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| Press Release | | **C:\Users\admin\AppData\Local\Microsoft\Windows\INetCache\Content.Word\법무부_영_좌우.jpg** |
| **Embargo & Release Date** | February 11, 2022 | |
| **Division in charge** | Investigation & Enforcement Division | |
| **Point of contact** | Park, Jae Wan (Director)  Jeon, Dong Gyun (Deputy Director) / 02-2110-4082 | |

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| **Korea to grant visas to more foreign children to guarantee their right to education**  - Under the scheme, status of stay will be granted to not only foreign children who were born in Korea but also those who entered the country as infants or young children.  - Also, foreign children who have lived in Korea for 6-7 years will now be eligible, shortened from the previous requirement of 15 years. |

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| □ The Ministry of Justice (Minister Park Beom Kye) will temporarily expand visa issuance for foreign children who are illegally residing in the country to better guarantee their right to education. The scheme, effective from February 1, 2022 to March 31, 2025, aims to guarantee foreign children's full right to education and ensure that they can live together with Koreans as full-fledged members of the society.  □ **Overview**  ❍ **Until now, status of stay has been granted to foreign children who:**   * were born in Korea, have lived here for at least 15 years, and are currently enrolled in middle or high school or have graduated from high school   ❍ **Going forward, foreign children who meet one of the two following eligibility requirements can receive status of stay.**   1. born in Korea or entered Korea as infants or young children (before the age of six), have lived here for at least six years, and currently enrolled in elementary, middle or high school or have graduated from high school 2. entered Korea at the age of six or older, have lived here for at least seven years, and currently enrolled in elementary, middle or high school or have graduated from high school   ❍ **The scheme aims to ensure that foreign children can receive education.**   * A study visa (D-4) will be issued to foreign children who are currently enrolled in schools. High school graduates will be granted a visa needed to attend colleges and finding jobs. * The number of foreign students enrolled in elementary, middle or high school in Korea without a Foreign Resident Registration Number is around 3,000, according to the Ministry of Education. Most of them are expected to benefit from the scheme. * Those who are not eligible yet (currently not attending schools or don’t meet the in-country residence requirements on the effective date of the scheme) can also apply for a visa when they become eligible during the application period.   □ **Opinion Gathering**  ❍ The National Human Rights Commission of Korea said that the ‘Support Scheme For Korea-Born, Long-Term Illegal Foreign Children’, put in place by the MOJ on April 19, 2021, needs to be revised to relax visa requirements, since the existing rules will benefit fewer children than desirable. The MOJ took its advice into account.   * In addition, the MOJ organized the ‘Debate on Paradigm Shift in Immigration Policy’ on Nov 15, 2021 to gather opinions from academia, civic groups and immigration policy experts. The scheme, aiming to guarantee foreign children’s right to education, comes after such efforts to hear from various stakeholders. Going forward, the MOJ will further strive to defend children's human rights.   □ The MOJ will provide direct consulting and guidance to children and their parents who apply for the scheme via separate application desks, in order to prevent potential overcharging by visa agencies that take advantage of foreigners who are not fully aware of the eligibility or required documents.  [Attachment] Status of stay to be granted to foreign children staying in Korea for a long term to guarantee their right to education (in summary) |

[Attachment]

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| Status of stay to be granted to foreign children staying in Korea for  a long term to guarantee their right to education  (in summary) |
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**Application Period**

**❐ February 1, 2022 – March 31, 2025**

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| <Why is the scheme temporary?>  - Keeping this scheme permanently for all foreign children in Korea could cause them to be used as a means for illegal immigration. |

**Eligibility**

Foreign children who meet one of the two sets of eligibility requirements can be granted visas.

**❍ Eligibility 1**

① Born in Korea or entered Korea as an infant or a young child\* (before the age of six)

② Have lived in Korea for at least six years

③ On the date of application, attending an elementary, middle or high school in Korea or have graduated from a high school in Korea

\* ‘infants and young children’ means pre-schoolers under the age of six (subparagraph 1 of Article 2 of the Child Care Act)

**❍ Eligibility 2**

① Entered Korea at the age of six or older

② Have lived in Korea for at least seven years

③ On the date of application, attending an elementary, middle or high school in Korea or have graduated from a high school in Korea

※ Those who don't meet the requirements on the effective date of the scheme can also apply when they become eligible during the application period. (by Mar 31, 2025)

**Next Steps for Eligible Children**

* Immigration offices that have jurisdiction over the child’s place of residence will process his/her application and review relevant information. When the application is approved, a visa will be granted and the child will be notified about the conditions that need to be met in order to maintain the visa (e.g., compliance with the law and order of Korea, demonstration of good character as a student).

**① Those who are middle or high school students on the date of application**

* will be granted a D-4 study visa, which will remain valid until graduating from high school.

**② Those who are high school graduates on the date of application**

* will be able to switch to a different visa that allows them to study or work in Korea if eligible.
* Those who are ineligible for visas for study or work will be issued a G-1 visa, which allows them to stay in Korea for a year. (If holding a different visa, it will be switched to the G-1 visa.)

**③ Failure to meet the conditions for maintaining their visa (e.g. school expulsion, commission of crime)**

* will result in visa cancellation or refusal of visa extension in accordance with the Immigration Act

**Next Steps for Parents of Eligible Children**

* As a general rule, parents of eligible children are supposed to leave Korea. Considering that their child is a minor, however, they will be permitted to temporarily stay in Korea to raise their child until the child graduates from high school or becomes an adult.

**① Paying a penalty for illegally staying in Korea**

* When applying for visa issuance for their child, parents will be notified about their obligation to pay a penalty for their illegal status of stay.

\* 30 percent of the original penalty amount will be charged. However, if it is proved, during the review of their child's visa application, that they are lacking ability or unable to pay the penalty, the penalty may be reduced or waived.

* After paying the penalty, parents can stay in Korea temporarily on a G-1 visa until their child graduates from high school. In the meantime, they will also be allowed to engage in activities beyond their visa status to raise their child.

**② Leaving Korea when their visa expires**

* Parents must leave Korea when their child graduates from high school or becomes an adult. Those who keep staying in Korea after their visa expires will be ordered to leave and face re-entry restrictions.

**Required Documents and Inquiries**

**❍ Application Form and Required Documents :** Please visit [www.immigration.go.kr](http://www.immigration.go.kr) (Korea Immigration Service) or [www.hikorea.go.kr](http://www.hikorea.go.kr) (HiKorea)

**❍ Inquiries :** Please visit the application desk at the immigration office that has jurisdiction over your place of residence**.**