



EIGHTH ARMY “PACIFIC VICTORS”

OFFICE OF THE STAFF JUDGE ADVOCATE

Legal Assistance Division



KOREAN EMPLOYMENT PERMITS FOR DEPENDENTS WITH SOFA STATUS

SOFA Changes Effective 2 April 2001: The Status of Forces Agreement (SOFA) underwent significant changes as part of extensive negotiations between the United States and the Republic of Korea (ROK). The SOFA changes went into effect on 2 April 2001, and include a one-page Memorandum of Understanding regarding preferential hiring of Koreans and employment of family members (hereinafter MOU).

What is the MOU on the Employment of Family Members: The MOU on hiring of USFK family members is potentially a good deal for family members seeking employment on the Korean economy. The MOU is fairly characterized as quid-pro-quo. First, USFK committed to employ Korean Nationals for those positions designated now as KN positions, with limited exceptions. In exchange, the ROK agree that they “will positively consider giving employment permission to dependents of the US armed forces members and dependents of members of the civilian component (hereinafter SOFA family member) while they retain their A-3 Visa (SOFA) status after they enter Korea with an A-3 status.” **Note that dependents of Invited Contractors are not included.**

There are Currently Seven Employment Related Visa Categories: The MOU states that “any of the employment status categories (E-1 through E-7) may be available” to USFK family members “as long as they meet employment requirements for a position stipulated by Korean Immigration Law.”

- E-1 Teaching (Professor): This is for professors of higher education. Requirements include education and experience as a professor of higher education.
- 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. **NOTE: Private tutoring is considered a business, not employment, and to do so is in violation of ROK law which could potentially result in a fine, deportation and/or ROK prosecution.**
- 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.
- 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-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.
- E-6 Arts and Performance: This category includes those engaged in music, the arts, literature, modeling, or other performance activities for profit.
- E-7 Special Occupations: Include such employment as designated by the Minister of Justice, including work in translation, interpretation, cultural research, etc.

SOFA family members retain their A-3 visa (SOFA) status while also having an employment permit stamped in their passport. No departure from the peninsula and return to Korea is required to obtain such an employment permit. USFK family members will have ROK income taxes withheld by their Korean employer in their income.

EMPLOYER RESPONSIBILITY: The employer must initiate the paperwork with the Immigration Bureau to obtain an employment permit for the SOFA family member.

EMPLOYEE RESPONSIBILITY: The SOFA family member must negotiate terms of employment with a Korean company. Once the employment permit is approved with the Immigration Bureau, the SOFA family member **MUST** apply for work permit to be stamped in their passport **from the Immigration Office having jurisdiction over their physical resident location**, and appointments are required to be made online at http://www.hikorea.go.kr/pt/main_en.pt. SOFA family members with a ROK employment permit stamped in their passport are considered lawfully employed on the Korean economy.

Free English counseling services regarding this topic can be obtained by contacting the Korean Immigration Information Center by dialing '1345' (no prefix number).

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Please call DSN 757-2621/2622 for more information.
<http://8tharmy.korea.army.mil/sja/clientlegalsvc>**