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The Ministry of Employment and Labor (MOEL) Foreign Workforce Division and the Ministry of Justice (MOJ) Visa and Residence of the government of South Korea has announced the one-year Extension of Stay and Employment period for Foreign Workers effective 13 April 2021.

On March 2021, the National Assembly of the Republic of Korea passed an amendment to the 5-year restriction in employment period stipulated in the Foreign Workers Act. It was subsequently promulgated and implemented by MOEL and MOJ on 13 April 2021.

The amendment applies to E-9 (Non-Professional Worker) and H-2 (Work and Visit) visa holders (approximately 70,000 to 110,000 foreign workers) whose employment period: 3 years or 4 year and 10 months ends from 13 April 2021 to 31 December 2021. Also included in the coverage are those who were previously granted 50-day extension provided that the expiration falls within the prescribed period. Further, the 50-day extension will be modified to one (1) year. However, those whose employment term expired prior to the effectivity of the law, i.e., 13 April 2021, are not subject to this measure.

Extension of Employment period

Foreign workers with E-9 visa

- Those whose employment period (3 years or 4 years and 10 months) will expire from 2021.04.13 (effective date of the revised law) to 2021.12.31.
- Those who have extended their 50-day employment period will also be included in the one-year extension if the extended employment period expires between "2021.4.13 to 2021.12.31."
- Those with current 50 days' extension period will be changed into 1-year extension.

Foreign workers with H-2 visa

- For work and visit (H-2), workers who was issued special employment availability certificate and reported commencement of work by employment center shall have 1-year extension.
- Even if a special employment certificate is not issued or commencement of employment was not reported, the 1-year extension can be made if report of commencement of employment is made before the expiration of employment period.

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- If the workers are visit and work (H-2) visa holders, employer must be issued special employment availability certificates and employer or employee needs to report employment commencement.
 - * Employer can report it to employment center or foreigner can report for himself.

The measures to extend the employment period for foreign workers will be automatically implemented by the government without the foreign worker individual application.

The employer is required to apply for the extension of employment period. Application can be made at the employment center visit or through online website (www.eps.go.kr)

South Korea government expect this measure to help front-line industries such as manufacturing and farming and fishery that are suffering from labor shortages. Further, South Korea hope that the entry of foreign worker will be resumed as soon as possible.

For the information and guidance of all.



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Source: POLO Seoul
HRDK, EPS Center in the PH

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