

**If a non-governmental organization represented by a foreigner who lives in Korea satisfies the requirements prescribed in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act, can the organization be registered pursuant to Article 4 of the Act?**

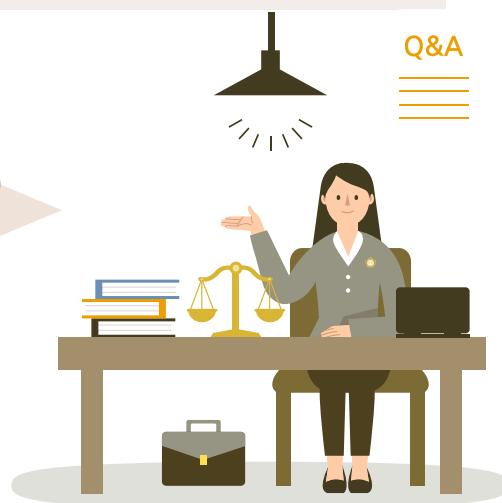
*Invest Korea provides a summary of the government's authoritative interpretation on how foreign investment-related laws and regulations should be actually applied. The interpretations are the advice of the Ministry of Government Legislation on questions or conflicts regarding the meaning and interpretation of such laws and regulations.*

**Q.**

**If a non-governmental organization represented by a foreigner who lives in Korea satisfies the requirements prescribed in Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act (hereafter "the Act"), can the organization be registered pursuant to Article 4 of the Act?**

**A.**

Yes, the organization can be registered.



## Reasons

Article 2 of the Assistance for Non-Profit, Non-Governmental Organizations Act defines non-profit, non-governmental organizations, and states the requirements as follows:

1. Direct beneficiaries of its business shall be many and unspecified persons
2. No profit shall be distributed among its members
3. It has not been actually established or operated primarily to back, support or oppose any special political party or candidate in election or to spread a creed of any specific religion
4. The number of its regular members shall be at least 100
5. It has actual results from public interest activities for the preceding one year or more
6. Where it is not a juristic person but an organization, it shall have a representative or manager

In addition, Article 4 (1) of the Act stipulates that any non-profit, non-governmental organization that intends to receive support determined by the Act shall apply for its registration with the head of a central administrative agency, or the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor who supervises its main public interest activities, and the head of a central administrative agency or the Mayor/Do Governor upon receipt of such application for registration shall accept such registration.

Unless special rules such as reciprocity apply in regard to the registration of non-profit, non-governmental organizations, the Act applies to the entire territory of the Republic of Korea and all domestic persons, domestic companies, foreigners and foreign companies therein. In addition, the Act only states that a non-profit, non-governmental organization should have a representative or manager if it is not a juristic person but an organization (Article 2 Subparagraph 6), and does not restrict the registration of a non-governmental organization that is represented by a foreigner. In this regard, it can be said that a non-governmental organization represented by a foreigner who resides in Korea can be registered pursuant to Article 4 of the Act, provided that the requirements in Article 2 are met.

If a non-governmental organization represented by a foreigner residing in Korea which meets the requirements in Article 2 of the Act cannot be registered pursuant to Article 4 of the Act, various assistances prescribed by the Act cannot be provided. If so, non-profit, non-governmental organizations' right to be registered and receive assistances shall be restricted without any legal ground, which is unfair.

In this regard, it can be said that a non-governmental organization represented by a foreigner residing in Korea which meets the requirements in Article 2 of the Act can be registered pursuant to Article 4 of the Act.

*Source: Ministry of Government Legislation, Translation: KOTRA*

*The Ministry of Government Legislation's statutory interpretation provides an authoritative opinion on the interpretation of statutes, and does not have the binding force of a final court ruling. Therefore, the competent government authority may not adopt the interpretation in its entirety. If a final court ruling contradicts the Ministry of Government Legislation's statutory interpretation, the court ruling shall prevail.*