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Act on the Entry, Departure and Registration of Foreigners

외국인의입국출국과등록에관한법률

Republic of Korea · 17 November 1949

Original Korean source · English translation, Gwangbok Archive

ACT NO. 65 · 17 NOVEMBER 1949

Source details

Original title
: 외국인의입국출국과등록에관한법률

Enactment
: Act No. 65, 17 November 1949

Effective date
: 7 January 1950 (fifty days after promulgation)

Issuing authority
: Republic of Korea; promulgated by the President

Extent
: 14 articles and supplementary provisions

Textual basis
: Original 1949 enactment as recorded by the National Law Information Center (record effective 7 January 1950); checked against the Korean Wikisource transcription

Subject
: Entry, transit, sojourn, registration, departure, and expulsion of foreigners

Historical introduction

This was the Republic’s first statute on immigration control. It required foreigners other than diplomats and officials of foreign governments to hold passports, show funds of at least 300,000 won, pass inspection at the port of entry, obtain residence permits for stays of thirty days or more, register with local authorities, and obtain permission to leave. The Minister of Foreign Affairs could refuse entry on grounds of national interest, public order, health, or indigence, and the Minister of Home Affairs could order foreigners to leave.

It replaced South Korean Interim Government Ordinance No. 214 and a related Department of Foreign Affairs ordinance, and it sits alongside the Nationality Act (Primary 17) and the Overseas Nationals Registration Act (Primary 38) as part of the legal definition of who belonged to the new state.

Text and editorial practice

The Korean text below is the original enactment as recorded by the National Law Information

Center (국가법령정보센터), in the hangul-normalized form in which that database presents it, and it was checked character by character against the independent transcription on Korean Wikisource. The English follows the article and paragraph structure of the Korean one to one, without substituting later amended law.

Nothing has been silently corrected. Where the Korean as transmitted contains an evident misprint, a missing word, or an irregular construction, the Korean is left as it stands, the English gives the most probable sense with the printed form in square brackets, and the point is explained in the notes. Square brackets in the English otherwise give transliterations of Korean terms whose institutional meaning does not map neatly onto an English equivalent. Dates in the Tangun era (단기) are kept, with the Common Era year in brackets.

Primary source / facing translation

Original Korean and English Translation

Act No. 65 · 17 November 1949

제1조
외국인은 본법에 의하여 입국, 출국과 등록을 하여야 한다. 단, 대한민국에 주재하는 외국의 외교관,영사관과 그 수원과 가족 또는 외국정부의 공무를 띤 자는 예외로 한다.

ARTICLE 1
Foreigners shall enter, depart, and register in accordance with this Act. However, foreign diplomats and consular officers stationed in the Republic of Korea, their suites and families, and persons on official business of a foreign government are excepted.

제2조
본법에 있어서 입국이라 함은 대한민국내의 통과 또는 체류를 말하되 통과는 15일미만, 체류는 15일이상의 체재를 말하며 출국이라 함은 국외로 퇴거함을 말한다.

ARTICLE 2
In this Act, “entry” means transit through or sojourn in the Republic of Korea; transit means a stay of less than fifteen days and sojourn a stay of fifteen days or more. “Departure” means leaving for a place outside the country.

제3조
외국인이 입국하고저 할 때에는 유효한 여권 또는 이에 대신할 증명서를 가져야 하며 휴대금 30만원이상 있는 것을 제시하여야 한다. 단, 대한민국국민에 대하여 여권 또는 이에 대신할 증명서 없이 입국을 허가하는 외국의 국민은 예외로 한다.

ARTICLE 3
A foreigner who intends to enter shall hold a valid passport or a certificate in place of one, and shall show that he carries 300,000 won or more. However, nationals of foreign countries that permit nationals of the Republic of Korea to enter without a passport or a certificate in place of one are excepted.

제4조
외국선박이 대한민국항내에 정박중 그 항이 소속하는 시・읍・면・구역내에서 일시왕래할 목적으로 그 승선원이 상륙하고저 할 때에는 전조를 적용하지 아니할 수 있다.
전항의 규정은 외국항공기가 국내에 착륙한 경우에 준용한다.

ARTICLE 4
The preceding Article need not be applied when, while a foreign vessel is anchored in a port of the Republic of Korea, members of its crew intend to land for the purpose of going to and fro temporarily within the city, town, or township area to which the port belongs.
The preceding paragraph shall apply mutatis mutandis when a foreign aircraft lands in the country.

제5조
외국인이 입국할 때에는 입국지(空港을 包含한다)에서 외무부장관이 지정하는 관헌의 사열을 받어야 한다.

ARTICLE 5
When a foreigner enters, he shall undergo inspection at the place of entry (including airports) by the officials designated by the Minister of Foreign Affairs.

제6조
다음의 각호의 1에 해당한다고 인정되는 외국인에 대하여서는 외무부장관이 그 입국을 금지할 수 있다.
1. 대한민국의 이익에 배반하는 행동 또는 경제를 교란하는 행동을 할 우려가 있는 자
2. 공안을 해하거나 또는 풍속을 문란하게 할 우려가 있는 자
3. 전염병환자, 기타 공중위생상 위험한 자
4. 심신상실자, 심신모약자, 빈한자 기타 구조를 요할 자

ARTICLE 6
The Minister of Foreign Affairs may prohibit the entry of a foreigner considered to fall under any of the following items:
1. A person likely to act against the interests of the Republic of Korea or to disturb its economy.
2. A person likely to harm public safety or to corrupt public morals.
3. A person with an infectious disease, or otherwise dangerous to public health.
4. A person of unsound mind, a person of feeble mind, an indigent person, or another person in need of assistance.

제7조
다음의 각호의 1에 해당한다고 인정되는 외국인에 대하여서는 외무부장관이 그 입국을 허가할 수 있다.
1. 제6조제4호에 해당하는 자로서 확실한 감호인 또는 신원보증인이 있을 때
2. 제3조의 규정에 위반한 자로서 그 사유가 부득이한 때
전항에 의하여 입국을 허가할 때에는 체재지와 체재기간을 지정할 수 있다

ARTICLE 7
The Minister of Foreign Affairs may permit the entry of a foreigner considered to fall under either of the following items:
1. A person falling under Article 6, item 4, who has a reliable custodian or guarantor.
2. A person who has violated Article 3, where the reason for it is unavoidable.
When entry is permitted under the preceding paragraph, the place and period of stay may be designated.

제8조
대한민국을 통과하는 외국인이 그 통과기간을 초과하여 체재하고저 할 때에는 외무부장관에 신고하여 통과기간연장허가를 받어야 한다.

ARTICLE 8
A foreigner in transit through the Republic of Korea who intends to stay beyond the transit period shall report to the Minister of Foreign Affairs and obtain permission to extend the transit period.

제9조
대한민국에 30일이상 체류하고저 하는 외국인은 외무부장관의 거주허가를 받어야 한다.
체류기간만료후 계속하여 체재하고저 할 때에는 외무부장관에 신고하여 체류기간연장허가를 받어야 한다.

ARTICLE 9
A foreigner who intends to sojourn in the Republic of Korea for thirty days or more shall obtain a residence permit from the Minister of Foreign Affairs.
A foreigner who intends to continue staying after the sojourn period expires shall report to the Minister of Foreign Affairs and obtain permission to extend the sojourn period.

제10조
전조의 규정에 의하여 거주허가를 받은 외국인은 그 거주하는 시・부・읍・면장에게 등록을 하여야 한다.
외국인은 등록사항에 이동이 있을 때에는 전항에 준하여 등록변경을 하여야 한다.

ARTICLE 10
A foreigner who has obtained a residence permit under the preceding Article shall register with the head of the city, municipality [pu], town, or township in which he resides.
When a registered particular changes, the foreigner shall make a change of registration in accordance with the preceding paragraph.

제11조
대한민국에 체류하고 있는 외국인이 출국하고저 할 때에는 외무부장관의 출국허가를 받어야 한다.
전항에 의하여 출국을 허가할 때에 출국기간, 출국지 또는 체재지로부터 출국지까지의 경로를 지정할 수 있다.

ARTICLE 11
A foreigner sojourning in the Republic of Korea who intends to depart shall obtain a departure permit from the Minister of Foreign Affairs.
When departure is permitted under the preceding paragraph, the period for departure, the place of departure, or the route from the place of stay to the place of departure may be designated.

제12조
내무부장관은 외무부장관과 협의하여 다음의 각호의 1에 해당하는 외국인에 대하여 출국을 명할 수 있다.
1. 제6조제1호와 제2호의 규정에 해당하는 자
2. 제13조제1호, 제3호의 1에 해당하는 자
3. 제13조에 규정한 죄를 범하여 금고이상의 형을 받은 자
4. 전호에 해당하는 자를 제외하고 제13조의 규정에 의하여 처벌된 자로서 다시 동조 각호의 1에 해당하는 행위를 한 자

ARTICLE 12
The Minister of Home Affairs may, in consultation with the Minister of Foreign Affairs, order the departure of a foreigner falling under any of the following items:
1. A person falling under Article 6, item 1 or item 2.
2. A person falling under Article 13, item 1 or item 3.
3. A person sentenced to imprisonment or a heavier penalty for committing a crime prescribed in Article 13.
4. A person, other than one falling under the preceding item, who has been punished under Article 13 and again commits an act falling under any item of that Article.

제13조
다음의 각호의 1에 해당하는 자는 3개월이하의 징역이나 금고 또는 5만원이하의 벌금에 처한다.
1. 제3조 또는 제5조의 규정에 위반하여 입국한 자
2. 제6조의 규정에 의한 명령에 위반하여 입국한 자
3. 부정한 방법에 의하여 입국한 자
4. 제8조, 제9조, 제10조의 규정에 위반하여 허가, 등록 또는 등록변경을 하지 않거나 또는 허위의 등록이나 등록변경을 한 자
5. 제7조제2항의 규정에 위반한 자
6. 제11조의 규정에 위반하여 출국하고저 한 자
7. 제12조의 규정에 의한 출국명령에 위반한 자

ARTICLE 13
A person falling under any of the following items shall be punished by penal servitude or imprisonment of not more than three months or a fine of not more than 50,000 won:
1. A person who enters in violation of Article 3 or Article 5.
2. A person who enters in violation of an order under Article 6.
3. A person who enters by improper means.
4. A person who, in violation of Article 8, 9, or 10, fails to obtain a permit or to register or change registration, or makes a false registration or change of registration.
5. A person who violates Article 7, paragraph 2.
6. A person who attempts to depart in violation of Article 11.
7. A person who violates an order of departure under Article 12.

제14조
본법 시행에 필요한 사항은 대통령령으로 정한다.
전항의 대통령령에는 그 위반자에 대하여 3만원이하의 벌금에 처하는 벌칙을 규정할 수 있다.

ARTICLE 14
Matters necessary for the enforcement of this Act shall be prescribed by Presidential Decree.
The Presidential Decree in the preceding paragraph may prescribe penal provisions punishing violators with a fine of not more than 30,000 won.

부칙
<법률 제65호, 1949. 11. 17.>
본법은 공포후 50일을 경과한 후에 시행한다.
본법 시행전부터 대한민국내에 체류하고 있는 외국인은 본법 시행일에 입국한 것으로 간주한다.
남조선과도정부법령 제214호와 동외무처령 제1호는 이를 폐지한다.

SUPPLEMENTARY PROVISIONS
Act No. 65, 17 November 1949
This Act shall enter into force fifty days after its promulgation.
Foreigners sojourning in the Republic of Korea since before this Act enters into force shall be deemed to have entered on the date this Act enters into force.
South Korean Interim Government Ordinance No. 214 and Department of Foreign Affairs Ordinance No. 1 of the same are hereby repealed.

The English text is a historical translation; it is not an official modern consolidated law.

Editorial apparatus

Notes and Sources

Translation and context notes

1. Transit and sojourn (Article 2). 통과 is rendered “transit” and 체류 “sojourn.” Article 9 then requires a residence permit (거주허가) for sojourns of thirty days or more, although Article 2 defines sojourn from fifteen days.

2. Article 12, item 2. 제13조제1호, 제3호의 1 is read as “Article 13, item 1 or item 3.”

3. Persons of unsound mind (Article 6). 심신상실자 and 심신모약자 are period legal categories, rendered “person of unsound mind” and “person of feeble mind.”

4. Commencement. The Act took effect fifty days after promulgation, on 7 January 1950.

5. Original and later versions. This edition presents the text as originally enacted. Later amendments have not been inserted, and the English is not a translation of the law currently in force.

6. Source collation. The Korean text was checked against the National Law Information Center record and the Korean Wikisource transcription, which agree. It has not been collated line by line against a photographic copy of the Official Gazette (관보) printing; any variants in the original print should be recorded before a critical facsimile edition is issued.

Primary-source references

Republic of Korea, “외국인의입국출국과등록에관한법률” [Act on the Entry, Departure and Registration of Foreigners], Act No. 65, November 17, 1949. National Law Information Center (original enactment). https://www.law.go.kr/lsInfoP.do?lsiSeq＝4430.

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