) The re-entry permission under Paragraph (1) shall be divided into a single re-entry permission valid only for one time and a multiple re-entry permission valid for twice or more times.

(3) When an alien cannot re-enter the Republic of Korea within the period granted pursuant to the provision of Paragraph (1) due to any disease or any unavoidable reasons, he shall obtain permission for extending the granted re-entry period from the Minister of Justice.

(4) The Minister of Justice may delegate to the chief of a Korean mission abroad the authority regarding permission for extending the granted re-entry period in accordance with the provisions of the Presidential Decree.

(5) The criteria and procedures concerning the permission of re-entry and the permission of extending the period shall be prescribed by the Ordinance of the Ministry of Justice.

## **CHAPTER 5 REGISTRATION OF ALIEN, ETC.**

### Section 1. Registration of Alien

Article 31 (Registration of Alien)

(1) An alien who comes to sojourn in the Republic of Korea for over 90 days from the date of his entry shall effect an alien's registration with the chief of the competent office or branch office having jurisdiction over the place of his sojourn within 90 days from the date of entry in accordance with the provisions of the Presidential Decree, except in the case of an alien who falls under any of the following Subparagraphs:

1. Personnel and their families of foreign diplomatic and consular offices(including embassy and consulate) and international organizations in the Republic of Korea.

2. Persons who enjoy the privileges and immunities similar to those of diplomatic officers or consuls by the agreement with the Government of the Republic of Korea, and their families.

3. Persons who have been invited by the Government of the Republic of Korea or other persons, who are prescribed by the Ordinance of the Ministry of Justice.

(2) An alien who has obtained a status of sojourn pursuant to Article 23 and continues to sojourn in the Republic of Korea for over 90 days from the date of obtaining the status of sojourn shall, notwithstanding Paragraph (1), effect an alien registration when he is granted the status of sojourn.

(3) An alien who has obtained the permission for change of sojourn status pursuant to Article 24 and continues to sojourn for over 90 days from the date of his entry shall, notwithstanding Paragraph (1), effect an alien registration when he obtains the permission.

Article 32. (Matters of Alien Registration)

Matters to be registered by an alien pursuant to Article 31 shall be as follows:

1. Name, sex, birthdate and nationality.
2. Number, date of issuance and effective period of passport.
3. Working place and position or affairs in charge.
4. Address of home country and sojourn place in the Republic of Korea.
5. Status and period of sojourn.
6. Other matters prescribed by the Ordinance of the Ministry of Justice.

Article 33. (Issuance of Alien Registration Certificate)

(1) The chief of the office or branch office who has received the alien registration under Article 31 shall issue an alien registration certificate in accordance with the provisions of the Presidential Decree. However, an alien registration certificate may not be issued, when the alien concerned is under the age of seventeen.

(2) In case an alien who has not been issued an alien registration certificate under the proviso of Paragraph (1) has reached the age of seventeen, he shall apply for the issuance of an alien registration certificate to the chief of the competent office or branch office having jurisdiction over the place of sojourn within 60 days.

Article 34. (Preparation and Management of Alien Registration Card, etc.)

(1) The chief of the office or branch office who has received the alien registration under Article 31 shall prepare and keep the recording list of the registered alien, and prepare alien registration cards to forward them to the chief of the Shi(city: except special municipality, wide-area municipality ; the same shall apply hereinafter), Kun(county) or Ku(ward: referred to a self-governing ward ; the same shall apply hereinafter) where the alien is residing.

(2) The chief of the Shi(city), Kun(county), or Ku (ward) shall, when he has received alien registration cards in accordance with Paragraph (1), enter and manage the matters of registration in the alien register book.

(3) Matters necessary for preparing and managing the recording list of the registered alien, alien registration cards and alien register book shall be prescribed by the Ordinance of the Ministry of Justice.

Article 35. (Report on Alteration in Matters of Alien Registration)

In case an alien who effected the registration in accordance with the provisions of Article 31 has altered any matters falling under any of the following Subparagraphs, he shall, in accordance with the provisions of the Presidential Decree, file a report on the alteration in matters of alien registration with the chief of the competent office or branch office having jurisdiction over the place of his sojourn within 14 days.

1. Name, sex, birthdate and nationality.
2. Number, date of issuance and effective period of passport.
3. Name of place of employment and position(the position is applicable only to executives)

Article 36. (Report on Change of Sojourn place)

(1) When an alien who has completed the registration under Article 31 has altered his place of sojourn, he shall file a report of his moving-in with the chief of the Shi(city), Kun(county) or Ku(ward) having jurisdiction over new place of his sojourn within fourteen days from the date when he moved in according to a Presidential Decree.

(2) An alien shall present his alien registration certificate when filing the report under Paragraph (1). In this case, the chief of the Shi (city), Kun(county) or Ku(ward) shall enter the change of sojourn place on the certificate, and then return it to the alien concerned.

(3) The chief of the Shi(city), Kun(county) or Ku(ward) who has received a moving-in report in accordance with Paragraph (1) shall request to transfer the alien's registration card to the chief of the Shi(city), Kun(county) or Ku(ward) having jurisdiction over the former place of sojourn by attaching a copy of a report for change of the place of sojourn without delay.

(4) The chief of the Shi(city), Kun(county) or Ku(ward) having jurisdiction over the former place of sojourn who has been requested to transfer an alien's registration card under Paragraph (3) shall transfer the card to the chief of the Shi, Kun, or Ku of the new place of sojourn.

(5) The chief of the Shi(city), Kun(county) or Ku(ward) who has received a alien's registration card under Paragraph (4) shall manage the card in accordance with the provision of Paragraph (2) of Article 34.

(6) The chief the Shi, Kun, or Ku who has a moving-in report under the provision of Paragraph (1) shall notify the fact without delay of the chief of immigration district office or branch office having jurisdiction over the place of sojourn.

Article 37. (Return, etc. of Alien Registration Certificate)

(1) When an alien who has completed a registration in accordance with Article 31 leaves the Republic of Korea, he shall return the alien registration certificate to the immigration officer, except in any of the following Subparagraphs:

1. In case an alien, who has obtained the re-entry permission, is going to re-enter the Republic of Korea within the permitted period after a temporary departure.

2. In case an alien, who holds a multiple visa, or who is a national of a country subject to exemption from re-entry permission, is going to re-enter the Republic of Korea within the permitted period of sojourn after a temporary departure.

3. In case an alien who has received the refugee travel document is going to re-enter the Republic of Korea within the effective period after a temporary departure.

(2) In case an alien who completed a registration in accordance with Article 31 has obtained the nationality of the Republic of Korea, or has died or falls under any of Subparagraphs of Article 31 (1), the alien registration certificate shall be returned in accordance with the provisions of the Presidential Decree.

(3) When the chief of the office or branch office has the alien registration certificate returned in accordance with the provisions of Paragraph (1) or (2), he shall notify it without delay to the chief of the Shi(city), Kun(county) or Ku(ward) having jurisdiction over the place of sojourn.

(4) When the chief of the office or branch office deems that there exists the need for the interest of the Republic of Korea, he may temporarily take custody of the alien registration certificate of the alien falling under any of Subparagraphs of Paragraph (1).

(5) In the case as referred to in Paragraph (4), when the alien re-enters the Republic of Korea within the permitted period, he shall get the alien registration certificate back from the chief of the office or branch office within 14 days after his re-entry, and when the alien fails to re-enter within the permitted period, it shall be deemed that he has returned the alien registration certificate in accordance with Paragraph (1).

#### Article 38. (Fingerprinting)

(1) The alien who falls under any of the following Subparagraphs shall fingerprint in accordance with the provisions of the Presidential Decree:

1. An alien who is 20 or more years of age and makes an alien registration. However, this provision shall not apply to the alien whose sojourn period is less than one year from the date of entry or the date of obtaining the status of sojourn.
2. An alien who is under investigation in violation of this Law, or a criminal investigation in violation of other laws.
3. An alien whose identity is not established.
4. Other alien whose fingerprint is deemed especially necessary by the Minister of Justice for the security and interest of the Republic of Korea.

(2) The chief of the office or branch office may refuse to grant the permission under this Law, such as permission for extension of sojourn period, against an alien who refuses to take his fingerprint as referred to in Paragraph (1).

### Section 2. Registration of Foreign Organization

Article 39-45.

*Repealed (February 5, 1999)*

## **CHAPTER 6 DEPORTATION, ETC.**

### Section 1 Persons to be Deported

#### Article 46. (Persons to be Deported)

The chief of the office, branch office or immigration detention center may deport from the Republic of Korea aliens falling under any of the following Subparagraphs in accordance with the procedure prescribed in this Chapter:

1. A person who has violated Article 7.
2. A person for whom the cause falling under any of Subparagraphs of Article 11(1) is found or occurs after his entry.
3. A person who has violated Article 12 (1) or (2).
4. A person who has violated the conditions set by the chief of the office or branch office pursuant to Article 13 (2).
5. A person who has landed without obtaining permission, pursuant to Article 14 (1), Article 15 (1), Article 16 (1), and Article 16-2 (1).

6. A person who has violated the conditions set by the chief of the office or branch office, or the immigration officer, pursuant to Article 14 (2), Article 15 (2), Article 16 (2), and Article 16-2 (2).
7. A person who has violated Article 17 (1) or (2), Article 18, Article 20, Article 21, Article 23, Article 24 or Article 25.
8. A person who has not complied with the restriction on residence area or the scope of activities, or other instructions determined by the Minister of Justice pursuant to Article 22.
9. A person who attempted to leave the country in violation of Article 28.
10. A person who has violated Article 31.
11. A person who has been released after receiving the sentence of punishment heavier than imprisonment without hard labor.

## Section 2. Investigation

### Article 47. (Investigation)

The immigration officer may investigate an alien as far as he is suspected of falling under any of Subparagraphs of Article 46 (hereinafter referred to as "the suspect").

### Article 48. (Request for Presence and Interrogation against the Suspect)

- (1) The immigration officer may request the presence of the suspect and interrogate him when necessary for the investigation pursuant to Article 46.
- (2) When interrogating the suspect pursuant to Paragraph (1), the immigration officer shall have another immigration officer participate in it.
- (3) When interrogating the suspect pursuant to Paragraph (1), any statement made by him shall be entered in the investigation record.
- (4) The investigation record as referred to in Paragraph (3) shall be read to, or inspected by, the suspect, and he shall be asked whether there is any error or not. If the suspect demands any addition, exclusion, or change in contents thereof, his statement shall be entered in such investigation record.
- (5) The investigation record shall be affixed interseals and signature or seal by the suspect. However, when the suspect is unable to, or refuses to, affix his signature, or seal, the fact shall be entered in the investigation record.
- (6) In case a person who is not versed in the Korean language, or has a hearing or speech defect is required to make a statement, an interpreter shall be provided to interpret for him. However, a person with a hearing or speech defect may be interrogated, or make a statement, in writing.
- (7) Letters or signs in the statement, which are not Korean language, shall be translated into the Korean language.

### Article 49. (Request for Presence to and Statement of Reference Person)

- (1) The immigration officer may request a reference person to attend for hearing his statements when necessary for the investigation pursuant to Article 47.
- (2) The provisions of Article 48 (2) to (7) shall be applicable to a statement of a reference person.

Article 50. (Inspection and Request for Submission of Documents, etc)

The immigration officer may inspect the residence and things of the suspect and request the submission of documents or things with his consent when necessary for the investigation pursuant to Article 47.

Section 3. Detention

Article 51 (Detention)

- (1) In case there is a considerable reason to suspect that an alien falls under any of Subparagraphs of Article 46, and he flees or might flee, the immigration officer may detain the alien after obtaining the detention order issued by the chief of the office, branch office, or immigration detention center.
- (2) Request for the issuance of detention order in accordance with Paragraph (1) shall be presented with materials that justify the need for detention.
- (3) In case there is a considerable reason to suspect that an alien falls under any of Subparagraphs of Article 46, and he flees or might flee, but the immigration officer has no sufficient time for obtaining on an urgent basis the detention order from the chief of the office, branch office, or immigration detention center, the immigration officer may detain the alien by issuing a written urgent detention order under his name after informing the alien of the purport.
- (4) In case of detaining the alien in accordance with Paragraph (3), the Immigration officer shall obtain the detention order within forty-eight hours and present it to the alien. Otherwise, he shall release the alien without delay.

Article 52 (Period and Place of Detention)

- (1) The period of detention shall be less than ten days. However, under unavoidable circumstances, this period can be extended only once within the period not exceeding ten days with the approval of the chief of the office, branch office or immigration detention center.
- (2) The place to detain any alien shall be immigration detention place, immigration detention center, or other place designated by the Minister of Justice.

Article 53. (Execution of Detention Order)

When the immigration officer executes the detention order, he shall show the order to the suspect.

Article 54. (Notification of Detention)

When the suspect is detained, the immigration officer shall notify his legal proxy, spouse, lineal relatives, brothers and sisters, family, counsel (hereinafter referred to as "legal proxy, etc."), or a person designated by the suspect, of the time, place and the reason for detention in writing within three days.

Article 55. (Objection against Detention)

- (1) The person detained by the detention order, or his legal proxy, etc. may file an objection against the detention with the Minister of Justice, by way of the chief of the office, branch office, or immigration detention center.

(2) The Minister of Justice, upon receipt of the objection pursuant to Paragraph (1), shall review the relevant documents without delay, and he shall, if the request is deemed groundless reject the objection by a decision and he shall, if well-grounded, order by a decision the release of the suspect from detention.

(3) The Minister of Justice may hear the statements of the persons concerned, if necessary, before he makes a decision pursuant to Paragraph (2).

#### Article 56. (Temporary Detention of Alien)

(1) The immigration officer may temporarily detain an alien falling under any of the following subparagraphs in an immigration detention place. In this case, the detention period shall not exceed forty-eight hours:

1. A person who has not been permitted to enter the country in accordance with Article 12 (4).

2. A person who has been admitted a conditional entry in accordance with Article 13 (1), and who flees or has a considerable reason to deem that he might flee.

3. A person who has been ordered to leave the Republic of Korea in accordance with Article 68 (1), and who flees or has a considerable reason to deem that he might flee.

(2) If the immigration officer is unable to deport an alien within 48 hours due to lack of transportation, illness, or other causes, and the alien is in detention in accordance with paragraph (1) the detention period can be extended for a maximum of 48 hours with the approval of the chief of office.

#### Article 57. (Treatment of Detainee)

Facilities of immigration detention place and center, treatment, supplies, guard for detainees and other necessary matters shall be prescribed by the Ordinance of the Ministry of Justice.

### Section 4. Examination and Objection

#### Article 58. (Examination and Decision)

The chief of the office, branch office or immigration detention center shall examine and decide without delay whether or not the suspect falls under any of Subparagraphs of Article 46 when the immigration officer has finished the investigation on the suspect.

#### Article 59. (Procedures after Examination)

(1) When the chief of the office, branch office or immigration detention center considers, as a result of his examination, that the suspect does not fall under any of Subparagraphs of Article 46, he shall notify the suspect of the result without delay and release him immediately in case he is under detention.

(2) When the chief of the office, branch office or immigration detention center considers, as a result of his examination, that the suspect falls under any of Subparagraphs of Article 46, he may issue a deportation order to the suspect.

(3) In case the chief of the office, branch office or immigration detention center issues a deportation order, he shall inform the suspect that he may make an objection against the Minister of Justice.

#### Article 60. (Objection)

- (1) When the suspect desires to file an objection against the deportation order, he shall file it with the Minister of Justice through the chief of the office, branch office or immigration detention center within seven days from the date on which he received the deportation order.
- (2) Upon receipt of an objection filed in accordance with the provision of Paragraph (1), the chief of the office, branch office or immigration detention center shall submit it to the Minister of Justice along with the written examination and decision, and the investigation records.
- (3) Upon receipt of an objection pursuant to Paragraph (1) and (2), the Minister of Justice shall review and decide whether or not the objection filed is justified, and notify the effect to the chief of the office, branch office, or immigration detention center.
- (4) Upon receiving from the Minister of Justice a notification of decision that the objection filed is justified, the chief of the office, branch office, or immigration detention center shall inform the suspect of such decision without delay and release him immediately in case the suspect is under detention.
- (5) Upon receiving from the Minister of Justice a notification of decision that the objection filed is not justified, the chief of the office, branch office, or immigration detention center shall inform the suspect of such decision without delay.

#### Article 61 (Special Case of Sojourn Permission)

- (1) In making a decision pursuant to Article 60(3), even though the objection filed is not justified, the Minister of Justice may permit the suspect to sojourn, if the suspect has previously been a national of the Republic of Korea or it is deemed that there are special circumstances for him to sojourn in the Republic of Korea.
- (2) The Minister of Justice may determine the period of sojourn, or attach other necessary conditions when granting the permission pursuant to Paragraph (1).

### Section 5. Execution of Deportation Order

#### Article 62 (Execution of Deportation Order)

- (1) The deportation order shall be executed by the immigration officer.
- (2) The chief of the office, branch office, or immigration detention center may entrust the execution of the deportation order to a judicial police official.
- (3) At the time the deportation order is executed, the order shall be presented to the person to whom it is issued and the said person shall be repatriated without delay to the country of repatriation prescribed in the provisions of Article 64. However, when the captain of the vessel, etc. or the forwarder shall repatriate the person in accordance with the provisions of Article 76, the immigration officer may hand over the person to the said captain or the forwarder.

#### Article 63. (Detention of the Person under Deportation Order and Release from Detention)

- (1) When it is impossible for the chief of the office, branch office or immigration detention center to repatriate the person ordered to be deported immediately, he may detain him at the immigration detention place, immigration detention center or such other

places as designated by the Minister of Justice until the repatriation of the said person can be effected.

(2) When it becomes clear that the person ordered to be deported cannot be repatriated by various reasons such as rejection of entry by other country, the chief of the office, branch office or immigration detention center may release the person from detention with necessary conditions attached, including restriction on residence.

#### Article 64. (Country to be Repatriated)

(1) The person ordered to be deported shall be repatriated to the country of which he retains the nationality or citizenship.

(2) When the person cannot be repatriated to the country pursuant to Paragraph (1), he may be repatriated to the country falling under any of the following Subparagraphs:

1. The country where the person had resided before his entry into the Republic of Korea.

2. The country of his birth.

3. The country in which the port at which he had gotten board the vessel, etc. to enter the Republic of Korea is situated.

4. The other country to which the person desires to be repatriated.

(3) Notwithstanding Paragraph (1) or (2), a refugee shall not be repatriated to the country where his or her expulsion or repatriation is prohibited by Article 33 (1) of the Convention relating to the Status of Refugees, except when the Minister of Justice considers the repatriation to act against the interests and the security of the Republic of Korea.

### Section 6. Temporary Release from Detention

#### Article 65. (Temporary Release from Detention)

(1) A person being detained under a detention order or a deportation order, his sponsor, or legal proxy, etc. may ask the chief of the office, branch office, or immigration detention center for a temporary release from detention in accordance with the provisions of the Presidential Decree.

(2) Upon receipt of the request under Paragraph (1), the chief of the office, branch office, or immigration detention center may release the detained person temporarily from detention, taking into account the circumstances of the detained person, the reasons for such request, his assets and any other matters, with a bond not exceeding ten million won deposited by the detained person, and with restriction on residence and other necessary conditions attached.

(3) The procedures of deposit and return of the bond in accordance with Paragraph (2) shall be prescribed by the Presidential Decree.

#### Article 66. (Cancellation of Temporary Release from Detention)

(1) When the person released temporarily from detention flees, or it is deemed that he might flee, or he fails to comply with the order to appear without a justifiable reason, or he violates the conditions attached to the temporary release from detention, the chief of the office, branch office or immigration detention center may cancel such temporary release from detention and take the measure of detention again.

(2) When the chief of the office, branch office, or immigration detention center cancels temporary release from detention in accordance with the provisions of Paragraph (1), he shall issue a written cancellation of the temporary release from detention and may vest a whole or a part of the bond to the National Treasury.

(3) The procedures of vesting the bond to the National Treasury in accordance with Paragraph (2), shall be prescribed by the Presidential Decree.

(4) The chief of the office, branch office or immigration detention center shall issue a deportation order without delay to the person who has not left the country within the designated date upon receipt of the departure order or to the person who has violated the conditions attached in accordance with Paragraph (1).

## Section 7. Recommendation of Departure)

### Article 67. (Recommendation of Departure)

(1) In case an alien sojourning in the Republic of Korea falls under any of the following Subparagraphs, the chief of the office or branch office may recommend him to voluntarily depart from the Republic of Korea.

1. A person who has violated the provisions of Article 17 or Article 20 and the degree of whose offense is low.

2. A person, who has violated this Law or order under this Law, and whose departure is deemed necessary to be recommended by the Minister of Justice.

(2) The chief of the office or branch office shall, upon making a departure recommendation in accordance with Paragraph (1), issue a written departure recommendation.

(3) In case of issuing a written departure recommendation as prescribed in Paragraph (2), the period to leave the country may be designated within the range of five days from the date of recommendation.

### Article 68. (Departure order)

(1) The chief of the office, branch office or immigration detention center may give an order to leave the country to an alien falling under any of the following Subparagraphs:

1. A person who has been considered to fall under any of Subparagraphs of Article 46, but who desires to depart from the Republic of Korea at his own expense.

2. A person who has been recommended to leave the Republic of Korea in accordance with Article 67 but who fails to comply with it.

3. A person whose various permits are cancelled in accordance with Article 89.

4. A person who is deemed reasonable to be departed, after disposition by notification in accordance with Article 102 (1).

(2) When the chief of the office, branch office, or immigration detention center shall, upon making a departure order in accordance with Paragraph (1), issue a written departure order.

(3) In case of issuing a written departure order prescribed in Paragraph (2), the period to leave the country may be designated and necessary conditions including restriction on residence may be attached, as prescribed by the Ordinance of Ministry of Justice.

(4) The chief of the office, branch office or immigration detention center shall issue a deportation order without delay to the person who has not left the country within the designated date upon receipt of the departure order or to the person who has violated the conditions attached in accordance with Paragraph (3).

## **CHAPTER 7 INSPECTION OF VESSEL, ETC.**

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

(1) When a vessel, etc. enters or leaves the port of exit and entry, it shall be subject to inspection by the immigration officer.

(2) When any unavoidable cause compels the vessel, etc. to enter or leave the port other than that of exit and entry, the captain of the vessel, etc. or forwarder shall submit an advance notification of embarkation and disembarkation pursuant to Article 74 together with the materials explaining about such causes to the chief of the office or branch office, and the vessel, etc. shall be subject to inspection pursuant to Paragraph (1). However, in case unexpected accidents such as emergency landing of aircraft and shipwreck occur, inspection shall be made by reporting the fact without delay to the chief of the office or branch office.

(3) When the immigration officer makes an inspection pursuant to Paragraph (1) or (2), he shall examine any of the following Subparagraphs:

1. Whether or not the crew and the passengers are qualified for departure and entry, or whether or not any crew or passenger has left the vessel, etc.

2. Whether or not a person who desires to enter or leave the country in violation of laws boards on a vessel, etc.

3. Whether or not there exists a person who has not obtained boarding permission in accordance with Article 72.

(4) When the immigration officer conducts an inspection and examination pursuant to Paragraph (1) to (3), he may request the captain of vessel, etc. to submit a logbook and other necessary documents, or to have him inspect them.

(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 officer may ask questions or request them to show the documents, etc. proving their status.

(6) The chief of the office or branch office may substitute the inspection of vessel, etc. with examination of documents in accordance with the Ordinance of the Ministry of Justice.

(7) When there occurs any unavoidable cause that the vessel, etc. cannot leave the port within three hours after the departure inspection, the captain of vessel, etc. shall report it to the chief of the office or branch office and shall receive inspection again just before leaving the port.

Article 70. (Inspection and Examination of Vessel, etc. with the Status of Home-Waters Liner)

In case the vessel, aircraft or any other means of transportation that transports passengers or cargoes within the territory of the Republic of Korea(hereinafter referred to as “Vessel, etc. with the Status of Hone-Waters Liner”) calls at a foreign port due to special

circumstances such as unexpected accidents and problems of navigation, it shall receive the entry inspection conducted by the immigration officer when it enters the port thereafter, in accordance with Chapter 7 and chapter 8.

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

(1) When any violation of law is found as a result of the examination made pursuant to Article 69 (3), the chief of the office or branch office may suspend the departure or entry of the relevant crew or passenger.

(2) The suspension of the departure and entry pursuant to Paragraph (1) shall be limited to the period necessary for investigating the unlawful facts.

(3) When it is necessary to continue to prohibit or restrict the departure and entry even after completing the investigation pursuant to Paragraph (2), the decision of the Minister of Justice shall be obtained in accordance with Article 4, Article 11 or Article 29.

(4) When deemed necessary to forbid or suspend the departure of passengers or crew in accordance with Paragraph (1), Article 4 or 29, the chief of office or branch office may order the temporary suspension of the departure or return of the vessel, etc., or may restrict access to the vessel, etc.

(5) Upon ordering the vessel, etc. to temporarily suspend the departure or return or restrict access to the vessel, etc. in accordance with Paragraph (4), the chief of the office or branch office shall notify without delay the captain of vessel, etc. or the forwarder. This provision shall also apply in case that an order of temporary suspension of the departure or return of the vessel, etc., or restriction on access is released.

(6) Temporary suspension of the departure of the vessel, etc. in accordance with Paragraph (4) shall be made within the minimum range necessary for the performance of duty.

Article 72 (Boarding Permission)

(1) When the crew and passengers of the vessel, etc. anchoring at the port of exit and entry or the port other than that of exit and entry, or a person other than those authorized to get on board in accordance with the provisions of other laws desires to board the vessel, etc., he shall obtain boarding permission from the chief of the office or branch office.

(2) This provision shall apply as in Paragraph (1) if a person other than the immigration officer desires to enter the inspection area of exit and entry.

**CHAPTER 8 RESPONSIBILITIES OF THE CAPTAIN OF VESSEL, ETC. AND FORWARDER**

Article 73. (General Obligation of a Forwarder, etc.)

The captain of a vessel, etc., or a forwarder shall abide by any of the following Subparagraphs

1. to prevent a person who did not receive entry or landing permit from entering and landing

2. to prevent a person who is not possession of a valid passport or seaman's book from embarking
3. to prevent a person who did not receive boarding permit or departure inspection from embarking
4. to station watchmen whom an immigration officer requests to prevent entering, landing, or embarking, which is regulated by Subparagraph 1 to 3
5. to inspect vessels etc., whether there is any person hiding to enter or depart by violating this Law
6. to ban coming in and out vessels, etc., without permission until inspection of vessels, etc., and examination of entry or departure are done
7. to prevent the crew or passengers from embarking and disembarking prior to embarkation since the completion of inspection of vessels, etc., and examination of entry and departure
8. other things ordered by an immigration officer when deemed particularly necessary to carry out inspection of vessels, etc., and examination of entry and departure

#### Article 74. (Obligation of Advance Notification)

When a vessel, etc. intends to enter or leave the port of exit and entry, the captain of the vessel, etc. or the forwarder shall submit in advance the chief of the office or branch office an advance notification of embarkation and disembarkation including the expected date of departure and entry and other pertinent matters. However, in case unexpected accidents such as emergency landing of aircraft, shipwreck, etc. occur, the fact shall be notified without delay.

#### Article 75. (Obligation to Report)

- (1) The captain of a vessel, etc. or the forwarder entering or leaving the port of exit and entry or the port other than that of exit and entry shall submit a report on his exit and entry, together with the list of crew and passenger, to the chief of the office or branch office.
- (2) When the captain of a vessel, etc. or the forwarder entering the port of exit and entry or the port other than that of exit and entry is aware of a person on board who does not possess with him a passport or a seaman's book, he shall report it immediately to the chief of the office or branch office, and shall prevent his landing.
- (3) The captain of a vessel, etc. or the forwarder leaving the port of exit and entry or the port other than that of exit and entry shall report to the chief of the office or branch office as to whether or not the crew has returned to the vessel, etc., or whether or not there is any person who intends to leave the Republic of Korea without completing proper departure procedures.

#### Article 76. (Obligation to Repatriate)

The captain of a vessel, etc. or the forwarder carrying the alien who falls under any of the following Subparagraphs shall be responsible for repatriating the alien without delay from the Republic of Korea at his own expense and on his own responsibility:

1. A person who has not satisfied the requirements specified by Article 7 (1) to (4), or Article 10(1).

2. A person whose entry has been prohibited or refused in accordance with the provisions of Article 1(1)
3. A person whose entry has not been permitted due to reasons attributable to the captain of a vessel, etc. or the forwarder in accordance with Article 12 (4).
4. A crew who landed pursuant to Article 14 but has not returned to the vessel, etc. by the time his vessel, etc. leaves the port.
5. A person who falls under Subparagraph 5 or 6 of Article 46, and who is ordered to be deported.

## **CHAPTER 9 RECOGNITION, ETC. OF A REFUGEE**

### Article 76-2 (Recognition of a Refugee)

- (1) When an alien physically present in the Republic of Korea applies for recognition as a refugee under the Presidential Decree, the Minister of Justice may recognize such an alien as a refugee.
- (2) The application as referred to in Paragraph (1) shall be performed within sixty days from the date which an alien lands or enters the Republic of Korea (when the reasons arise during his staying in the Republic of Korea, this will be determined from the date which an alien discovers such reasons), except for other unavoidable reasons such as diseases.
- (3) When recognizing the alien as a refugee in accordance with Paragraph (1), the Minister of Justice shall deliver the certificate of refugee status, and if not, the Minister of Justice shall notify him of the reason in writing.
- (4) The procedure of examination on a recognition of a refugee under Paragraph (1) and other necessary matters, shall be prescribed by the Presidential Decree.

### Article 76-3. (Cancellation of Refugee Status)

- (1) When an alien who has been recognized as a refugee in accordance with Article 76-2 (1) falls under Article 1 C (1) to (6) or Article 1 F (a) to (c) of the Convention relating to the Status of Refugees, the Minister of Justice may cancel the refugee status.
- (2) When the Minister of Justice cancels the refugee status in accordance with Paragraph (1), the Minister of Justice shall notify it to an alien in writing.

### Article 76-4. (Appeal)

A person who has applied for the recognition as a refugee in accordance with Article 76-2 (1), but fails to be recognized as a refugee or who has a refugee status cancelled in accordance with Article 76-3 (1), may raise objections to the Minister of Justice under the Presidential Decree within seven days from the date of the receipt of the notice thereof. In this case, he cannot request the administrative appeals under the Administrative Appeals Act.

### Article 76-5. (Refugee Travel Document)

- (1) When a person who has been recognized as a refugee in accordance with Article 76-2 (1) desires to depart from the Republic of Korea, the Minister of Justice shall issue

the refugee travel document under the Presidential Decree, except when his departure is considered to act against the interest or the security of the Republic of Korea.

(2) The effective period for the refugee travel document as referred to in Paragraph (1) shall be one year.

(3) A person who has received the refugee travel document in accordance with Paragraph (1) may enter, or depart from, the Republic of Korea within the effective period. In this case, there is no need for a re-entry permit under Article 30.

(4) In the case as referred to in Paragraph (3), when deemed necessary in particular, the Minister of Justice may limit the period for reentry within the scope of three months to one year.

(5) When a person who has departed from the Republic of Korea with the refugee travel document issued under Paragraph (1) cannot re-enter within the effective period of the document due to unavoidable reasons such as diseases, the Minister of Justice may permit upon his request an extension of the effective period within the scope not exceeding six months.

(6) The Minister of Justice may entrust the chief of Korean mission abroad with the authority to approve an extension within the effective period under Paragraph (5) under the conditions as referred to in the Presidential Decree.

#### Article 76-6. (Return of a Certificate of Refugee Status, etc)

(1) When a person who has been recognized as a refugee under Article 76-2 (1) falls under any of the following Subparagraphs, he shall return without delay the certificate of refugee status or the refugee travel document to the chief of the office or branch office.

1. Upon receipt of the deportation order in accordance with Article 59 (2), Article 68 (4), or Article 85 (1).

2. Upon receipt of the notification of the decision that the objection filed has not been justified in accordance with Article 60 (5).

3. Upon receipt of the notice on the cancellation of refugee status in accordance with Article 76-3 (2).

(2) When it is recognized that the person who received the refugee travel document under Article 76-5 (1) acts against the interest or the security of the Republic of Korea, the Minister of Justice may command the alien to return the document within fourteen days.

(3) The refugee travel document which is returned under Paragraph (2), shall become null and invalid at the time it is returned, and if it is not returned by the designated period, at the time its period expires, respectively.

#### Article 76-7. (Special Case of Permission on Sojourn of Refugee)

When a person who has been recognized as a refugee raises an objection in accordance with Article 60 (1), even if it does not fall under the reasons mentioned in Article 61 (1) and thus the objection is not justified, the Minister of Justice may approve his sojourning. This provision shall be applicable to the case as referred to in Article 61 (2).

## CHAPTER 10 SUPPLEMENTARY PROVISIONS

### Article 77. (Carrying and Use of Arms)

- (1) The immigration officer may carry arms with him when it is necessary for the performance of his duties.
- (2) The immigration officer may use arms in accordance with the provisions of Article 11 of the Police Duties Performance Act.

### Article 78. (Cooperation from Agencies Concerned)

- (1) When it is required for conducting any investigation as prescribed in Article 47, or investigation on a recognition, etc. of refugees or an offender of this Law as prescribed in Article 80, the immigration officer may request any relevant agency or organization to present material or to cooperate in investigation of facts, etc.
- (2) The relevant agencies or organizations shall, upon receiving a request for cooperation under Paragraph (1), not refuse it without proper justification.

### Article 79. (Obligor of Filing Permission, etc.)

- (1) In case a person falling under any of the following Subparagraphs is under the age of seventeen and fails to file permission, etc., his parents or other person prescribed by the Presidential Decree shall apply for it in lieu of the person concerned:
  1. A person who has to obtain a status of sojourn pursuant to Article 23.
  2. A person who has to obtain a permission for change of the sojourn status pursuant to Article 24.
  3. A person who has to obtain permission for extension of sojourn period pursuant to Article 25
  4. A person who has to file an alien registration pursuant to Article 3(1)
  5. A person who has to file a report on the alteration in matters of alien registration pursuant to Article 35.
  6. A person who has to file a report on the alteration of the place of sojourn pursuant to Article 36.

### Article 80. (Investigation of the Facts)

- (1) In order to ensure accuracy of registration or report by an alien under this Law, the immigration officer or other authorized public officials may investigate the fact, if there is a reasonable grounds to suspect that the contents of the report or the registration made under Article 31, Article 35 and Article 36 are not true.
- (2) The Minister of Justice may have the immigration officer investigate the facts when deemed necessary in recognizing a refugee status under Article 76-2 or cancelling the refugee status under Article 76-3.
- (3) A person who has completed registration or report as referred to in Paragraph (1) or (2), or other persons concerned may be requested to appear for questioning, or to submit documents or other materials, when deemed necessary in conducting investigation under Paragraph (1) or (2).

#### Article 81 (Investigation of Immigration Officers on Alien's Activities)

(1) In order to investigate whether an alien sojourns lawfully pursuant to this Law or orders under this Law or not, the immigration officer and public officials of pertinent organization regulated by the Presidential Decree may visit to ask questions of, or request the submission of other necessary materials to an alien, a person who employed the alien, an organization where the alien belongs, or representative of workplace where the alien serves and a person who lodged the alien.

(2) The person who is questioned or requested to submit materials under Paragraph (1) shall not refuse it without proper justification.

#### Article 82 (Carrying and Presenting an Identification Card)

When the immigration officer or authorized public official performs his duties falling under any of the following Subparagraphs, he shall carry with him an identification card proving his authority and present it to the person concerned:

1. To inspect the residence or things and request the submission of documents and other things pursuant to Article 50.
2. To inspect and examine pursuant to Article 69 and Article 70.
3. To ask questions or request the submission of other necessary materials pursuant to Article 80 and Article 81
4. To perform other duties which correspond to Subparagraphs 1 to 3.

#### Article 83. (Report on Offender of this Law)

Anyone who finds an alien suspected to have violated this Law may report to the immigration officer.

#### Article 84. (Obligation of Notification)

(1) When a national or local government official, in performing his official duty, finds a person who is considered to fall under any of Subparagraphs of Article 46, or to have violated any provision of this Law, he shall notify the chief of the office, branch office or immigration detention center without delay.

(2) The chief of a correctional institution, a detention house, a social protection house, a rehabilitative custody house or a juvenile training school shall notify the chief of the office, branch office, or immigration detention center without delay when an alien referred to in Paragraph (1), after having been executed the penalty, is to be released following the completion of his prison term, suspension of execution of punishment, or for other reasons, or when he is to be released from internment under the protective custody measures or rehabilitative custody measures, or when he is to be released from juvenile training school after internment under the provisions of the Juvenile Act.

#### Article 85. (Relation with Criminal Procedures)

(1) Even when a person falling under any of Subparagraphs of Article 46 is subject to execution of a sentence, the chief of the office, branch office or immigration detention center may take actions to deport such a person.

(2) In case of Paragraph (1), when the deportation order has been issued to an alien, it shall be executed after termination of the execution of a sentence. However, with the

permission of chief of district prosecutor's office who has the jurisdiction over the aliens' present location, the chief of the office, branch office, or immigration detention center may execute the deportation order even before the execution of a sentence is terminated.

#### Article 86. (Delivery of Person)

(1) When the prosecutor takes a disposition of non-indictment on the suspect under arrest to whom a deportation order has been issued, he shall hand over such person to the immigration officer.

(2) When a deportation order is issued to the alien who has been notified to the chief of the office, branch office or immigration detention center pursuant to Article 84 (2), the chief of a correctional institution, a detention house, a social protection house, a rehabilitative custody house or a juvenile training school shall hand over such person to the immigration officer simultaneously with the release of the alien concerned.

#### Article 87. (Immigration Fees)

(1) A person who is to obtain permission under this Law shall pay fees as prescribed by the Ordinance of the Ministry of Justice.

(2) When deemed necessary in the light of the international usages or reciprocity principles, the Minister of Justice may exempt fees as referred to in Paragraph (1), and in case there is a separate provision on fees in an agreement, etc. he shall comply with it under the conditions as prescribed by such agreement, etc.

#### Article 88. (Issuance of a Certificate of the Facts concerning the Entry & Exit)

The chief of the office or branch office may issue, as prescribed by the ordinance of the Ministry of Justice, a certificate of the facts concerning his exit and entry, or a certificate of the facts concerning his alien registration, to a person who has entered or departed from the Republic of Korea, or to an alien who has completed his registration in accordance with the procedures of this Law.

#### Article 89. (Cancellation and Alteration of Various Permission, etc)

(1) When an alien falls under any of the following Subparagraphs, the Minister of Justice may cancel or change the issue of visa pursuant to Article 8, the issue of the certificate for recognition of visa issuance pursuant to Article 9, entry permit pursuant to Article 12(3), the conditional entry permit pursuant to Article 13, the landing permission pursuant to Article 14 or the sojourn permission pursuant to Article 20, Article 21, Article 23 to 25:

1. In case a reference withdraws surety or is not available.
2. In case it is revealed to have obtained permits, etc. in a false or other illegal manner.
3. In case of violation of the permit conditions.
4. In case of occurrence of a material cause where the permit cannot be maintained any more due to change of circumstances.
5. In case the degree of violation against this Law or other laws is serious, or any *ex officio* orders of the immigration officer is violated.

(2) When deemed necessary concerning cancellation or change of various permits, etc. pursuant to Paragraph (1), the Minister of Justice may have the alien or applicant as referred to in Article 79 appear to hear his opinion.

(3) In case of Paragraph (2), the Minister of Justice shall notify the alien or applicant of the reasons why the cancellation or alteration is made, the date, time and place of appearance not later than seven days before the day of appearance.

#### Article 90. (Reference)

(1) When deemed necessary in relation to the issuance of visa, the issuance of the certificate for recognition of issuing visa, entry permit, the conditional entry permit, the various sojourn permissions, detention or the delivery of an offender of this Law, the Minister of Justice may have an inviter or the person concerned stand surety for the alien (hereinafter referred to as “guaranteed alien”).

(2) The Minister of Justice may have a person who furnished a security (hereinafter referred to as “surety”) bear a whole or a part of expenses required for sojourn, detention and departure of a guaranteed alien in accordance with Paragraph (1).

(3) When a surety fails to fulfill the responsibility for guarantee as referred to in Paragraph (2) and thereby the National Treasury bear any burden, the Minister of Justice, too, may exercise a right to indemnity to the surety.

(4) When a surety is feared not to bear the expenses as referred to in Paragraph (2), or when it is considered that it is impossible to attain the object of guarantee only with such guarantee, the Minister of Justice may have the surety deposit the bond not exceeding 3,000,000 Won.

(5) The qualification for surety, period of guarantee and other matters necessary for reference shall be prescribed by the Ordinance of the Ministry of Justice.

#### Article 90-2 (Responsibility on the burden of departure expenses for illegal foreign workers)

(1) The Minister of Justice may get a person (hereinafter referred to as “illegal employer”) who hired a foreigner having no sojourn status for employment to pay for the whole or part of foreigner's departure expenses.

(2) The Minister of Justice may exercise the right of indemnity in case an illegal employer imposes burden on the national treasury by not carrying out the liability of expenses regulated by Paragraph (1).

#### Article 91 (Sending of Documents, etc)

(1) Documents, etc. shall be delivered directly in the order of the principal, family, references or chief of the organization to which he belongs, or sent by mail, unless otherwise specially provided in this Law.

(2) When the chief of the office, branch office or immigration detention center considers it impossible to send documents, etc. in accordance with Paragraph (1), he shall keep the documents, etc. and take means of service through public notice, pursuant to which the cause thereof is posted on the bulletin board in the office building.

(3) Service through public notice as referred to in Paragraph (2) shall take effect after fourteen days from the date of posting.

Article 92 (Delegation of Power)

(1) The Minister of Justice may delegate a part of his power under this Law to the chief of the office, branch office or immigration detention center in accordance with the provisions of the Presidential Decree.

(2) The chief of the Shi(city), Kun(county) or Ku(ward) may delegate a part of his power under this Law to the chief of the Ku(limited to a non-self-governing ward), p(town), My n(township), Dong(village) or branch office.

Article 93. (Procedures for Comings and Goings Between South and North Korea)

(1) When a national residing at an area south of the Military Demarcation Line (hereinafter referred to as "South Korea") or overseas enters or depart from the Republic of Korea through the area north of the Military Demarcation Line (hereinafter referred to as "North Korea"), the inspection of departure and entry shall be made before he travels from South Korea to North Korea, or after he travels from North Korea to South Korea.

(2) The provisions on the procedures of departure and entry under this Law shall be applicable to the procedures on alien's comings and goings between South and North Korea, except under special circumstances.

(3) In case an alien enters or depart from the Republic of Korea through North Korea, the provisions on the procedures of departure and entry under this Law shall be applied.

(4) Matters necessary for enforcement of Paragraphs (1) to (3) shall be prescribed by the Presidential Decree.

## CHAPTER 11 PUNITIVE PROVISIONS

Article 94. (Punitive Provisions)

A person falling under any of the following Subparagraphs shall be punished by penal servitude or confinement for not more than 3 years or by a fine not more than 10,000,000 Won:

1. A person who has departed from the Republic of Korea without receiving a departure inspection in violation of Article 3 (1).

2. A person who has entered the Republic of Korea in violation of Article 7(1) or (4), or who has entered the Republic of Korea without receiving an entry inspection in violation of Article 12 (1) or (2).

2-2. A person who has violated the provision of Article 12-(2)

3. A person who has landed without obtaining permission pursuant to Article 14 (1).

4. A person who has violated the conditions set forth under Article 14 (2).

5. A person who has violated Article 17 (1), 18 (1) and (5), or 20.

5-2. A person who hired an alien having no sojourn status for employment by violating the provision of Article 18 (3).

6. A person who has professionally arranged or induced the employment of an alien who does not have the status of sojourn by which he is entitled to work in violation of Article 18 (4).

6-2 A person who has professionally arranged the employment of an alien who has not obtained the permission regarding alteration or addition of workplace by breaking the provision of Paragraph (2) of Article 21

7. A person who has violated the restrictions set forth under Article 22
8. A person who has violated Article 23, 24, or 25.
9. A person who has departed from the Republic of Korea in violation of Article 28 (1) or (2).
10. A person who has violated Article 69 or 70.

Article 95. (Punitive Provisions)

A person falling under any of the following Subparagraphs shall be punished by penal servitude or confinement for not more than one year or by a fine not more than 5,000,000 Won:

1. A person who has entered the Republic of Korea without receiving an entry inspection in violation of Article 6 (1).
2. A person who has violated the conditions set forth under Article 13 (2).
3. A person who has landed without obtaining permission pursuant to Article 15 (1), 16 (2), or 16-2 (1).
4. A person who has violated the conditions set forth under Article 15 (2), 16 (2), or 16-2 (2).
5. A person who has violated Article 18 (2) or 21 (1).
6. Repealed
- 6-2. A person who has employed an alien who fails to obtain the permission on a change or addition of the working place in violation of Article 21 (2).
7. A person who has violated Article 31.
8. A person who has been detained or temporarily been detained pursuant Article 51 (1) and (3), 56 or 63 (1), and has fled.
9. A person who has violated the conditions set forth under Article 63 (2).
10. A person who has been recognized as a refugee as prescribed in Article 76-2 (1) in false or other illegal ways.

Article 96.

*Repealed (February 5, 1999)*

Article 97. (Punitive Provisions)

A person falling under any of the following Subparagraphs shall be punished by a fine not more than 3,000,000 Won:

1. A person who has violated the orders or restrictions set forth under Article 71 (4).
2. A person who has violated Article 72
3. A person who has violated the provision of Article 73 without any justifiable reason.
4. A person who has violated Article 74, 75 or 76.
5. A person who has violated Article 76-6 (1) or an order set forth under Paragraph (2) of the said Article.

Article 98. (Punitive Provisions)

A person falling under any of the following Subparagraphs shall be punished by a fine not more than 1,000,000 Won:

1. A person who has arranged or induced the employment of an alien who does not have the status of sojourn by which the alien is entitled to work, in violation of Article 18 (4) (except a person who has done so professionally).
- 1-2. A person who has arranged the employment of an alien who has not obtained the permission on the change or addition of working place in violation of Article 21 (2) (except for a person who has done so professionally).
2. A person who has violated Article 27.
3. A person who has violated Article 36 (1).

#### Article 99. (Would-be Offender)

- (1) A Would-be offender and a person who has made a preparation or formed a conspiracy for the purpose of committing a crime of Subparagraph 1, 2 and 9 of Article 94 and Subparagraph 1 of Article 95 shall be subject to punishment in proportion to the main crime.
- (2) A person who has abetted or aided the act regulated by the provision of Paragraph (1) shall be subject to punishment in proportion to the principal offender.

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

When a person who falls under Subparagraphs 2, 3, 4, or 8 of Article 94 or Subparagraphs 3 or 4 of Article 95, reports directly to the chief the office or branch office without delay after violating the provisions, the fact that he is a refugee who has entered or landed in the Republic of Korea from a territory in which his life, body, or the bodily freedom might be infringed for the reason as prescribed in Article 1(2) of the Refugee Convention, and he has violated the laws due to such fear, and when the above fact is proven to be true, he shall be exempted from the punishment.

#### Article 100. (Negligence Fine)

- (1) A person who has violated Article 19 shall be punished by a negligence fine of not more than 2,000,000 Won.
- (2) A person falling under any of the following Subparagraphs shall be punished by a negligence fine of not more than 1,000,000 Won:
  1. A person who has violated Article 35 or Article 37.
  2. A person who has violated Article 79.
  3. A person who has rejected or evaded submission of books or documents which an immigration officer has requested in accordance with Article 81 (2).
- (3) A person falling under any of the following Subparagraphs shall be punished by a negligence fine of not more than 500,000 Won:
  1. A person who has violated Article 33 (2).
  2. A person who has made and reported false statements in the process of making various applications or reports under this Law.
- (4) The negligence fine in accordance with Paragraph (1) to (3) shall be imposed and collected by the office chief under the conditions as prescribed by the Presidential Decree.
- (5) The person who has not accepted the disposition by a negligence fine pursuant to Paragraph A may raise the objection against the office chief within thirty days after he is informed of the disposition.

(6) When a person subject to disposition by a negligence fine pursuant to Paragraph (4) raises an objection pursuant to Paragraph (5), the office chief shall notify the competent court without delay, and the competent court notified thereof shall judge the negligence fine pursuant to Non-Contentious Cases Procedure Act.

(7) When a negligence fine has not been paid without raising an objection within the period referred to in Paragraph (5), a negligence fine shall be collected pursuant to the cases of disposition of national taxes in arrears.

## **CHAPTER 12 ACCUSATION AND DISPOSITION BY NOTIFICATION**

### **Section 1 Accusation**

#### **Article 101 (Accusation)**

(1) Unless the chief of the office, branch office or immigration detention center files an accusation, the public prosecutor shall not institute public prosecution against the offender of this Law.

(2) When an investigation agency other than an immigration officer books for a case falling under the text of Paragraph (1), it shall hand over the case without delay to the competent chief of the office, branch office or immigration detention center.

### **Section 2 Disposition by Notification**

#### **Article 102 (Disposition by Notification)**

(1) When the chief of the office, branch office or immigration detention center has obtained a conclusive evidence of the offence as a result of his investigation of the offender of this Law, he may give the offender a written notification to pay an amount equivalent to the fine (hereinafter referred to as “offence fines”) at a designated place by a writing specifying the reason thereof.

(2) When the person subject to the disposition by notification under Paragraph (1) desires to make a provisional payment of offense fines, the chief of the office, branch office or immigration detention center may allow him to do so.

(3) When the chief of the office, branch office or immigration detention center deems, as a result of his investigation, that the case would entail punishment not less than confinement, he shall immediately file an accusation thereof.

(4) The provisions of Articles 47 to 50 shall be applicable to the investigation against the offender of this Law. In this case, the suspect interrogatory shall be considered as the suspect interrogatory under Article 244 of the Criminal Procedure Code.

#### **Article 103. (Criteria, etc. for Determination of Offense Fines)**

(1) The Criteria for determination of offense fines as referred to in Article 102 (1) shall be prescribed by the Ordinance of the Ministry of Justice.

(2) The Minister of Justice may exempt disposition by notification as referred to in Article 102 (1) in consideration of the age of offender of this Law and circumstances, the motive and result of violation, capability to bear offense fines, and others.

Article 104. (Method of Informing the Disposition by Notification)

The notice of the disposition by notification shall be made by serving a written notification.

Article 105. (Nonfulfillment of Disposition by Notification and Accusation)

(1) The offender of this Law shall pay offense fines within 7 days from the date on which a written notification has been served.

(2) When the offender of this Law does not pay the offense fine within the period mentioned in Paragraph (1), the chief of the office, branch office or immigration detention center shall file an accusation thereof. However, this shall not apply if the fines have been paid before the filing of the accusation.

(3) Notwithstanding the provision in the text of Paragraph (2), accusation shall not be made in case a deportation order has been issued to the offender of this Law.

Article 106. (Ne Ibis in Idem/ Prohibition against Double Jeopardy)

When the offender of this Law has paid offence fines in compliance with the notification, he shall not be subject to any further criminal punishment concerning the case at issue.

## **ADDENDA**

Article 1. (Enforcement Date)

This Law shall enter into force as of the date of April 1, 1993.

Article 2. (Interim Measures Concerning the Certificate for Recognition of Issuing Visa, etc.)

(1) A certificate for recognition of issuing visa issued at the time of the enforcement of this Law shall be deemed as a certificate for recognition of issuing visa under this Law.

(2) A person who has made a report on change of his working place under the previous provisions of Article 29 at the time of the enforcement of this law shall be deemed to have obtained permission on change of his working place under the provisions of this Law.

Article 3. (Interim Measures Concerning Alien Registration)

(1) Alien registration which was filed at the time of the enforcement of this Law with the chief of the Shi(city), Ku(ward), Up(town) or Dong(township) under the provisions in the former Law is deemed as alien registration under the provisions of this Law.

(2) A residence certificate which was issued under the previous provisions at the time of the enforcement of this Law is deemed as an alien registration certificate under the provisions of this Law, and shall be renewed at the time of obtaining a permission or making a report related to sojourn for the first time after the enforcement of this Law.

(3) An alien registration card which was issued under the previous provisions at the time of the enforcement of this Law is deemed as an alien registration card under the provisions of this Law.

Article 4. (Interim Measures Concerning Alien Detention)

(1) Alien internment place and alien internment house which was set up under the previous provisions at the time of the enforcement of this Law are deemed as immigration detention place and immigration detention center under the provisions of this Law.

(2) Internment under the previous provisions at the time of the enforcement of this Law is deemed as detention under the provisions of this Law.

(3) Internment order, a written statement suggesting to leave the country, and a written statement canceling the temporary release from internment issued under the previous provisions at the time of the enforcement of this Law are deemed as a detention order, and cancellation of temporary release from detention under this Law.

Article 5. (Interim Measures Concerning Punitive Provisions)

The punitive provisions in the former Law shall apply to the acts before the enforcement date of this Law, but in case that the punitive provisions under this Law is lighter than those as prescribed by the former Law, the provisions of this Law shall be applied.

Article 6. (Amendment of other Laws)

(1) The following shall be amended in Seal Certification Act. "Place of residence" in Article 3 (3) shall be amended to "place of sojourn".

(2) The following shall be amended in Real Estate Registration Act. "Place of residence" in Subparagraph 4 of Article 41-2 (1) shall be amended to "place of sojourn".

(3) The following shall be amended in South-North Exchange and Cooperation Act. "Article 65 to 72 of Immigration Law" in Article 21 of the Act shall be amended to "Article 69 to 76 of Immigration Law".

(4) In case there are provisions under this Law corresponding to provisions of Immigration Law as referred to in other laws other than those as prescribed by Paragraph (1) to (3), provisions under this Law shall be deemed to be referred in substitute for the former provisions.

## **ADDENDA**

Article 1. (Enforcement Date)

This Law shall enter into force as of the date of July 1, 1994.

Article 2. (Interim Measures)

The punitive provisions in the former law shall apply to the acts before the enforcement date of this Law.

Article 3. (Amendment of other Laws)

The following shall be amended in the Real Estate Registration Act. "chief of immigration office" shall be amended to "chief of immigration office or branch office" in Subparagraph 4 of Article 41-2 (1).

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 the 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 forces three months after the date of its promulgation

Addendum

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