

PASSPORT ACT

Amended by Act No. 940, Dec. 31, 1961
Amended by Act No. 1627, Apr. 9, 1964
Act No. 3376, Feb. 28, 1981
Act No. 3605, Dec. 31, 1982
Act No. 4742, Mar. 24, 1994
Act No. 5454, Dec. 13, 1997
Act No. 6030, Sep. 9, 1999
Act No. 6879, May 27, 2003
Act No. 7849, Feb. 21, 2006
Act No. 8242, Jan. 19, 2007
Act No. 8990, Mar. 28, 2008
Act No. 9799, Oct. 19, 2009
Act No. 11774, May 22, 2013
Act No. 12274, Jan. 21, 2014

Article 1 (Purpose)

The purpose of this Act is to prescribe matters regarding the issuance and validity of passports, and other necessary matters concerning passports.

Article 2 (Bearing of Passport)

Any Korean national who desires to travel abroad shall carry a passport issued in accordance with the provisions of this Act.

Article 3 (Authority to Issue Passports)

Passports shall be issued by the Minister of Foreign Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 4 (Types of Passports)

(1) The types of passports shall be ordinary passports, official passports and diplomatic passports, each of which shall be classified as passports available for traveling abroad only once (hereinafter referred to as a "single-use passport") and passports available for

traveling abroad without limitation on the number of trips until the expiration of the term of validity (hereinafter referred to as a "multiple passport"), respectively.

(2) Persons to whom an official passport or diplomatic passport may be issued shall be prescribed by Presidential Decree.

Article 5 (Term of Validity of Passports)

(1) The term of validity of passports by types under Article 4 shall be as follows:

1. Ordinary passports: Not exceeding ten years;
2. Official passports: Not exceeding five years;
3. Diplomatic passports: Not exceeding five years.

(2) Matters necessary for the fixing, etc. of the term of validity of passports by types shall be prescribed by Presidential Decree.

Article 6 (Issuance of Single-Use Passports)

(1) In any of the following cases, the Minister of Foreign Affairs may issue a single-use passport, the term of validity of which is fixed at not exceeding one year: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where an appropriate requests the issuance of a passport;
2. Where a passport is issued in accordance with Article 12 (4);
3. Where a passport is issued to a person prescribed by Presidential Decree and subject to obtaining permission to travel abroad under the Military Service Act;
4. Where a passport is issued to a person deemed necessary to make an overseas trip due to inevitable reasons, such as a student who needs to depart abroad during the period of confirmation referred to in Article 11 (2) due to the academic calendar.

(2) Details concerning the issuance of single-use passports shall be prescribed by Presidential Decree.

Article 7 (Information to be Stated in Passports and Method of Stating Information)

(1) Information to be stated in passports shall be as follows:

1. Type of passport, issuing state, passport number, date of issuance, date of expiration, and issuing authority;
2. The name, nationality, gender, date of birth, resident registration number, and photo of the passport holder;
3. Deleted. *<by Act No. 9799, Oct. 19, 2009>*

(2) The information referred to in each subparagraph of paragraph (1) shall be printed and electronically stated in passports, as prescribed by Presidential Decree: Provided, That it

need not be stated electronically where any inevitable cause exists, such as cases where a passport is issued at embassies or consulates abroad, etc.

Article 8 (Collection, Keeping and Management of Information Necessary for Performance of Passport Operations)

The Minister of Foreign Affairs may collect, keep and manage information necessary to carry out passport operations, such as the fingerprints (hereinafter referred to as "fingerprints"), address, contact address, domestic emergency contact address, and passport issuance records of a person to whom a passport is issued, including information to be stated in a passport pursuant to Article 7 (1), as prescribed by Ordinance of the Ministry of Foreign Affairs: Provided, That the fingerprints shall not be collected, kept and managed for the purpose other than that of confirming the applicants themselves in the process of issuing the passport and the period of keeping and management of such information shall not exceed three months. <Amended by Act No. 9799, Oct. 19, 2009; Act No. 11690, Mar. 23, 2013>

Article 9 (Application for Issuance of Passports)

(1) A person who desires to have a passport issued shall file an application with the Minister of Foreign Affairs for the issuance of a passport, providing the information referred to in Article 8: Provided, That he/she need not provide his/her fingerprints in cases prescribed by Presidential Decree, such as cases where inevitable causes preventing the taking of his/her fingerprints exist. <Amended by Act No. 11690, Mar. 23, 2013>

(2) Applications for the issuance of passports pursuant to paragraph (1) shall be filed by the applicants themselves: Provided, That with respect to persons prescribed by Ordinance of the Ministry of Foreign Affairs, a proxy may apply for the issuance of a passport. <Amended by Act No. 11690, Mar. 23, 2013>

Article 10 (Request for Cooperation Including Provision of Information or Data)

(1) The Minister of Foreign Affairs may, if necessary for the issuance of a passport, request the heads of relevant agencies to provide information or data managed by the State, such as computerized data on the resident registration pursuant to the Resident Registration Act, the registration of family relationship pursuant to the Act on the Registration, etc. of Family Relationship, etc., or other necessary cooperation.

(2) The heads of relevant agencies shall comply with a request for cooperation under paragraph (1), such as provision of information or data, upon receipt of such request, except in extenuating circumstances.

Article 11 (Reissuance of Passports)

(1) A person who has obtained a passport may apply for the reissuance of a passport to the Minister of Foreign Affairs in the following cases: <Amended by Act No. 11690, Mar. 23, 2013>

1. When it is required to correct or change the information referred to in each subparagraph of Article 7 (1);
2. When the passport issued to him/her has been misplaced;
3. When the passport issued to him/her has been damaged.

(2) In the following cases, the Minister of Foreign Affairs may verify how a person has misplaced his/her passport with relevant agencies before the reissuance of a passport. In such cases, the period of confirmation shall not exceed 30 days from the date on which an application for the reissuance of is filed, except in extenuating circumstances: <Amended by Act No. 11690, Mar. 23, 2013>

1. Where a person who has misplaced his/her passport on at least two occasions for the same reason within five years before the date of application for the reissuance of a passport applies for the reissuance of a passport;
2. Where how a passport has been misplaced is unclearly stated or there are substantial grounds for suspecting such statement.

(3) Matters necessary for the reissuance of passports shall be prescribed by Presidential Decree.

Article 12 (Refusal of and Restrictions on Issuance, etc. of Passports)

(1) The Minister of Foreign Affairs may refuse to issue or reissue a passport to any of the following persons: <Amended by Act No. 11690, Mar. 23, 2013>

1. A person under indictment for committing a crime corresponding to a punishment for a period of at least two years, or a person whose indictment is suspended due to an escape abroad after committing a crime corresponding to a punishment for a period of at least three years;
2. A person who has been sentenced to punishment for committing any crime under Articles 24 through 26 and for whom the execution of the sentence has yet to be fulfilled or the waiver of the execution of the sentence has yet to be final and conclusive;
3. A person who has been sentenced to imprisonment without prison labor, or to heavier punishment for committing any crime, other than those referred to in

subparagraph 2, and for whom the execution of the sentence has yet to be fulfilled or the waiver of the execution of the sentence has yet to be final and conclusive;

4. A person likely to cause serious harm abroad to national security, maintenance of public order, or reunification and foreign policies of the Republic of Korea and falling under any of the following:

(a) A person whose life or physical safety is likely to be jeopardized by terror, etc. where he/she leaves the country;

(b) A person in the term of the disposition of security surveillance under Article 4 of the Security Surveillance Act and warned under Article 22 of the said Act.

(2) When the Minister of Foreign Affairs intends to determine whether or not a person falls under the conditions referred to in paragraph (1) 4, he/she shall consult the Minister of Justice in advance and undergo deliberations by the Passport Policy Deliberation Committee established in accordance with Article 18. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) With respect to the following persons, the Minister of Foreign Affairs may impose restrictions on the issuance or reissuance of a passport for a period between one year and three years from the date when the relevant situation arises: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. A person for whom the termination or waiver of the execution of punishment for committing any crime referred to in paragraph 1 (2) is made definite;

2. A person notified by an embassy or consulate abroad or relevant administrative agencies of the fact that his/her unlawful acts, etc. conducted in foreign countries have substantially compromised national dignity.

(4) Where any reason prescribed by Presidential Decree exists, such as urgent humanitarian reasons, with respect to a person to whom the issuance or reissuance of a passport is refused or restricted pursuant to paragraph (1) or (3), the Minister of Foreign Affairs may issue a passport available only for such case of travel. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 13 (Invalidity of Passports)

(1) A passport shall cease to be valid in the following cases:

1. When the term of validity of a passport has expired;

2. When an applicant has failed to claim his/her passport within six months from the date of issuance;

3. When a passport holder who has misplaced his/her passport submits an application for the reissuance, as prescribed by Presidential Decree;
 4. In cases of a passport returned for application for the issuance or reissuance of a passport, when a passport for which issuance or reissuance has been applied is issued or reissued;
 5. When an issued passport has been falsified;
 6. When a passport is transferred or lent to be used by another person;
 7. When a person who has had a passport issued or reissued obtains a foreign nationality, losing his/her nationality in accordance with the Nationality Act;
 8. When a person who has been ordered to return a passport in accordance with Article 19 fails to return the passport within a designated period without any justifiable ground;
 9. In cases of a single-use passport, when a passport holder has come back to Korea.
- (2) Public officials of local governments in charge of the issuance or reissuance of passports, national police officers, autonomous police officers, and persons who perform the duties of judicial police officers, engaging in immigration control or customs operations shall, when they discover a passport which has become invalid due to any cause provided for in paragraph (1) 2 through 8, notify such fact to the Minister of Foreign Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 14 (Certificate in lieu of Passport)

- (1) The Minister of Foreign Affairs may issue a certificate in which a destination is indicated in lieu of a passport (hereinafter referred to as a "travel certificate") to persons prescribed by Presidential Decree, such as a person who has misplaced his/her passport during his/her stay abroad and has no time to wait until a passport is reissued, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*
- (2) The term of validity of a travel certificate shall be one or less year and shall become ineffective when the purpose of issuance of the travel certificate is fulfilled.
- (3) With respect to the issuance and effect of travel certificates, the provisions of Articles 7 through 10, 12, 13 and 16 through 18 shall apply mutatis mutandis. *<Amended by Act No. 9799, Oct. 19, 2009>*

Article 15 (Change of Matters Stated in Passports)

A person who has obtained a passport may file an application with the Minister of Foreign Affairs for change of matters stated in his/her passport, excluding the information referred

to in each subparagraph of Article 7 (1). <Amended by Act No. 11690, Mar. 23, 2013>

Article 16 (Prohibition on Illegal Issuance and Execution, etc. of Passports)

No person shall be permitted to commit the following acts:

1. Entering false details in documents submitted to have a passport issued or reissued, or using other unlawful means to have a passport issued or reissued, or arranging to use unlawful means to have a passport issued or reissued;
2. Using a passport issued in the name of another person;
3. Transferring or lending a passport to have another person use the passport, or arranging the transfer or lending of a passport;
4. Taking over or borrowing a passport issued in the name of another person for the purpose of using it;
5. Providing or being provided with a passport as security for the fulfillment of an obligation.

Article 17 (Restrictions, etc. on Use of Passport)

(1) When deemed necessary to suspend any visit to or sojourn in any specific overseas country or region in order to protect the lives, physical safety and property of people against dangerous circumstances in locations oversea prescribed by Presidential Decree, such as a natural disaster, war, internal disturbance, revolt, terror, etc., the Minister of Foreign Affairs may impose restrictions on the use of a passport or prohibit any visit to and sojourn in the relevant country or region (hereinafter referred to as "restrictions, etc. on the use of passports"), setting a period: Provided, That the Minister of Foreign Affairs may, if he/she deems it necessary, grant permission on the use of a passport, visit or sojourn for any travel to be made for purposes prescribed by Presidential Decree, such as permanent residence, reporting, urgent humanitarian causes, official duties, etc. <Amended by Act No. 11690, Mar. 23, 2013>

(2) If the Minister of Foreign Affairs intends to place restrictions, etc. on the use of passports under paragraph (1), he/she shall determine and issue notice of designated countries or regions, the scope, conditions and period of the restrictions, etc. on the use of passports, the procedure for application for permission on the use of passports, visit and sojourn, etc. in accordance with the procedures and methods prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(3) Where it is unnecessary to maintain the restrictions, etc. on the use of passports due to resolution of dangerous circumstances in locations overseas, etc., the Minister of Foreign

Affairs shall lift such restrictions, etc. on the use of passports without delay and announce such fact. <Amended by Act No. 11690, Mar. 23, 2013>

(4) When the Minister of Foreign Affairs imposes or lifts restrictions, etc. on the use of passports, or grants permission for the use of a passport, visits to and sojourn in a specific country or region under paragraphs (1) and (3), he/she shall undergo deliberation by the Passport Policy Deliberation Committee established under Article 18. <Amended by Act No. 11690, Mar. 23, 2013>

Article 18 (Passport Policy Deliberation Committee)

(1) The Passport Policy Deliberation Committee shall be established in the Ministry of Foreign Affairs (hereinafter referred to as the "Committee") in order to deliberate upon matters concerning the following passport operations: <Amended by Act No. 11690, Mar. 23, 2013>

1. Criteria for the calculation of the amount of fees for the issuance of passports and criteria for the selection of specifications of passport-issuing equipment;
2. Matters concerning the protection of personal information and security technology for passports;
3. Matters concerning refusal of the issuance and reissuance of passports to persons falling under Article 12 (1) 4;
4. Matters concerning imposition and lifting of restrictions, etc. on the use of passports in accordance with the main sentence of Article 17 (1);
5. Matters concerning permission for the use of a passport, visits to and sojourn in a specific country or region in accordance with the proviso to Article 17 (1);
6. Other important matters concerning passport operations referred for consideration by the chairperson of the Committee.

(2) The Committee shall be composed of not exceeding 20 committee members, including one chairperson and one vice-chairperson.

(3) Subcommittees may be established and run in the Committee for the efficient promotion of the operations of the Committee.

(4) A committee member who is not a public official shall be deemed a public official in applying penal provisions pursuant to the provisions of Articles 129 through 132 of the Criminal Act.

(5) Matters necessary for the organization, operation, etc. of the Committee and subcommittees shall be prescribed by Presidential Decree.

Article 19 (Return, etc. of Passport, etc.)

(1) Where the Minister of Foreign Affairs deems it necessary to have a passport or a travel certificate (hereinafter referred to as a "passport, etc.") returned due to any of the following causes, he/she may order a holder of a passport, etc. to return his/her passport, etc., setting an appropriate period necessary for the return thereof: *<Amended by Act No. 11690, Mar. 23, 2013>*

1. Where a holder of a passport, etc. is found to fall under any subparagraph of Article 12 (1) or any subparagraph of paragraph (3) of the said Article after he/she is issued with the passport, etc.;
2. Where a holder of a passport, etc. falls under any subparagraph of Article 12 (1) or any subparagraph of paragraph (3) of the said Article after he/she is issued with the passport, etc.;
3. Where a passport, etc. has been issued in error or by negligence.

(2) If a holder of a valid passport, etc. intends to apply for a new passport due to causes falling under Article 11 (1) 1 and 3, he/she shall return the passport, etc. in his/her possession.

(3) Where a holder of a passport, etc. wishes to retain his/her passport, etc. which shall otherwise be returned, for the use of visa issued or others, the Minister of Foreign Affairs may permit the holder of the passport, etc. to retain the passport, etc. after placing a cancellation stamp in the passport, etc. *<Amended by Act No. 11690, Mar. 23, 2013>*

(4) Where the Minister of Foreign Affairs receives passports, etc. returned by persons falling under paragraph (1) 1 and 2, he/she shall keep the passports, etc. returned by persons falling under Article 12 (3) on restrictions of issuance of passports, etc. for the period of restriction, and return the passports, etc. to the holder thereof when the period of restriction elapses. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 20 (Direct Collection of Passport, etc.)

The Minister of Foreign Affairs may directly collect a passport, etc. in the possession of a person who violates Article 16 or fails to return a passport, etc., despite having received an order to return such passport, etc. under Article 19 (1) without any justifiable grounds. *<Amended by Act No. 11690, Mar. 23, 2013>*

Article 21 (Exercise of Authority, etc. on Behalf)

(1) The Minister of Foreign Affairs may allow a consul or the head of a local government to exercise part of his/her authority for the issuance and reissuance of passports, etc. and

change of matters stated in passports, etc., as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

(2) A person intending to file an application for the issuance or reissuance of a passport, etc., or for change of matters stated in his/her passport, etc. may also file an application with the head of a local government having no jurisdiction over his/her address.

(3) The Minister of Foreign Affairs may allow the following persons to exercise the authority on behalf to directly collect passports, etc. under Article 20, as prescribed by Presidential Decree: <Amended by Act No. 11690, Mar. 23, 2013>

1. A public official belonging to the Ministry of Foreign Affairs or a local government in charge of the issuance of passports, etc.;
2. A national police officer or an autonomous police officer;
3. A person carrying out the duties of judicial police officer, engaging in immigration control or customs operations.

(4) Any public official exercising the authority on behalf pursuant to paragraph (3) shall carry a certificate indicating his/her authority and present it to relevant persons.

(5) With respect to a local government unable to cover the expenses needed to exercise the authority on behalf referred to in paragraph (1) with the revenue from fees alone referred to in Article 22 (2), the Minister of Foreign Affairs may subsidize the deficits with the National Treasury. <Amended by Act No. 11690, Mar. 23, 2013>

Article 22 (Fees)

(1) A person who wishes to have a passport, etc. (excluding official passports and diplomatic passports; hereafter the same shall apply in this Article) issued or reissued, or to have matters stated in the passport, etc. changed, shall pay the relevant fee to the Minister of Foreign Affairs: Provided, That where a person submits an application to have a passport, etc. issued or reissued, or to have matters stated in the passport, etc. changed, to the head of a local government performing passport business on behalf in accordance with Article 21 (1), he/she shall pay the relevant fee to the head of the local government. <Amended by Act No. 11690, Mar. 23, 2013>

(2) The amount of fees equivalent to the expenses spent for the exercise of authority on behalf out of the fees paid in accordance with the proviso to paragraph (1) shall be revenue of the local government.

(3) The method of paying fees, the amount of fees, and the amount of fees equivalent to the expenses incurred for the exercise of authority on behalf out of the fees in accordance

with paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 23 (Establishment of Electronic Authentication System for Passports)

(1) The Minister of Foreign Affairs shall, for the prevention of counterfeiting or falsification of passports, etc. and promotion of international use of passports, etc., establish an information system for the issuance of electronically processed passports, etc., confirmation of matters stated in the passport, etc. (hereinafter referred to as the "electronic authentication system for passports"), in accordance with the criteria established by the International Civil Aviation Organization. *<Amended by Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment, management, etc. of the electronic authentication system for passports shall be prescribed by Presidential Decree.

Article 24 (Penal Provisions)

A person who enters false details in documents submitted to have a passport, etc. issued or reissued in violation of subparagraph 1 of Article 16 (including cases applied mutatis mutandis in accordance with Article 14 (3)), or a person who has obtained or arranged to obtain a passport, etc. issued or reissued by other illegal means shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 30 million won. *<Amended by Act No. 12274, Jan. 21, 2014>*

Article 25 (Penal Provisions)

The following persons shall be punished by imprisonment with prison labor for not exceeding two years or by a fine not exceeding 20 million won: *<Amended by Act No. 12274, Jan. 21, 2014>*

1. A person who uses another person's passport, etc. in violation of subparagraph 2 of Article 16 (including cases applied mutatis mutandis in accordance with Article 14 (3));
2. A person who transfers or lends a passport, etc. or arranges the transfer or lending of a passport, etc. to other person for the purpose of letting such another person use the passport, etc. in violation of subparagraph 3 of Article 16 (including cases applied mutatis mutandis in accordance with Article 14 (3)).

Article 26 (Penal Provision)

The following persons shall be punished by imprisonment with prison labor for not exceeding one year or by a fine not exceeding 10 million won: *<Amended by Act No. 12274, Jan. 21, 2014>*

1. A person who takes over or borrows another person's passport, etc. for the purposes of using it in violation of subparagraph 4 of Article 14 (including cases applied mutatis mutandis in accordance with Article 14 (3));
2. A person who provides or is provided with a passport, etc. as a means to secure the fulfillment of an obligation in violation of subparagraph 5 of Article 16 (including cases applied mutatis mutandis in accordance with Article 14 (3));
3. A person who uses a passport, etc. or visits or stays in a country or region notified as a country or region where visits or sojourn is prohibited in accordance with the provisions of Article 17 (2) and the main sentence of Article 17 (1) without obtaining permission (including cases applied mutatis mutandis in accordance with Article 14 (3)) under the proviso to paragraph (1) of the said Article, despite being aware of such fact.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Article 7 (1) 3 shall enter into force on January 1, 2010.

Article 2 (Applicability to Revenue from Fees)

The amended provisions of Article 22 (2) on fees for the issuance or reissuance of passports, etc. or change of statements in the passport, etc., which become revenues of local governments shall apply to the fee paid by a person who files an application for the issuance or reissuance of a passport, etc. or change of statements in the passport, etc. with the head of a local government on and after January 1, 2009.

Article 3 (Transitional Measures concerning Issuance of Passport, etc.)

(1) Passports, etc. which had already been issued at the time this Act enters into force shall be considered to have been issued pursuant to this Act.

(2) Notwithstanding the amended provisions of Article 7 (2), the Minister of Foreign Affairs and Trade may issue passports pursuant to the former provisions until a passport issuing system is established to electronically state the information referred to in each of the subparagraphs of Article 7 (1).

Article 4 (Transitional Measures concerning Application of Penal Provisions)

The previous penal provisions shall apply to acts performed before this Act enters into force.

ADDENDUM <Act No. 9799, Oct. 19, 2009>

This Act shall enter into force on January 1, 2010.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

- (1) This Act shall enter into force on the date of its promulgation.
- (2) Deleted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 11774, May 22, 2013>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 12274, Jan. 21, 2014>

This Act shall enter into force three months after the date of its promulgation.