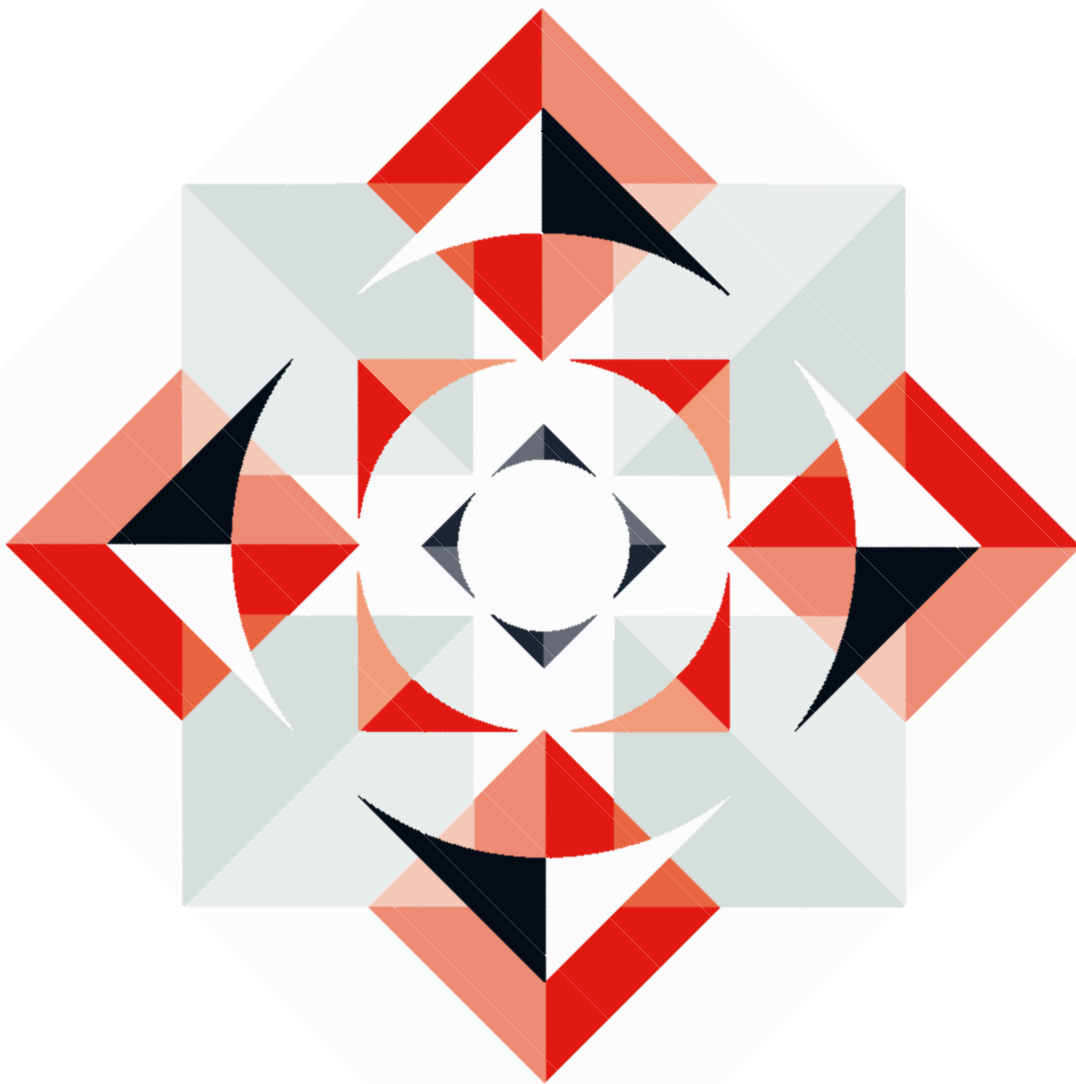


# Immigration law in the Republic of Korea – an overview



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## Introduction

This inbrief is designed to provide a general overview about business visits and employment authorisation requirements for the Republic of Korea. As with all countries the immigration laws may be amended with little or no notice and this guide is designed to be general in nature.

This publication provides general guidance only: expert advice should be sought in relation to particular circumstances. Our Hong Kong office can source Korean law advice through its links with local firms in the Republic of Korea.

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## Business visitors

### What constitutes a business visit?

A business visit is generally a short term trip in order to undertake business related activities for which the Immigration Authorities in the destination country would not require the individual to have employment or work authorisation. Individuals should ensure that the activities undertaken fall within the guidelines on 'permitted activities' as a business visitor.

It is important to note that the activities being conducted will define the nature of the trip to South Korea and not the length of the trip. For example a very short visit may require the individual to hold employment or work authorisation because the activities amount to substantive, productive work.

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## Permitted activities

### What constitutes a permitted activity?

Business visitors must generally limit their activities in South Korea to the following:

- Attending business meetings or discussions
- Attending seminars or "fact-finding" meetings
- Conducting market surveys, business-related communications, consultations
- Executing contracts

Individuals should note that even in circumstances where activities are limited to the above, employment or work authorisation may be required if the foreign national will generate profit for the host entity, receive compensation or take direction from the host entity in South Korea. For specific advice on legally permitted activities please contact our immigration lawyers.

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## Visa types

In most cases (unless exempt) foreign nationals will require a C-3 visa prior to entering South Korea for business visits. C-3-4 visas are applicable to foreign nationals seeking short-term stay for less than 90 days in South Korea to carry out limited business activities including conducting

market research, liaison, observation, consultation, and executing contracts. These visas should be obtained from the South Korean Diplomatic Post in the foreign national's country of origin or legal residence.

### Basic requirements

The following are general requirements for business visitors and are subject to change by the South Korean immigration authorities:

- The foreign national must have a ticket for onward travel from South Korea
- The foreign national must not be travelling to South Korea for a period exceeding 90 days
- The period of intended stay must be consistent with the intended purpose of the trip
- The intention of the trip must be for a genuine visit for business and not for paid employment
- The foreign national must have specific and pre-determined plans for the stay in South Korea

Please note that documentary requirements and processing times may vary across South Korean diplomatic posts. Please contact our immigration lawyers for specific advice.

### Maximum period of stay

The maximum permitted stay as a business visitor is 90 days. The specific number of days may be determined by the immigration authorities in relation to the nationality of the visitor and other factors.

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## Employment authorisation

Permission for foreign nationals to take employment and work in South Korea is more complex than entry as a business visitor. This section provides an overview of the basic requirements for two of the most commonly utilised long term work visas, the D-7 Intracompany Transfer visa (for transferees moving to a Korean branch or liaison office registered in Korea) and the D-8 Corporate investment visa (for employees of an overseas parent company or affiliate transferring to a Korean subsidiary registered as a foreign-invested company in Korea). Please contact our immigration lawyers for specific advice on other categories.



### Work visa validity period

The D-7 visa is generally issued for a maximum duration of two years, while the D-8 visa is generally issued for a maximum duration of three years. Both visas may be renewed.

### Basic Requirements

To apply for a D-7 visa for a foreign national to be seconded to a South Korea branch or liaison office:

- The position must be managerial or specialist
- The immigration authority may request for university degree certificates to show qualification
- The individual must have been employed for at least 12 months immediately prior to the secondment by the parent company outside South Korea

To apply for a D-8 visa to second a foreign national to a foreign company's South Korean subsidiary (registered under Korea's Foreign Investment Promotion Act):

- The individual must be a senior or director level officer or a highly skilled and educated employee or the overseas parent company or overseas affiliate
- The immigration authority may request for university degree certificates to show qualification
- The individual must assume a senior level managerial role in South Korea

### Submission Process

In cases of a D-7 visa the Korean host entity must submit a Visa Issuance Confirmation Number (VICN) application with the Immigration Office in South Korea on behalf of the foreign national. Once approved the foreign national submits the VICN to the diplomatic post in the country of origin or residence together with the D-7 application. Once the D-7 visa is obtained the foreign national may enter South Korea and start work.

Within 90 days of arrival the D-7 visa holder must obtain the Alien Registration Card.

In cases of the D-8 visa, a foreign national may (i) apply through the VICN application process

notes above or (ii) arrive in South Korea with a C 3-4 visa and apply to convert status to the D-8 visa. An application for an Alien Registration Card should be filed together with the visa conversion application.

Please note that the documentary requirements and processing times can vary.

Additionally there are financial and custodial penalties for non compliance with immigration requirements in South Korea. Please contact our immigration team for specific advice.

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