Procedure for Issuance of a Business Investment (D-8) Visa

01. Issuance of Visa

① Procedure

The Minister of Justice has the authority to issue a visa although this authority may be delegated to the heads of overseas diplomatic missions as prescribed by Presidential Decree. In this regard, there are three methods of entry for foreigners: by obtaining a visa issued at a diplomatic mission abroad; by obtaining the status and period of stay through immigration inspection after entry where a foreigner is a short-term visa holder or is from a country with a visa waiver agreement; by obtaining a visa issuance certificate (or certification number) from a regional immigration office in the jurisdiction of the inviting party's residence and submitting it to an overseas diplomatic mission.

② Method of Visa Issuance

- The head of an overseas diplomatic mission issues a visa upon acceptance of application. In this case, the types of visas that can be issued is limited to the ones delegated by the Minister of Justice.
- A foreigner who plans to enter Korea can apply for a visa or receive a visa issuance certificate or certification number from a regional immigration service with jurisdiction over the inviter's address following an application made by the inviter. In the case of the latter, a foreigner can obtain a visa by submitting an application stating the visa issuance certification number to the head of an overseas diplomatic mission.

→Validity of visa issuance certificate: 3 months

INFORMATION

① Extension of Period of Stay

In order for a foreigner to stay beyond the period previously approved, he/she must obtain approval of extension of the period of stay prior to its expiration. The application for approval to extend the period of stay shall be accepted from four months prior to the expiration date, in principle.

② Foreigner Born in Korea

A foreigner born in Korea without a status of sojourn must acquire a status of sojourn within 90 days from the date of birth.

③ Obligatory Self-Application by Foreigners

All visa-related applications should be made by the foreigner himself/herself. If a foreigner is under 17 or where there are special circumstances due to illness, family affairs or business, a legal agent or an agent duly delegated by the foreigner can make the application. Even where an agent makes an application, the foreigner should be residing in Korea. It is not permitted for a foreigner residing overseas to apply for visarelated permits through an agent in Korea.

④ Restriction of Application Through an Agent and Cancellation of Permission

The head of a local immigration office can restrict application through an agent where it is necessary to have the applicant attend in person to assess the cause of application for a stay permit, the sojourn status of the applicant, etc. If it is revealed that an agent filed an application for stay-related permissions through false or unlawful means, the permission may be cancelled or changed.

02. Alien Registration

A foreigner with a long-term visa which permits a stay of longer than 90 days must apply for alien registration within 90 days of the date of entry to a local immigration office having jurisdiction over his/her residence.

03. Change of Status of Sojourn

In order for a foreigner to engage in activities that are not permitted under the previously granted status of stay, he/she must obtain permission to change the status of sojourn in advance. A foreigner who engages in other activities without permission may be punished with a fine not exceeding KRW 20 million or receive a deportation order.

04. Reporting Changes

① Change of Workplace

A foreigner who plans to change or add his/her workplace within his/her status of sojourn must obtain an approval of change or addition of workplace in advance. However, a foreigner who possesses professional knowledge, technology, and skills (publicly notified by the Ministry of Justice) may apply for approval within 15 days of the day of the change/addition of workplace. A workplace which hires or brokers the employment of a foreigner without the approval may be subject to a fine not exceeding KRW 10 million or be deported.

② Activities Beyond the Ones Permitted Under the Status of Stay

In order for a foreigner to engage in activities beyond the ones permitted under his/her status of stay, he/she must obtain a permission for the activities. A foreigner who engages in other activities without permission may face a fine not exceeding KRW 30 million or a deportation order.

③ Change of Residence

A foreigner who changes his/her place of residence must report the change to the head of the Si/Gun/Gu/Eup/Myeon/Dong office or to a local immigration office with jurisdiction over the new place of residence within 15 days of moving into the new place of residence. Failure to do so can result in a fine not exceeding KRW 1 million.

④ Obligations of Employers of Foreigners

When an employer who hires a foreigner eligible for employment with visas such as short-term employment (C-4) to vessel crew (E-10) and Work and Visit (H-2) has dismissed the foreigner, or when the foreigner resigns, dies, goes missing or important matters in the terms of employment are amended, the employer shall report such fact to the head of the competent local immigration office within 15 days of becoming aware of such circumstances. Failure to do so may result in a fine not exceeding KRW 2 million.