

The requirements for a marriage migrant visa(F-6) application will be revised beginning April 1st, 2014.

□ Overview

- The requirements* for a marriage migrant visa(F-6) application revised on October 10th, 2013 will be implemented starting April 1, 2014, following a six-month grace period.

* Article 9(5) of the Enforcement Rule of the Immigration Control Act

- In principle, F-6 visa applications submitted on and after April 1, 2014 are subject to evaluation based on the revised criteria. Please note that the related documents required for visa applications are subject to change accordingly.

□ Revised Requirement 1 : Sponsoring a foreign spouse will be limited to once every five years.

- Sponsorship will be prohibited if the sponsor(Korean national) has sponsored another foreign spouse in the past 5 years from the date of the visa application.

※ Re-sponsorship of the same foreign spouse within the past 5 years is allowed, as it is not considered "another foreign spouse".

- However, the following cases are excluded from the number of sponsorships:

- If the sponsor does not sponsor a foreign spouse after marriage;
- If the visa application for a foreign spouse is disapproved;
- If the foreign spouse does not enter the Republic of Korea even after he/she is issued a visa

- In addition, in order to minimize any disadvantages that an applicant may experience due to the revised requirements, the number of sponsorships will only be calculated from submissions made on April

1, 2014, in principle. However, taking into consideration parity with the previous requirement (allowing sponsorships twice every 5 years), in the case that the application is the third sponsorship (including application submissions made prior to April 1, 2014) made within the last 5 years, sponsorship will be prohibited.

Example 1

If a person sponsors a foreign spouse(A) (submits a visa application on April 1, 2014 and enters the Republic of Korea) and submits a visa application on March 1, 2018 for another foreign spouse(B), the application for the foreign spouse(B) **will be prohibited since it would be the second sponsorship(after April 1, 2014) in the past 5 years.**

Example 2

If a person has sponsored a foreign spouse(C) (submitted a visa application on June 1, 2012 and entered the Republic of Korea) and submits a visa application on May 1, 2014 for another foreign spouse(D), the application for foreign spouse(D) **will be permissible since it would be the first sponsorship after April 1, 2014.**

Example 3

If a person has sponsored a foreign spouse(E) (submitted a visa application on June 1, 2011 and entered the Republic of Korea) and a foreign spouse(F) (submitted a visa application on June 1, 2013 and entered the Republic of Korea), and then marries and submits a visa application to sponsor a foreign spouse(G), sponsorship of the foreign spouse(G) **would be considered the first sponsorship from April 1, 2014, but the third within the past 5 years. Therefore, sponsorship would be prohibited.**

□ Revised Requirement 2 : Income Requirement

- A visa will only be issued if the income (before tax) of a sponsor meets the income requirement based on the number of household members announced annually by the Minister of Justice. The 2014 income requirement by the number of household members is as follows:

<2014 Income Requirement Standard based on the number of household members>

	2-person household	3-person household	4-person household	5-person household	6-person household
<u>Income Requirement</u>	<u>₩14,794,804</u>	<u>₩19,139,299</u>	<u>₩23,483,808</u>	<u>₩27,828,316</u>	<u>₩32,172,811</u>

* Add ₩4,344,500 for additional person

- **Calculation of household size** : If a sponsor does not have any family members living with him or her, the household size is considered to be a 2-person household (sponsor and marriage migrant). If the sponsor has immediate family members living with him/her represented on his or her resident registration, those immediate family members are included in the household size.

※ Immediate family: Sponsor's grandparents, parents, children, grandchildren (Brothers and sisters are not considered as immediate family members.)

- **Categories of approved income** : The total sum of earned income, business income, income from rental real estate, interest, dividends, and annuity from the past 1 year is approved as the sponsor's income. Other forms of income are excluded from the income calculation of the sponsor.

※ Freelancers who do not have a regular established labor contract, and people working in industries such as agriculture, forestry, livestock, or fisheries, are considered business income earners.

- **Conversion of property into income** : If a sponsor's annual income does not meet the requirement but he or she has property under his or her name, 5% of the property can be converted to the income of the sponsor. Property that is applicable for conversion into income includes deposits, insurance, stocks, bonds, and real estate. Property must be equivalent to more than 1 million won owned by the sponsor for at least 6 months.

※ In the case that debt exists, only 5% of the net property left after the debt is deducted from the sponsor's property can be converted into income.

- **Use of family member's income, property** : Even if a sponsor's income and the amount of property converted into income can't meet the requirement, the income and property of immediate family members living with the sponsor represented on the resident registration can be accepted as the income of the sponsor. In this case, the 「Application for the supplement of income requirement via family's income and property」 must be submitted.
- **The responsibility of proving** whether the income and/or property requirement is met lies with the sponsor. In principle, the evaluation of income requirements is determined based on the documents submitted with the visa application. Therefore, evidences proving that the sponsor or his or her family members' income and property meet the requirements should be submitted.
- Such income requirements are not applied if there are children born between the sponsor and his/her foreign spouse.
- **Revised Evaluation Criterion 3 : Requirement for Korean language capability (Requirement for communication capabilities between the Korean national and his/her foreign spouse)**
 - Beginning April 1, 2014, a visa may not be issued if there is a communication problem between a married couple. In principle, a F-6 visa applicant (marriage migrant) should have a basic level of Korean speaking capabilities. However, if a marriage migrant can't speak Korean but the marriage migrant and his/her Korean spouse can communicate well with each other in a foreign language other than Korean, the F-6 visa can be issued.
 - A marriage migrant must submit one of the documents below at the time of visa application. However, in the case that a Korean language

test cannot be conducted or there is no designated Korean language education institution in the country of the visa applicant, and the marriage migrant is unable to provide any one of the documents below, the reason must be briefly provided on the letter of sponsorship.

- Certificate of TOPIK equivalent to Level 1 or higher
 - Certificate demonstrating the completion of a basic level of Korean language course in an education center designated by Ministry of Justice
 - Documents confirming the acquisition of a Korean language related degree in a university and/or graduate school
 - Documents proving that the marriage migrant is an ethnic Korean with foreign nationality
 - Immigration records proving that the marriage migrant resided in Korea for a successive duration of a year or longer
- If a sponsor can speak the mother tongue of his/her foreign spouse or there is a third foreign language that the sponsor and his/her foreign spouse use, the reason for how this language capability was acquired should be stated on the letter of sponsorship.
- In the case that a sponsor resided for a successive duration of a year or longer in a country where the mother tongue of his/her foreign spouse is used as an official language, or if the sponsor and the marriage migrant stayed for at least 1 year in a country where a third language is used, or if the sponsor is a naturalized Korean and the language of the country where the sponsor lived previously is the same language as the marriage migrant's mother tongue, the requirement for Korean language capability is considered to be met.
 - In other cases, an interview or an investigation can be conducted in the process of evaluation in order to examine a sponsor or a marriage migrant's language capabilities.

- The Korean language requirement is not applied if there are children born between a sponsor and his/her foreign spouse.
- Additionally, in order to minimize any disadvantages that an applicant can experience due to the revised evaluation criterion, an applicant that registers his/her marriage in Korea by March 31, 2014 will be exempt from the Korean language requirement until December 31, 2014.
 - ※ If the marriage is registered prior to March 31, 2014, but a visa application is submitted on and after Jan. 1, 2015, the Korean language requirement will be applied.
- Those who complete the marriage registration in Korea by March 31, 2014 must write "marriage registration complete in Korea prior to March 31, 2014" in Category No 6.5.2 of the sponsorship letter.

☐ Revised Evaluation Criterion 4 : Residency requirement

- A sponsor must have a residential space where a marriage migrant can reside upon entering Korea. The space **must be owned or rented under the name of the sponsor or a member of his/her immediate family living with him/her represented on the resident registration.** Residency requirement is subject to evaluation based on the size, the number of rooms, and the number of people living in that space other than the sponsor.
- In the case that the residential space is **not considered an adequate space for a married couple to live**, the visa application may be **rejected**, and photos of the residential space may be requested for submission and/or a visit to the residential space may be conducted during the process of evaluation.

☐ Revised Evaluation Criterion 5 : 3-year lapse after naturalization through marriage

- If a sponsor is a naturalized Korean through marriage with a Korean

national, and it has not been 3 years since the sponsor acquired Korean nationality, sponsorship of a foreign spouse is not permitted.

- However, if the sponsor acquired Korean nationality through falsified marriage (Article 6, Paragraph 2, Sub-paragraph 3 of the Nationality Act) or child rearing (Article 6, Paragraph 2, Sub-paragraph 4 of the Nationality Act), the time-lapse criterion is not applied.

□ The form of the sponsorship letter has been revised.

- The form of sponsorship letter that a Korean national uses to sponsor a foreign spouse has been revised. An applicant who applies for a F-6 visa on and after April a, 2014, must attach the revised sponsorship letter.
- Questions on the sponsorship letter must be answered based on objective facts. If answers to the questions are omitted, or the details of the relationships or marriage are unclear, the evaluation process for the application may be delayed or rejected.
- In particular, even if the marriage was through an international marriage broker, if falsified information regarding the relationship or introduction is submitted or forged documents are provided, the visa application may be disapproved and/or the sponsor may be penalized according to the relevant statute. Therefore, the sponsor must confirm that all answers given on the sponsorship form are true and correct. For further details, please refer to the sponsorship form.
 - ※ Case 1: Person A married a Kyrgyzstanian woman through an international marriage broker. However, it was exposed that in an attempt to acquire a visa more easily, person A gave falsified details about the relationship, stating that the introduction occurred not through a broker but through a personal contact.
 - ※ Case 2: Person B married a Burmese woman through an international marriage broker and entrusted the preparation of documents required for a visa application to the broker. However, the broker arbitrarily provided falsified information stating that the sponsor

got to know the woman through his acquaintance and not through the international marriage broker.

□ Personal Details Form for marriage migrants has been newly created.

- A foreigner who applies for a marriage migrant visa (F-6) beginning April 1, 2014 must submit the personal details form for marriage migrants.
- Questions such as past entry records, whether a marriage migrant has changed his/her name before, and information pertaining to the foreigner's family are included in the form. The form must also be completed based on objective facts. Please note that if the answers to the questions are omitted and/or falsified information is provided on the form, the evaluation process for the application may be delayed or disapproved.

□ Details to note concerning the revised evaluation criteria for F-6 visa application

- Following the reinforcement of the evaluation criteria for F-6 visa applications, a foreign spouse may not be able to enter Korea even upon the registration of marriage. Therefore, when you(foreign spouse) decides to marry a Korean spouse introduced through an international marriage broker, please ensure that the criteria required for F-6 visa application are met prior to marry.
- In particular, please **be cautious of any brokers who advertise by saying it is possible to meet the conditions** (ex: completion of the Korean language education course, etc.) **required for the visa application in a short period of time after the marriage** according to existing practices. Also, please note that if a visa application is disapproved after the marriage, there can be disadvantages such as the marriage migrant being unable to enter Korea.