

Korean Immigration: Professional Foreign Personnel Employment (E-7 Visa)

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I. Necessity of Employing Professional Foreign Personnel

What companies need as they prepare for global competition is to provide world-class cutting-edge products and services at competitive prices. For this purpose, most Korean companies have used highly qualified Korean personnel, but in a world becoming one integrated market, maintaining world-class competitiveness is proving more and more difficult with such a limited supply of personnel. Accordingly, companies feel the need to hire from overseas those professional personnel that they cannot employ easily inside Korea. In addition, small and medium sized companies need to hire those highly qualified personnel at a reasonable cost. Employing such professional foreign personnel requires an E-7 visa.

Generally, the E-7 visa is granted to personnel employed for professional positions, which covers various fields. In their plans to hire these overseas personnel, companies need to confirm whether visa issuance is possible, and then obtain eligibility from the Immigration Office for those personnel to stay in Korea, before initiating the hiring process. In this article, I would like to look into this employment process for hiring professional personnel, and government support systems for such hiring.

II. Process for Hiring Professional Foreign Personnel (E-7 Visa)

1. E-7 Visa holders (for specific activities)

Professional foreigners eligible for E-7 visas need to have the following characteristics in general. Firstly, the specialty, qualifications, technological and other skills of the corresponding foreigners shall be directly related to the companies where they are to work. Secondly, those foreigners shall not become engaged in simple labor, but professionally skilled or technical jobs. Thirdly, it shall be necessary to hire those foreigners because of the difficulty involved in finding Korean citizens to fill those positions.

○ Permitted Job Categories

For the Special Activity (E-7) visa, the permitted job categories were 85 as of the end of December 2019, and the number of eligible occupations was 277. Therefore, when applying for a Special Activity (E-7) visa, one must first verify whether they correspond to the 85 job category codes and 277 detailed occupation codes. When issuing a Special

Activity (E-7) visa, the permitted job categories are classified into 85 categories of ▲ professional workers, ▲ semi-professional workers, ▲ general function workers, and ▲ skilled function workers, taking into account the classification by major job types and skill levels in the "Korean Standard Classification of Occupations" based on the principle of professional competency and national replacement.

<Occupations Permitted for Special Activity (E-7) Visa (85 Jobs)>

○ Specialized Professionals (67 Job Types):

- Corporate executives, management support managers, education administrators, insurance and financial managers, information and communication managers, design and video managers, construction and mining managers, transportation managers, sales and marketing managers, lodging, travel, entertainment, and sports managers, food service managers, and 15 other job types.

- Experts in life and natural sciences, social science researchers, telecommunication engineers, computer hardware technicians, application and system software developers, web developers, computer systems designers and analysts, data specialists, information security specialists, architects, architectural engineering technicians, civil engineering experts, landscape technicians, chemical engineering technicians, metal material engineering technicians, environmental engineering technicians, electrical engineering technicians, mechanical engineering technicians, robotics experts, automobile, ship, aircraft, and railway vehicle engineering experts, industrial safety and risk experts, gas and energy technicians, CAD operators, nurses, university professors, education-related specialists, teachers at foreign schools, legal experts, government and public administration experts, special agency administrative officers, management and diagnostic experts, advertising and public relations experts, finance and insurance experts, travel product developers, event planners, overseas sales representatives, designers, interpreters, announcers, and 52 other job types.

○ Semi-skilled Workers (9 Job Types):

- Duty-free sales office workers, airline transportation workers, hotel receptionists, medical coordinators, customer service office workers, tourism interpreters and guides, transportation service workers, chefs and cooks, and casino dealers.

○ General Function Workers (6 Job Types):

- Animal breeders, fish farming technicians, halal slaughterhouse workers, musical instrument makers and tuners, ship welders, and aircraft maintenance workers.

○ Skilled Workers (3 Job types):

- Skilled workers in traditional industries, skilled workers in manufacturing and

construction industries, and skilled workers in agriculture, forestry, and animal husbandry.

2. Qualifications by Job Category

When applying for an E-7 visa for a specific activity, the applicant must meet one of the following job-specific requirements: ① Possess a master's degree or higher in a field related to the permitted occupation, ② Have at least one year of experience in the related field with a bachelor's degree in a field related to the permitted occupation, or ③ Have at least five years of work experience in a field related to the permitted occupation.

However, exceptions apply in the following cases:

- ① Graduates (including expected graduates) of domestic two-year colleges are exempt from the one-year experience requirement and are permitted to work in a job related to their major.
- ② Graduates (including expected graduates) of domestic four-year universities are exempt from the one-year experience requirement and are permitted to work in a job unrelated to their major if the necessity of employment is recognized. In other words, if an individual has obtained a bachelor's degree or higher in Korea, the evaluation of the relevance of the major to the job is waived, and only the relevance of the major to the job is evaluated for a specialized bachelor's degree.
- ③ Individuals with at least one year of experience in a professional job at one of the top 500 global companies are allowed to work in the permitted occupation even if they do not meet the educational or experience requirements.
- ④ Individuals with a bachelor's degree from one of the top 200 global universities are allowed to work in the permitted occupation even if they do not meet the educational or experience requirements.
- ⑤ High-income professional experts who earn more than three times the previous year's per capita gross national income (GNI) are exempt from educational, experience, and employment recommendation requirements from the relevant ministry, regardless of the occupation.
- ⑥ Individuals with a foreign professional bachelor's degree or higher who have completed a domestic training course (D-4-6, 20 months or more) in the relevant major, obtained a national certification, and completed level 4 or higher of the social integration program are allowed to change their residence status to the relevant major.

3. Assessment Criteria for Protecting National Employment

The government has implemented the "Assessment Criteria for Protecting National Employment" to prevent the improper employment of foreign workers for cost reduction purposes when applying for E-7 visas for certain activities and to protect jobs for citizens. The standards are as follows:

First, the standards for protecting national employment are exceptionally applied to mechanical engineering technicians, system engineers, travel product developers, overseas salespersons, interpreters, and translators, among other foreign professional workers who are at risk of excessive invitation letters. Therefore, employment company requirements such as the maximum number of foreign workers allowed per company and the minimum wage requirement are applied to foreign professional workers in national employment protection occupations, quasi-skilled workers, general functional workers, and skilled functional workers to avoid infringement of national employment.

Second, small-scale companies with fewer than five domestic employees and non-export-oriented small businesses are generally restricted from inviting foreign professional workers. The number of employees refers to those registered for at least 3 months on the employment insurance roster of the Ministry of Employment and Labor who meet the minimum wage requirement. For example, if a foreign chef is invited, the company must submit a roster of employment insurance subscribers who have been employed for at least 3 months, so the application can only be made at least 3 months after the restaurant opens. In principle, foreign employment is allowed for national employment protection occupations within the range of 20% of domestic employees (with at least 5 domestic employees). However, overseas Koreans (F-2 and F-5 visa holders), marriage immigrants (F-6 visa holders), and permanent residence (F-5 visa holders) are excluded from the foreign employment quota.

Third, to prevent foreign professional workers from being used for low-wage purposes through fraudulent means, the wage requirements are applied differently by occupation based on the level of professionalism in accordance with the average wage of domestic workers with the same experience performing the same job. In other words, the wage requirement for foreign professional workers is set at 80% or more of the previous year's GNI per capita, while quasi-skilled workers, general functional workers, and skilled functional workers are subject to the minimum wage requirement.

Meanwhile, in cases where the review is conducted to protect national employment, exceptions are allowed. Firstly, foreign-invested companies with specialized skills, with a sales revenue of over \$100,000 and employing at least one Korean national employee, as well as trading companies targeting special language regions such as Russia, Vietnam, and Mongolia, and venture companies, are allowed to employ one foreigner (e.g., interpreters, overseas salespersons) even if they have fewer than five Korean national employees, as

long as they have recommendations from the relevant authorities (such as KOTRA, Korea International Trade Association).

Secondly, in the advanced industrial manufacturing sector, foreign employment is allowed up to 50% of the national employment if recommended by relevant authorities (such as KOTRA, the Korea International Trade Association).

Thirdly, for trading companies (including foreign investment companies) targeting special language regions such as Russia that export over \$500,000 annually and do not use English, Chinese, or Japanese but instead use languages that require a substitute for national employees, foreign employment is allowed up to 70% of the national employment if recommended by relevant authorities (such as KOTRA, Korea International Trade Association).

Fourthly, for small-scale foreign-invested companies and venture companies during their start-up period, the standard for allowing foreign employment per company can be deferred for up to two years from the start-up date. In other words, foreign employment is allowed even if there are no national employees.

4 .Documents Required for E-7 Visa Application

To apply for an E-7 visa for specific activities, the following documents must be submitted: a certificate of visa issuance recognition, a copy of the passport, one standard-sized photo, documents related to the establishment of the company (business registration certificate, unique identification number certificate, foreign investment company registration certificate, etc.), a copy of the employment contract, a tax payment certificate (national tax payment certificate and local tax payment certificate), proof of the need for foreign employment (invitation letter and a plan for utilizing foreign workers) Company and business introduction (sales amount and number of full-time workers), current status of shortage of professional manpower related to the introduction of foreign workers, efforts to recruit domestic manpower, relevance to the duties of professional manpower, expected effects and utilization plan when hiring professional manpower, etc. should be included.

employment recommendation letter from the head of the central administrative agency Ship management expert, travel company manager, tourism and leisure business manager, drafting agent (cad member), finance and insurance expert, travel product developer, performance planner, technology management expert, announcer, hotel receptionist, medical coordinator, tour guide interpreter, and for 15 occupations, such as technicians, shipbuilding welders, and aircraft maintenance workers, a letter of recommendation from the minister in charge must be submitted.

, a guarantee of identity For ten occupations, including sales clerk, chef and cook, designer, hotel receptionist, medical coordinator, aquaculture technician, shipbuilding welder, and skilled craftsman (root industry, general manufacturing and construction companies, livestock and fishery), must submit identity guarantees.

, documents proving qualifications (degree certificate, employment certificate, resume, qualification certificate, etc.), and, in the case of applying through a proxy (a power of attorney, a certificate of employment of the proxy, a copy of the proxy's identification card).

5. Items to be considered

If a person who applies for an E-7 visa confirmation for a specific activity is confirmed to be a person who is prohibited from entering the country or subject to visa issuance restrictions, the issuance of an E-7 visa confirmation for the specific activity is generally prohibited. However, those who have paid a fine, voluntarily departed after a short-term illegal stay, or paid a penalty of less than KRW 2 million within the past three years are excluded. In addition, the person in charge of issuing E-7 visa confirmations comprehensively reviews whether the domestic company's invitation meets the following criteria: whether the company is subject to visa issuance restrictions, whether the employment agency meets the requirements and is operating normally, whether the foreign workers are being employed for low wages, etc. Therefore, if the domestic company's invitation is subject to visa issuance restrictions or does not meet the employment requirements or the minimum wage requirements for the permitted job types or the number of foreign workers allowed per company, the issuance of an E-7 visa confirmation may be prohibited. However, in cases where it is necessary to deviate from the criteria due to national interests or humanitarian reasons, the Minister of Justice approves the issuance of the visa confirmation.

To apply for a change in Resident Status to a specific activity (E-7) qualification for those who possess a student (D-2) or job seeker (D-10) visa, all of the following requirements must be met: ▲ Must have legally resided in Korea ▲ Must possess the qualifications required for a specific activity (E-7) visa ▲ Must have signed an employment contract with the representative of the organization or entity in which they intend to work. In this case, a student (D-2) visa holder refers to a graduating student who meets the requirements for a job seeker (D-10) visa. However, even if a person is enrolled in a domestic university, if they have already obtained a bachelor's degree or higher and possess the necessary qualifications, they can be allowed to change their Resident Status to a specific activity (E-7) visa.

Finally, since obtaining a specific activity (E-7) visa can be difficult, it is crucial to thoroughly prepare and apply. There are only 85 types of occupations that are eligible for a specific activity (E-7) visa, so it is important to carefully review whether the job code corresponds to the foreigner's characteristics and experience and to prepare a well-written employment reason statement and utilization plan together with the employment contract. When drafting the employment contract, it is also important to ensure that the wage level is in line with the minimum wage level and the appropriate level for the occupation. In other words, to prevent the illegal exploitation of foreign professionals for low wages, the wage requirements for foreign professionals are set at 80% or more of the previous year's per capita GNI, and semi-skilled, unskilled, and skilled workers are subject to at least the minimum wage. If the applicant's academic background, major, and experience are unrelated to the job, they may not be eligible for a specific activity (E-7) visa, so they should be aware of this.

III. Conclusion

Nowadays, hiring foreign professionals is no longer an option, but is becoming essential. In a global market with worldwide competition, those with better technology and able to provide more competitive products survive. This requires companies to work hard to acquire world-class, highly-trained personnel from many fields at a reasonable labor cost. The E-7 visa is designed to facilitate such acquisitions in an effort to support companies in maintaining and improving their competitiveness.