

04 _ Multiple Citizenship & Military Service Duty



> What is multiple citizenship?

When a child born in a country that adheres to the jus soli (right of the soil) principle and his/her parent is a citizen of a country with jus sanguinis (right of blood) principle, the children obtains both citizenship at birth; one from the birthplace and one from his or her parent's nationality. For example, a child whose parents are South Korean born in the US, which adheres to the jus soli principle, has both South Korean nationality and US citizenship by birth and therefore the child becomes a multiple citizen.

※ Family Relations Registration and Nationality

Family relations registration does not establish any substantial effect relating to acquisition or loss of nationality, but only acts as a follow-up report on the acquisition, loss, or any substantial changes to the nationality formed by the Nationality Act.

Therefore, if you have acquired Korean nationality by birth, naturalization, or other ways stipulated by the Nationality Act but did not take actions to register family relations, your substantial status of having acquired the Korean nationality remains intact.

> Military Duties of multiple citizens

- Male nationals of the Republic of Korea have military duties in accordance with the Constitution and Military Service Law.
- Males with multiple citizenship must choose their nationality by the end of March of the year he turns 18. If he fails to do so in time, he will be obligated to serve.
- A conscription candidate may receive overseas travel permit if he...
 - Lives overseas with his parent who has permanent residence permit or citizenship
 - Has lived overseas with his parents since before he turned 24
 - Has lived overseas continuously for 10 years or more yearsThose whose parents live in Korea are not included.

Q1

I emigrated overseas when I was young and obtained citizenship. My parents returned to South Korea permanently last year. I wish to return and find a job in South Korea. Is this possible?

A1

When a Korean national who were born in South Korea acquires foreign citizenship, his Korean nationality is lost. In this case, you must prepare documents that prove your foreign citizenship and notify your loss of nationality to the relevant authority. Since you have lost Korean nationality, you are not obligated to serve in the military. But if you wish to find a job in South Korea, you must do so as foreigner not as Korean.

Q2

Is a multiple citizen allowed to enter or depart South Korea with a foreign passport (name) without an overseas travel permit?

A2

Multiple citizens must also receive the overseas travel permit when traveling abroad. Entering or departing only with a foreign passport without the overseas travel permit is violation of overseas travel permit duty. Departure can be restricted for doing so.

Q3

I am a multiple citizen born abroad and had my military service postponed until the age of 37. I wish to go to South Korea and work in a branch office of an international company. Am I obligated to serve in the military even if I am employed as foreigner?

A3

Your military service has been postponed until the age of 37 as a dual citizen born abroad. However, your military service postponement will be canceled and you will be obligated to serve in the military if you stay in South Korea for six month or more within a period of one year in total, or pursue for-profit activities in South Korea such as employment.

The scope and criteria of for-profit activities are as follows:

- Any paid employment for a total of 60 days or more within a period of one year. Business Operation such as agriculture or industry for a total of 60 days or more within a period of one year.
- Entertainers generating income from TV show appearance or athletes generating income from competing in sports games staying in South Korea for total of 60 days or more within a period of one year. People who earned 10 million won or more for providing other personal services while staying in South Korea for total of 60 days or more within a period of one year.

Q4

I have multiple citizenship and I have been living overseas for more than 10 years. Next year, I turn 25 so I want to apply for overseas travel permit. Am I eligible for a permit that allows me to stay and travel overseas until I'm 37?

A4

To apply for "Overseas Travel Permit for multiple Citizenship", you need to have lived overseas continuously for 10 or more years. If your parents live in Korea, you are not eligible. In other words, even if you have lived overseas for more than 10 years, you won't be allowed an overseas travel permit if your parents live in Korea.

Q5

I am a male who holds multiple citizenship, one of which is U.S. I fulfilled my military services while holding U.S. citizenship. Am I allowed to main tain multiple citizenship, since I've served in the military in Korea with multiple citizen ship?

A5

According to the previous Nationality Act Article 12, multiple citizenship holders that have fulfilled military obligations had to choose one nationality within two years from the day they fulfilled or was exempted from the military service. If they did not choose within the said time frame, they automatically lost their Korean nationality.

As a multiple citizenship holder, if you finished your military services in 2001, you had to choose one nationality by renouncing either your U.S. citizenship or your Korean nationality. If you have not done so, you have automatically lost your Korean nationality, in accordance with the previous Nationality Act.

However, if you wish to hold Korean nationality, you may apply for re-acquisition as stipulated in Clause 1 Article 2 of the Annex Law revised and proclaimed on May 4, 2010. In this case, you may maintain multiple citizenship after making an oath not to exert foreign nationality, if you have fulfilled your military obligations and have not given birth overseas.

In addition, the revised Nationality Act allows you to maintain multiple citizenship if you have finished your active duty, full-time reserve, or supplemental service and, within two years since finishing your military service, you make an oath not to exert foreign nationality.

For example, if someone born in the U.S. is given U.S. citizenship and Korean nationality by birth, fulfilled his/her active duty service, and did not give birth overseas, he/she may maintain multiple citizenship by choosing Korean nationality and making the oath not to exert foreign nationality, within two years since he/she finished serving in the military.

Q6

If a Korean national acquires foreign nationality or citizenship but does not update his/her family relations register after acquiring the nationality, is this person regarded as a multiple citizenship holder?

A6

According to the Nationality Act of Korea, if a Korean national is voluntarily naturalized as a foreign national or citizen, that person automatically loses Korean nationality.

Even if you acquire foreign nationality or citizenship, the government of the country of your new nationality does not notify the Korean government that you've acquired their nationality. As such, if you do not report to the authorities in charge of nationality or family relations register affairs, your family relations register will not be updated. Nevertheless, that does not mean you maintain your Korean nationality.

In short, your family relations register simply remains as it was before your acquisition of the foreign nationality (citizenship), as you and your family have not made the necessary updates following your loss of Korean nationality.

Even after having acquired foreign nationality (citizenship) and having been issued a passport of that country, some people continue to use their Korean passport to enter or depart Korea. This is a violation of the Immigration Act and is subject to penal punishment, fines, or penalty.

