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Foreign workers holding Working Visit (H-2) visas may be employed in the size and type of workplaces announced by the Ministry of Labor under the 「Foreign Workers Introduction Plan」. The employment procedure for foreign workers holding a Working Visit (H-2) visa is as follows:① complete Foreigner Employment Training, ② apply for job-search, ③ sign a labor contract, ④ complete alien registration, ⑤ start labor services.

▶ Working Visit (H-2) visa holder employment procedure

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▶ Size and Type of employers for Working Visit (H-2) Visa holders

▶ Working Visit (H-2) visa holders: Employer's business size & industry

– The Ministry of Employment and Labor announces the size and industries allowed to hire foreign workers every year through the 「Foreign Workers Introduction Plan」 through Official Gazette, daily newspapers or the internet (「Act on the Employment, etc. of Foreign Workers」 Article 5.(1) & 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers」 Article 3).

※ The “2011 Foreign Workers Introduction Plan” may be confirmed in section 《[Hiring foreign workers – Foreign workers Employment Qualification – Businesses and number of foreign worker introduction](#)》 of this web site.

– There are 15 countries that have signed an MOU with ROK to send workers holding Non-professional Employment (E-9) or Working Visit (H-2) visas including the Philippines, Mongolia, Sri Lanka, Vietnam, Thailand, Indonesia, Uzbekistan, Pakistan, Cambodia, China, Bangladesh, Nepal, Kazakhstan, Myanmar, East Timor.

▶ Working Visit (H-2) visa holder employment procedure

■ Foreigner Employment training

– Foreign workers holding a Working Visit (H-2) visa must attend Foreigner Employment Training arranged by the Human Resources Development Service of Korea or Korea International Labor Foundation within 15 days of entering the country (「Act on the Employment, etc. of Foreign Workers」 Article 12.(2) & 「Enforcement Rules of the Act on the Employment, etc. of Foreign Workers」 Article 10).

■ Medical Examination

– Employers shall conduct medical examination of their foreign workers, at institutions designated by the Ministry of Employment and Labor pursuant to the 「National Health Insurance Act」 and foreign workers will normally receive medical examinations at the same time as the foreigner employment training (「Industrial Safety and Health Act」 Article 43).

※ Foreign workers who failed the medical examination shall receive a second examination for more precise determination of their medical condition. Until the second examination is confirmed, the foreign worker must be isolated in consultation with the immigration office for normal assignment to the workplace if found normal but deported in case of inappropriate health conditions.

■ Applying for a job-search

– Foreign workers who completed the foreigner employment training must submit to the head of the competent Job Center a job search application form with the following documents (「Act on the Employment, etc. of Foreign Workers」 Article 12.(2) & 「Enforcement Rules

of the Act on the Employment, etc. of Foreign Workers」 Article 12 form No.9) a copy of:

1. Passport;

2. Visa corresponding to Working Visit (H-2) visa;

3. Certificate of completion of foreigner employment training.

– Foreign workers who completed the job-search application procedure are listed with the Human Resources Development Service of Korea (「Act on the Employment, etc. of Foreign Workers」 Article 12.(2) & 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers」 Article 31.(2).1).

■ Signing a labor contract

■ Standard labor contract

– Foreign workers selected by an employer in ROK who have received a recommendation from the head of an Employment Support Center shall sign a labor contract with his (her) employer. In this case, the labor contract shall be a standard labor contract (「Act on the Employment, etc. of Foreign Workers」 Article 9.(1)).

※ Signing the labor contract may be consigned to the Human Resources Development Service of Korea by the employer (「Act on the Employment, etc. of Foreign Workers」 Article 9.(2) & 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers」 Article 16.(1)).

– Foreign workers who signed a labor contract shall receive a copy of the contract 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers」 Article 16.(2).

■ Labor contract period

– Foreign workers and employers may conclude or renew a labor contract for a period of up to three years according to agreement between the directly concerned parties (Articles 9.(3) and 18.(1) of the 「Act on the Employment, etc. of Foreign Workers」).

– Notwithstanding the three-year limitation on employment (「Act on the Employment, etc. of Foreign Workers」 Article 18.(1)), however, any foreign worker whose employer requests the Minister of Employment and Labor to grant permission for reemployment before the worker departs from the Republic of Korea upon expiration of the three-year employment period may have the employment period extended only once by up to two years, and conclude a labor contract within such extended period (「Act on the Employment, etc. of Foreign Workers」 Article 18-2).

√ For an employer to obtain a permit to reemploy a foreign worker, the employer shall submit an application to extend the employment period for a foreign worker whose employment period is to expire in more than one month (Form No. 12-3 of the 「Enforcement Rule of the 「Act on the Employment, etc. of Foreign Workers」) with the following documentation to the head of the employment security agency with jurisdiction over the relevant business site until 7 days before his/her employment period expires (「Enforcement Rule of the 「Act on the Employment, etc. of Foreign Workers」 Article 14-2.(1)):

i) Copy of the business registration certificate;

ii) Copy of the foreigner registration certificate;

iii) Copy of the passport; and

iv) Copy of the standard labor contract

√ The head of the competent employment security agency who receives and reviews an application to extend the employment period shall, if the application meets the requirements, issue a confirmation to extend the employment period for a person whose employment period is to expire (Form No. 12-4 of the 「Enforcement Rule of the 「Act on the Employment, etc. of Foreign Workers」) within seven days from receiving the application (Article 14-2.(2) of the 「Enforcement Rule of the Act on the Employment, etc. of Foreign Workers」).

- Alien registration

- Foreign Workers must register as aliens at the competent Immigration Office (or satellite immigration office where applicable), of the seat of his (her) place of residence within 90 days of entry to ROK(「Immigration Control Act」 Article 31.(1)).

- Start of labor services

- Foreign workers who have signed a labor contract with an employer are ready to start work at the worksite of the employer.

- Reporting the start of employment (reporting changes in Alien Registration Card)

- Foreign workers starting to work for an employer for the first time after alien registration shall report the start of employment to the competent Immigration Office (or satellite immigration offices where applicable) within 14 days of the start of labor services at the concerned worksite (「Immigration Control Act」 Article 35 & 「Enforcement Rules of the Immigration Control Act」 Article 49-2.(3)).

- Applying for an extension of period of sojourn in the visa

- To renew the period of a labor contract, foreign workers intending to sojourn in excess of the initial one year period shall apply for an extension of the period of sojourn at the competent immigration office (or satellite immigration office where applicable) prior to the expiration of the initial one year (「Immigration Control Act」 Article 25).

- ▶ Procedure for a Working Visit (H-2) visa holder already in Korea to be employed by another employer in Korea

- Applying for a change of employer or worksite

- Where a foreign worker intends to change his (her) worksite due to any one of the following reasons, the foreign worker must report to the Employment Support Center of the change of place of work or employer within one month of the termination of the original labor contract, with the Employment Support Center(「Act on the Employment, etc. of Foreign Workers」 Article 25.(1) and (3) & 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers 」 Article 30.(1)):

1. Employer wishes to terminate the labor contract during the period of the labor contract, for justifiable reasons or refuses to renew the initial contract after expiration thereof;
2. Foreign worker is unable to continue labor service due to reasons outside the control of the foreign worker, such as temporary suspension or closure of business;
3. Foreigner employment permit is cancelled or foreign worker employment by the concerned employer is restricted;
4. The working conditions at the employer's workplace are different from those specified in the labor contract, or it is difficult to maintain the labor contract under social convention for such reasons as unreasonable treatment by the employer including violation of working conditions.

- Applying for a change of worksite

- Foreign workers shall apply for a change of worksite with the competent Immigration Office (or satellite immigration office where applicable) where the worker is intending to start work in another worksite due to any of the above-mentioned reasons, in addition to reporting to the Employment Support Center, prior to the start of labor services in the new worksite (「Immigration Control Act」 Article 21.(1)).

- Foreign workers failing to obtain the approval for change of worksite within 2 months of application, shall become subject to deportation (「Act on the Employment, etc. of Foreign Workers」 Article 25.(3)).

- Restrictions on Change in Business or Worksite

- In principle, foreign workers may not change their business or workplace more than three times within three years (「Act on the Employment, etc. of Foreign Workers」 Article 18.(1)) following the date of their entry into the Republic of Korea (「Act on the Employment, etc. of

Foreign Workers」 Article 25.(4)).

– Nevertheless, if foreign workers had changed their business or workplace once for a reason attributable to the employer before they were assigned to the initial business or workplace after concluding a labor contract and entering the ROK, and this is included in the above three times, the head of the employment security agency may exceptionally allow one more change of the business or workplace (Article 30.(2) of the 「Enforcement Decree of the Act on the Employment, etc. of Foreign Workers」).

– Foreign workers whose employment period was extended at the request of their employers for permission for their reemployment before their departure from the Republic of Korea upon expiration of their three-year employment period (「Act on the Employment, etc. of Foreign Workers」 Article 18-2.(1)) may not change their business or workplace more than twice during such extended period (「Act on the Employment, etc. of Foreign Workers」 Article 25.(4)).

※ If it is acknowledged that foreign workers became unable to continue labor service at a workplace due to temporary suspension, closure of business, or other reason outside their control, the change of a business or workplace for such reason shall not be recorded as one of the above restricted number of changes (Article 25.(4) of the 「Act on the Employment, etc. of Foreign Workers」).

■ Reporting change of place of residence

– Where a foreign worker's place of residence also changes due to the change of worksite, the foreign worker shall report such change to the head of the si, gun or gu or the competent Immigration office (or satellite immigration offices where applicable) within 14 days of relocation (「Immigration Control Act」 Article 36.(1)).

■ Other procedures

– Foreign workers who applied for a change of employer or worksite shall sign a labor contract with another employer and start labor services.