

# Dual Citizenship for Korean Adoptees

Presentation

by Dae-won Kim

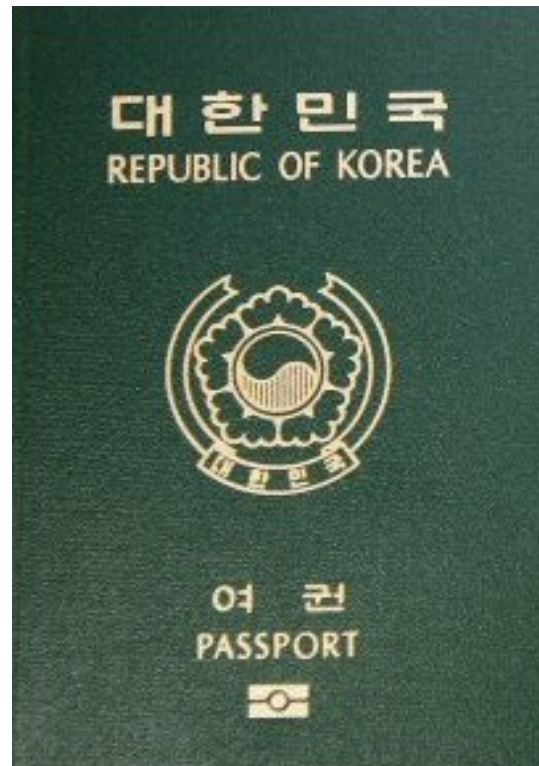
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# 태극기



# Korean Passport



## Bio

- adopted 1972 into a Swiss family
- 1980 joined Korean Association in Switzerland
- 1990 first trip to Korea
- 1994 Co-Founder of Dongari Switzerland
- 1995 Co-Founder of Euro-Korean Network
- 1995 Studied at Yonsei University
- 2003 Relocation to Korea
- 2004 – 2010 Secretary General of G.O.A.'L
- 2010 Board of Directors of G.O.A.'L Korea and G.O.A.'L USA
- 2011 First Korean Adoptee to obtain Dual Citizenship (Switzerland - Korea)

# G.O.A.'L – Dual Citizenship Campaign

- Launched, Fall 2007
- Signature Collection, May 2008
- Public Hearing, July 2008
- Public Hearing, June 2009
- MoJ submits law revision, November 2009
- Congressman Kim Chung Hwan submits Military Service Law revision, December 2009
- Nationality Law Revision passed, April 2010
- New Nationality Law promulgated, May 2010
- New Nationality Law in effect since January 2011

# G.O.A.'L – Dual Citizenship Workshop

- **Reasons**
- Natural step from F4 visa
- No voluntary renunciation of Korean nationality
- Difficult to give up foreign nationality (adoptive family etc.)

# Planning Committee

## **Coordination:**

**Dae-won Wenger**, Board of Directors G.O.A.'L

**Myriam Cransac**, University of La Rochelle, Intern G.O.A.'L 2008 and 2010

## **Advisory Board:**

**Chung-Hwan Kim**, Member of the National Assembly, Board of Directors G.O.A.'L

**Chul-woo Lee**, Professor at Yonsei University

**Jong-hoon Lee**, Ph.D. political Science, former Board of Directors G.O.A.'L

## **Korean Adoptees:**

**Nari Baker**, Fulbright grantee 2007/2008

**Robyn Shultz** (U.S.A.)

**Julayne Lee** (U.S.A.)

# Nationality Law - Changes

- BEFORE
  - After acquiring Korean nationality, 6 months to give up old nationality
- AFTER JANUARY 1, 2011
  - After restoration of Korean nationality, 1 year period to
    - A) give up old nationality
    - or
    - B) hand in pledge not to use foreign nationality within Korea
    - »

# Benefits / Disadvantages

- Access to all websites
- Avoid policies directed against foreign nationals
- Easier access to credit cards
- Better access to loans, credits, mortgages
- Potential voter
- Run for political office
- Problems with scholarships
- Restricted access to diplomatic services of foreign nationality
- Language barrier (as citizen)
- Travel restrictions
- Job limitations
- Effect on dependants (school etc.)
- National Security Law
- No access to tax incentives aimed at foreign nationals

# Listing of Countries

- Dual Citizenship Allowed

- Australia
- Belgium
- Canada
- France
- Germany (Permit required)
- Italy
- Luxemburg
- Netherlands (only possible if residing in Korea)
- Sweden
- Switzerland
- United Kingdom
- U.S.A.

- Dual Citizenship not Allowed

- Denmark
- Norway

# Rights & Duties

- **Rights**

- Dignity, Pursuit of Happiness
- Equality (Art. 11)
- Personal Liberty (Art. 12)
- Residency
- Right to vote, run for political office (as prescribed by law)
- Work

- **Duties**

- Duty to Military Service (applies only to male citizens by military service law, however constitution mentions all citizens)
- Duty to pay taxes

# Military Service

- Restoration and intact family registry: duty to serve in the military
- Restoration & orphan family registry: exemption (제2국민역), civil defense applies
- Military Service Law revision pending (Congressman Kim Chung Hwan)

# Tax System

- Only distinguishes between residents and non-residents
- Certain tax incentive programs exist (aimed at attracting foreign nationals)
- Only limited Agreements between countries in order to avoid double taxing (check with your embassy first)

# National Health Insurance

- One of four major insurances
- Various categories (for adoptees under category of F4 visa holders = foreign nationals)
- Access as foreign national adoptee only after 3 months of entry to Korea
- Almost all Korean nationals covered
- Insurance premium less expensive as citizen, as soon as ID received

# National Pension Scheme

- **As foreign national**
- Option to get lump sum reimbursed (depending on country)
- **As citizen**
- Option to get lump-sum under special conditions

# Two passports

- International law does not prohibit carrying several passports
- Two passports with two different names (possibly two different birth dates)
- Use of passport depending on local laws
- Problems when checking in at airport (TSA: secure flight program), US and Korean law collide
- Always carry proof of identities (adoption certificate, other related documents)
- Creation of special document requested MoJ

# Family Registry

- By becoming Korean citizen a new registry is being created (per person) based upon the old family registry that was used for the adoption
- Possibility to re-create the family link to original family via family court
- Possibility to sponsor immigration visa to the other country (currently being researched)

# Dependants

- Children already born can apply for Korean citizenship at same time as parent (dual citizenship does not apply → renunciation of foreign nationality)
- Children born after restoration become automatically Korean citizens (with all consequences: military service etc.)
- Creation of families with various nationalities (can cause problems while traveling)

# Marriage

- After restoration of citizenship possible to register marriage
- Proof of marriage translated into Korean (District Office / 구청)
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# Process I

Adoptee-specific documents are:

- Certificate of Naturalization (in case that loss of nationality is not declared in the family registry, adoptee has to go through the process of renunciation of Korean nationality again prior to applying for Korean nationality). Documents needs to be translated into Korean by G.O.A.'L and needs to carry the official G.O.A.'L stamp
- Certificate of adoption (provided by Korean adoption agency)
- Any documents that show a legal name change after the adoption

Application needs to be handed in at the local immigration office (list can be found at [www.hikorea.go.kr](http://www.hikorea.go.kr) ).

All forms can also be downloaded from that website.

If you need assistance, you can email G.O.A.'L at [sg@goal.or.kr](mailto:sg@goal.or.kr)

# Process II

After handing in all documents, a waiting period of 5 ~ 6 months takes place

During that time the Ministry of Justice does a background check and other processes.

The applicant is allowed to travel during that time.

Once the applicant receives a permit to restore the Korean citizenship, the applicant has to submit a pledge not to use the foreign citizenship.

Once that pledge was processed by the Ministry of Justice, the applicant can get a confirmation paper from the immigration office.

Afterwards the applicant can go with the confirmation paper to the Citizen Service Center in the jurisdiction of the residency. There a temporary citizen ID is issued and a regular ID card is ordered (takes 3 weeks). With the temporary ID the applicant can also apply for a passport, change accounts etc.

The process is also subject to changes.

# Categories of Adoptees

Through all the changes there are now two new categories of Korean Adoptees:

- Overseas Korean Adoptees
- A1. Overseas Korean Adoptees with only foreign nationality living in Korea
- A2. Overseas Korean Adoptees with only foreign nationality living outside of Korea
- B1. Overseas Korean Adoptees with Korean and foreign nationality living in Korea
- B2. Overseas Korean Adoptees with Korean and foreign nationality living outside of Korea
- C1. Overseas Korean Adoptees with only Korean nationality living outside of Korea
- C2. Overseas Korean Adoptees with only Korean nationality living in Korea

These categories reflect the diversity among Korean adoptees not only in regards to the various countries but also in regards to their nationalities.

# Thank you for listening

- For further information, please register at:
- <http://www.goal.or.kr/forum>
- Or send an email to
  - [daewon.kim68@gmail.com](mailto:daewon.kim68@gmail.com)