

## New policy for illegal resident management

***Regardless of whether it is intentional or a mistake, illegal stay even just for one day will result in penalties.***

The number of illegal residents in South Korea has been nearly doubled in the last three years. The Ministry of Justice expects the number of illegal residents will exceed 400,000 by the end of this year.

In order to curb this rapid increase of illegal residents, the Korean government will run various voluntary reporting systems until the first quarter of 2020. For illegal residents and their employers, who go through legal procedures within the voluntary reporting period, penalty fee will be reduced or exempted.

However, if they are caught by nationwide government investigation which will be started from 1 July 2020, strong measures will be taken for both illegal residents and their employers. Maximum penalty will be permanent prohibition on re-entry to South Korea or 3 years of imprisonment.

The Korean Government has announced that they will more focus on punishing illegal residents' employers to remove the fundamental reason of rapid increase of illegal residents. For instance, the National Assembly is under discussion to make penalty for illegal residents' employers more severe as below:

<b>Maximum penalty for illegal residents' employers</b>	
<b>Under Current Law</b>	<b>Proposed Amendment (Under discussion at the National Assembly)</b>
KRW 20,000,000 of monetary penalty OR 3 years of imprisonment.	KRW 50,000,000 of monetary penalty AND 5 years of imprisonment.

Not only for employers but also illegal residents are also subject to imposition of fines as follows:

<b>Penalty fee for illegal residents</b>	
<b>Period of Violation</b>	<b>Penalty Fee</b>
Less than 1 month	KRW 1,000,000
1 month ~ less than 3 months	KRW 1,500,000
3 months ~ less than 6 months	KRW 2,000,000
6 months ~ less than 1 year	KRW 4,000,000
1 year ~ less than 2 years	KRW 7,000,000
2 years ~ less than 3 years	KRW 10,000,000
3 years or more	KRW 20,000,000

Since the Korean government asks for joint responsibilities to illegal residents and their employers, it is important that all foreign residents and their employers in South Korea to abide the rules by knowing exact scope and duration of work allowed for foreign residents.

## Voluntary report system for illegal residents

Voluntarily report their illegal residential status by 28 February 2020  
and scheduled to leave the country by 30 June 2020

- Penalty fee will be exempted.
- 'Certificate of Voluntary Departure' will be issued.  
This Certificate will allow them to re-apply for a Korean visa in the future.  
For those re-apply Korean visa with this certificate, initial visa will be issued in C3 type, which allows maximum 90 days of stay with single entry. If they leave the country within 90 days without committing any illegal activities, next visa will be issued with longer validity and multiple entries.
- They will be allowed to apply for TOPIK (Test Of Proficiency In Korean).  
If they obtained Level 2 or higher level, they are allowed to apply for E9 visa.  
E9 visa is for labor workers under Employment Permit System (EPS) and its eligibility is limited to applicants from EPS MOU countries only.  
(Bangladesh, Cambodia, China, East Timor, Indonesia, Kyrgyzstan, Laos, Mongol, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Uzbekistan, Vietnam)

Voluntarily report their illegal residential status by 28 February 2020  
but scheduled to leave the country after 30 June 2020

OR

Those who do not voluntarily report their illegal residential status by 28 February 2020  
and caught by government investigation after 2 March 2020

- Penalty fee will be imposed. Violation period will be calculated from 1 March 2020.
- Regardless of whether they voluntarily reported or not, any foreigners who paid penalty fee due to their illegal residential status will be banned from re-entry to South Korea for minimum 6 months ~ maximum 1 year.
- Those who does not fully pay penalty fee imposed by illegal residential status will be permanently prohibited to enter South Korea regardless of unpaid amount.

\* 1 March 2020 is Sunday and the national holiday in South Korea (Independence Movement Day).

## Voluntary report system for illegal residents' employers

### Manufacturing Industry

- Voluntary report system opens from 11 December 2019 until 31 March 2020.
- For employers who reported within this period, penalty fee will be exempted and their employees (illegal residents) are allowed to stay up to 3 more months from the reporting date.

### Agriculture and Fishery Industry

- Voluntary report system opens from 11 December 2019 until 15 January 2020.
- For employers who reported within this period, penalty fee will be exempted and their employees (illegal residents) will be get legal opportunities for seasonal work. New visa type (E8 visa) is under discussion at the Ministry of Justice for seasonal workers.

### Small and Medium size businesses under Employment Permit System (EPS)

- Voluntary report system opens from 11 December 2019 until 31 March 2020.
- For employers who voluntarily reported within given period, 30% of penalty fee will be imposed. However, if they caught by government investigation without voluntary report, 100% of penalty fee will be imposed and hiring foreign employees will be prohibited for at least 3 years. Penalty fee will be calculated by immigration officers based on how long they have hired illegal residents.
- For illegal residents who were reported within this period by their employers, 30% of penalty fee will be imposed, allowed to work at visa sponsoring company until their E9 visa expiry date. If they'd like to find a new workplace, Ministry of Employment and Labor (MOEL) will arrange other jobs for them. However, if they caught by the government investigation without voluntary report, 100% of penalty fee will be imposed along with forced departure order.

Should you have any questions, please feel free to contact our team:



**Yaenah Park**

[Yaenah.park@peoplefirstrelo.com](mailto:Yaenah.park@peoplefirstrelo.com)

+82 10 8728 1344

Relocation Consultant

People First Relocation, South Korea