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# IMMIGRATION LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Adopted by Decision No. 68 of the Standing Committee of the Supreme People's Assembly on January 19, 1996, amended by Decree No. 382 of the Presidium of the Supreme People's Assembly on January 28, 1999 and amended by Decree No. 2323 of the Presidium of the Supreme People's Assembly on April 10, 2012

## Chapter 1 Fundamentals

### Article 1 (Objective)

This Law is enacted for the purpose of strengthening the immigration system and affording facilities for the citizens entering or leaving the DPRK and foreigners entering, leaving, staying, residing or touring in the DPRK.

### Article 2 (Definitions)

In this Law the following terms shall be construed as follows:

1. *Citizen* means a person that has the nationality of the DPRK;
2. *Foreigner* means a person that has the nationality of a foreign country;
3. *Immigration Certificate* means a passport or other equivalent identification document or visa;
4. *Stay* means the remaining of a foreigner for a certain period in the territory of the DPRK;
5. *Residence* means the registering of residence and living of a foreigner in the territory of the DPRK; and
6. *Travel* means going out of the place of stay or residence by a foreigner to travel to and from other parts of the territory of the DPRK

### Article 3 (Border crossing points)

Immigration shall be effected through designated border crossing points.

The State shall ensure that the border crossing points are designated in view of the requirements of the developing external relations.

### Article 4 (Performing of formalities)

Formalities for exit, entry, stay, residence and travel shall be performed by the person concerned. In the case of exit, entry, stay or travel on official business, the institution concerned may perform the formalities.

Formalities for minors shall be carried out by the guardian.

### Article 5 (Fees)

The State shall charge the citizens and foreigners concerned prescribed fees for the entry into or departure from the DPRK. Fees for foreigners' visa shall be charged on the principle of reciprocity.

#### Article 6 (Immigration institutions)

The administration of immigration shall be undertaken by the Ministry of Foreign Affairs and the immigration administration organ.

The immigration administration shall also be undertaken by the diplomatic or consular representative offices and other organs concerned of the DPRK accredited to foreign countries.

#### Article 7 (Exchange and cooperation)

The State shall, on the principle of reciprocity, promote exchange and cooperation with foreign countries in the field of immigration administration.

#### Article 8 (Immigration procedures in special economic zones)

The procedures for the entry into and departure from the special economic zones shall be governed by the relevant laws and regulations.

## Chapter 2 Exit and Entry of Citizens

#### Article 9 (Immigration certificate)

Citizens may enter or leave the DPRK on official or private business.

A citizen wishing to depart from or enter the DPRK shall have an immigration certificate issued by the Ministry of Foreign Affairs, the immigration administration organ or the relevant organ.

#### Article 10 (Application for passport and visa)

An application for the issuance of a passport and visa of a citizen who wishes to immigrate on official business shall be submitted to the Ministry of Foreign Affairs by the organ dispatching him.

An application for the passport and visa of a citizen who wishes to immigrate on private business shall be made by the person himself to the immigration administration organ in the place of his residence.

#### Article 11 (Validity of border area travel permit)

A citizen in possession of a border area travel permit issued by the immigration administration organ or the organ concerned may enter or leave the border area of the country concerned.

The border area travel permit shall be valid only in the designated border area.

#### Article 12 (Application for border area travel permit)

An application for the border area travel permit of a citizen who wishes to immigrate on official business shall be submitted by the organ dispatching him to the immigration administration organ or the organ concerned.

An application for the border area travel permit by a citizen who wishes to travel on private business shall be filed by the person himself with the immigration administration organ in the area of his residence.

#### Article 13 (Extension of validity of immigration certificate)

A citizen shall, upon expiry of the term of validity of his immigration certificate, shall have the term extended or a new certificate issued.

#### Article 14 (Immigration by seaman's certificate)

Citizens may immigrate with a seaman's certificate issued by the central maritime supervisory organ.

Where it is impossible to immigrate with a seaman's certificate, the person concerned shall have a passport and a visa issued by the Ministry of Foreign Affairs or the diplomatic or consular representative office of the DPRK accredited to a foreign country.

#### Article 15 (Confirmation of entry or exit)

Citizens shall have their entry or exit confirmed in the immigration certificate.

The confirmation shall be given by the immigration inspection office at the border crossing points concerned.

#### Article 16 (Immigration of overseas citizens)

Overseas citizens shall, for entry into or exit from the DRPK, have a passport and visa issued by the diplomatic or consular representative office or a relevant organ of the DPRK.

#### Article 17 (Re-issuance of immigration certificate)

Citizens whose immigration certificates are soiled or lost shall have them re-issued.

#### Article 18 (Persons prohibited from entry or exit)

Those who hold immigration certificates that are soiled or forged or those who are considered by a law-enforcement organ as inadmissible shall be denied entry or exit.

### Chapter 3 Entry and Exit of Foreigners

#### Article 19 (Entry or exit by visa)

Foreigners shall have a visa issued by the DPRK Ministry of Foreign Affairs, the immigration administration organ or the diplomatic or consular representative office in a foreign country to enter or leave the DPRK.

A foreigner who carries a passport or equivalent identification papers for which no visa is required under the agreement between the DPRK and the country concerned may immigrate without visa.

#### Article 20 (Application for visa)

Foreigners who wish to enter the DPRK shall apply for a visa to the diplomatic or consular representative office in the country concerned. In this case the foreigner concerned may request the inviting organ of the DPRK or the diplomatic or consular representative office of his country or a representative office of an international organization in the DPRK to file the application for him.

In the case of entry on private business, the application for visa shall be accompanied by a document of agreement issued by the immigration administration organ.

#### Article 21 (Formalities)

Foreigners shall go through due formalities for entry into the DPRK.

Foreigners shall have their entry confirmed in the immigration certificate by the immigration inspection office at the border crossing points.

#### Article 22 (Entry by crewman's certificate)

Foreigners bearing crewman's certificate may enter the DPRK at the designated port without visa

Where a foreigner who has a crewman's certificate wishes to exit by an airplane, train, automobile or other vehicle, due formalities shall be carried out.

#### Article 23 (Entry or exit by certificate of border area travel)

Foreigners bearing a border area travel permit shall enter the designated area.

Where a foreigner wishes to go to another part of the DPRK from the border area, approval of the relevant immigration administration organ shall be obtained.

A foreigner residing in the DPRK may immigrate on private business with a border area travel permit issued by the immigration administration organ concerned.

#### Article 24 (Tourist certificate)

Foreigners who have obtained a tourist certificate of the DPRK may immigrate without visa.

#### Article 25 (Prohibited immigrants)

The following foreigners shall be denied entry into the DPRK:

1. Those who have encroached upon the sovereignty of the DPRK;
2. International terrorists;
3. Drug addicts and insane persons;
4. Those suffering from contagious disease or coming from an area where a contagious disease has broken out;
5. Those carrying identification documents that are forged or soiled beyond recognition; and
6. Those who are considered by the relevant organ to possibly disturb national security.

#### Article 26 (Extension of validity of immigration certificate)

Foreigners shall enter or leave the DPRK within the term of validity of their immigration certificates.

The term of validity of an immigration certificate shall be extended upon expiry.

#### Article 27 (Cancellation of registration of stay or residence)

Foreigners who have stayed or resided in the DPRK should cancel their registration with relevant immigration administration organ before returning home. In this case the certificate of long-term stay or residence shall be surrendered.

#### Article 28 (Exit or entry of foreigners staying for a long term or residing)

Foreigners who have taken up residence or stay in the DPRK for a long period shall leave their certificate of long-term stay or certificate of residence registration with the relevant immigration administration organ in case they wish to trip outside the territory of the DPRK for a certain period of time.

The same shall be returned upon completion of the trip.

#### Article 29 (Immigration by vehicles)

Foreigners staying in the DPRK for a long period of time may immigrate by the vehicles for which they have obtained license. In this case a border crossing pass shall be obtained for the vehicle concerned.

#### Article 30 (Foreigners prohibited from exit)

Foreigners who hold a soiled or forged immigration certificate or are considered by the relevant organ as unfit for exit shall not leave the DPRK.

## Chapter 4 Stay, Residence and Tour of Foreigners

#### Article 31 (Registration, formalities)

Foreigners may stay, reside or tour in the DPRK depending on the purpose of their entry. In this case they shall go through due formalities within the prescribed period of time.

#### Article 32 (Classification of stay)

The stay of foreigners shall be divided into two categories: short-term and long-term.

Short-term stay shall be up to 90 days from the date of entry and long-term stay more than 91 days.

#### Article 33 (Registration of stay)

Foreigners who have entered the DPRK territory shall, within 48 hours of their arrival at their destination, have their stay registered and have the registration confirmed in the passport or separate visa.

Foreigners who have entered without a visa shall have their visa issued before registration of their stay.

#### Article 34 (Stay in place other than destination)

Where foreigners stay in a place other than their destination for more than 48 hours for unavoidable reasons, they shall have their stay registered with the local immigration administration organ.

#### Article 35 (Registration institutions)

The stay of foreigners who are on official business shall be registered with the central or provincial (or municipality directly under the central authority) immigration administration organ. Depending on circumstances, registration may be made with the municipal (or district) or county immigration administration organ of the border area concerned.

The stay of foreigners who are on private business shall be registered with the municipal (or district) or county immigration administration organ.

#### Article 36 (Issuance of certificate of long-term stay)

Foreigners who wish to stay for a long term shall obtain a certificate for long-term stay depending on the purpose of stay. In this case they shall carry out due formalities.

#### Article 37 (Exemption from registration)

The following foreigners shall be exempt from registration of their stay:

1. Members of parliament, government or other high-level delegations;
2. Members of diplomatic or consular representative offices of foreign countries or international organizations in the DPRK;
3. Foreigners who enter the DPRK to leave on the same day without lodging;
4. Crewmen of foreign ships, airplanes and railway trains that entered the port, airport or railway station; and
5. Foreigners designated by the competent organ.

#### Article 38 (Registration of stay of foreign crewmen)

Where crewmen of foreign ships, airplanes or railway trains are staying for more than 48 hours in a place other than the designated port, airport or railway station, they shall be registered with the relevant immigration administration organ.

#### Article 39 (Changes in registration of long-term stay, re-issuance of certificate of long-term stay)

Where any change is made in the particulars of long-term stay registration, the foreigner concerned shall, within 7 days of the occurrence thereof, register the particulars of change with the immigration administration organ and have a certificate re-issued.

Where a certificate of long-term stay is lost or seriously soiled, the foreigner concerned shall have it re-issued.

#### Article 40 (Foreigners' residence)

Foreigners who have taken up residence in the DPRK shall register their residence with the immigration administration organ concerned and have a certificate of residence issued.

A minor shall have a birth certificate issued.

#### Article 41 (Formalities for transfer of residence)

A foreigner who wishes to change the place of residence shall, within 25 days of removing the original registration, register the residence with the immigration administration organ in the area of their new residence.

#### Article 42 (Validity of certificate of residence registration and birth certificate)

A foreigner's residence registration certificate and a birth certificate shall be valid for 3 years.

#### Article 43 (Change in foreigner's residence registration, re-issuance of residence registration certificate or birth certificate)

Foreigners who have taken up residence shall, within 14 days of any change in the registration caused by birth, death, marriage, divorce, change of profession and the like, register the particulars of change with the immigration administration organ concerned and have a new certificate of residence registration or birth issued.

Foreigners shall have a residence registration certificate or birth certificate re-issued in case the term of validity thereof has expired or they are lost or soiled.

#### Article 44 (Foreigners' trip in the DPRK)

Foreigners who have taken up residence, who are staying on private business and who have a border area travel permit shall need a pass issued by the relevant immigration administration organ to make a trip in the DPRK territory.

Foreigners shall, upon their arrival at their destination, have their arrival and departure confirmed in the pass by the immigration administration organ in the area concerned.

The staff of the consular or diplomatic representative offices of foreign countries, and international organizations, and foreigners who are on official business shall not need a pass.

## Chapter 5 Sanction

#### Article 45 (Sanction against a citizen)

A citizen who violates this Law shall be fined or prohibited from leaving or entering the DPRK.

Where the breach is serious, penal responsibility shall be imposed.

#### Article 46 (Sanction against foreigner)

Where a foreigner violates this Law, he shall be liable for a fine, his entry or exit prohibited and approval for his stay or travel cancelled.

Where the breach is serious, he shall be deported out of the territory of the DPRK or liable to penal responsibility.

#### Article 47 (Complaints)

Complaints about the sanction shall be lodged with the Ministry of Foreign Affairs, the relevant immigration administration organ or a judicial organ.