

INFORMATION PAPER

SUBJECT: Eligibility of Dependents for Employment in Korea

1. **PURPOSE:** To outline pertinent restrictions and regulations affecting employment opportunities for the dependents of members of the U.S. armed forces and dependents of members of the civilian component in the Republic of Korea (ROK).

2. **A-3 VISA STATUS:**

a. Dependents of members of the United States armed forces and dependents of members of the civilian component are admitted to the Republic of Korea under an A-3 visa. The A-3 visa provides status in Korea under the U.S.-R.O.K. Status of Forces Agreement (SOFA). This status entitles A-3 visa holders to a variety of important benefits under the SOFA.

b. However, persons in Korea under an A-3 visa are not entitled to work for pay on the Korean economy without an additional authorization from the Korean government, see below. Before 2001, A-3 visa holders were not entitled to work on the Korean economy at all, but changes to the SOFA made under a Memorandum of Understanding between the U.S. and R.O.K. governments has opened some options for dependents to obtain a work permit without surrendering their A-3 visa status.

3. **EMPLOYMENT OPTIONS:** Dependents in Korea under A-3 visa status have the following options for employment in the Republic of Korea:

a. **Volunteer Work:** In order to gain experience, build a résumé, and to provide vital services to the community, dependents under A-3 visa status may get involved in volunteer work. This work may include teaching English, community service, and a variety of other interesting and exciting opportunities. For more information on volunteer opportunities, contact the Army Volunteer Corps (AVC) or ACS.

b. **On-Post Employment:** Certain paid employment positions on-post are reserved for Korean National (KN) employees. Not all positions are reserved, however. Thus, employment opportunities remain in U.S. federal civil service, non-appropriated fund instrumentality (i.e., AAFES) and other on-post organizations.

c. **Paid Employment on the Korean Economy:** Subject to the Memorandum of Understanding referenced above and to Korean law, dependents with A-3 visas may now obtain a work permit in any of eight employment categories. These categories each have a number of qualifications which applicants must meet in order to be eligible to obtain that category of work permit.

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d. Please note that although it may seem that the Korean government tolerates work for cash payments in employment such as teaching English to individuals or small groups, this employment, without proper permission, violates Korean law. Penalties for violation of Korean immigration law may include deportation, prosecution in the R.O.K., fines, and levying of back-taxes.

4. EMPLOYMENT STATUS CATEGORIES: The above referenced employment categories, along with some of the important qualification required to obtain each, follow:

a. E-1 Teaching (Professor): This is for professors of higher education. Requirements include education and experience as a professor of higher education.

b. E-2 Foreign Language Instructor: This category includes English teachers. Requirements include a bachelor's degree and/or relevant college level educational and/or work experience. Individuals applying for this permit must also be natives of a country where the language they wish to teach is the mother tongue. Proof must be provided of relevant qualifications. The ROK government recently imposed additional requirements including criminal record check by FBI or home state police, health certificate issued by a Korean public health office, and fingerprints.

c. E-3 Research: This category includes those performing research in the natural sciences or in the development of industry and technology. Requirements include an invitation from a Korean public or private institution to perform work of this nature.

d. E-4 Technology Instruction: A person possessing professional level knowledge in the natural sciences, or special technical skills. Requirements include an invitation from a Korean public or private institution to instruction of this nature.

e. E-5 Professional Occupation: This category includes foreign attorneys, accountants, and doctors who are certified in a foreign country and are authorized under Korean law to practice in their field in Korea.

f. E-6 Arts and Performance: This category includes those engaged in music, the arts, literature, modeling, or other performance activities for profit.

g. E-7 Special Occupations: Include such employment as designated by the Minister of Justice, including work in translation, interpretation, cultural research, etc.

h. E-8 Employed Trainee: Temporary employment for industrial training purposes.

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5. OBTAINING A WORK PERMIT:

a. A dependent with an A-3 visa may negotiate terms for employment with a Korean company. The employer can then initiate the paperwork with the Korea Immigration Service (an agency of the R.O.K. Ministry of Justice) to obtain an employment permit for the dependent. The dependent may then visit a local immigration office and obtain an employment permit stamp on their passports. Address and contact information for the Korea Immigration Service and local immigration offices throughout Korea can be found at the following website:
http://www.immigration.go.kr/HP/IMM80/imm_05/imm_5040.jsp

b. Once the dependent obtains the proper work permit, he or she may be lawfully employed on the Korean economy. The dependent will not be required to leave Korea and make a separate entry to enjoy the benefits of a new work permit.

c. Note that dependents employed on the Korean economy are subject to the withholding of Korean income taxes from their wages in Korea.

6. REFERENCES AND ADDITIONAL RESOURCES:

a. Agreement under Article IV of the Mutual Defense Treaty between the United States of America and the Republic of Korea Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea (hereinafter referred to the "SOFA").

b. 2001 Memorandum of Understanding for Preferential Hiring of Korean Employees and Employment of Family Members.

c. United States Forces Korea Regulation 690-1: Regulations and Procedures – Korean Nationals.

d. Korean Law: Immigration Control Act, Chapter III, Section 1, Article 10; Enforcement Decree of the Immigration Control Act, Chapter II, Section 1, Article 12 (attachment).

e. HiKorea.go.kr.