



# Jeju Island- A “Visa-Free” South Korean Destination, Not Free to All: A Legal Remedy

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## ABSTRACT

Jeju Island, a picturesque island off the southern coast of South Korea, is a popular destination known for its stunning natural landscapes and unique culture. Unlike South Korea’s general visa policy, which requires visas for many nationalities, Jeju Island offers a more lenient visa-free policy, allowing most travelers to stay for up to 30 days without a visa, providing they satisfy the requirement of arriving via direct flight outside mainland South Korea. However, the island's visa policy is only partially inclusive, as it excludes nationals from 23 countries designated by the South Korean Ministry of Justice.

While allowing visa-free travel for tourists is a concept explored previously, South Korea's restriction on certain nationalities undercuts its goal of promoting tourism and economic development on Jeju Island. Interestingly, other countries that have visa-free island policies do not impose such restrictions, including Vietnam’s Phú Quốc Island, Iran’s Kish and Qeshm Islands, and Norway’s Svalbard.

This article delves into Jeju Island’s visa policy, the list of excluded countries, and the policies of other countries with visa-free islands. It proposes a straightforward legal remedy that could promote more inclusive tourism by allowing all nationalities to visit Jeju Island without visa restrictions. Such a move would enhance the island’s reputation as a welcoming and inclusive tourist destination and foster greater international cooperation.

**Keywords:** Ministry of Justice, Moral implications, Travel restrictions, Visa-free policy, excluded countries, South Korea, tourism, economic development, natural beauty, cultural heritage, Qeshm Island, Kish Island, Persian Gulf, trade zones, Phú Quốc Island, Gulf of Thailand, Norway, Svalbard, inclusive tourism, visa law, travel law, Asian Law, Vietnam

## INTRODUCTION

Jeju Island (제주도) is a South Korean Island off the southern coast of South Korea's mainland. It is a popular tourist destination for its natural beauty, volcanic landscapes, and unique culture. However, what makes Jeju Island amazing is its visa policy. While South Korea

requires visas for many nationalities<sup>1</sup> Jeju Island has been proclaimed to be visa-free.<sup>3</sup> Jeju Island's visa-free policy was implemented to promote tourism and economic development. The visa-free policy applies to most countries, allowing those travelers to stay on the island for up to 30 days without a visa.<sup>4</sup>

<sup>1</sup>Information about K-ETA (1 May 2022), 경기도 과천시 관문로 위치. 전자민원, 준법 운동, 여성포럼, 인권 광장, [https://www.immigration.go.kr/immigration\\_eng/1832/subview.do?enc=Zm5jdDF8QEB8JTJGcmJzJTJGaW1taWdyYXRpb25fZW5nJTJGMjI1JTJGNTU5MzZmM4JTJGcmJzJTJGYXJ0Y2xWwV3LmRvJTNGcGFzc3dvc mQIM0QIMjZyZ3NCZ25kZVN0ciUzRCUyNmJic0NsU2VxJTNEJTI2 cmZzRW5kZGVtdHllM0QIMjZpc1ZpZXdNaW5lJTNEJmFsc2UIMj ZwYWdlJTNEJmFsc2UIMjZpc1ZpZXdNaW5lJTNEJmFsc2UIMjZzc mNoQ29sdW1uJTNEJTI2c3JjaFdyZCUzRCUyNg%3D%3D](https://www.immigration.go.kr/immigration_eng/1832/subview.do?enc=Zm5jdDF8QEB8JTJGcmJzJTJGaW1taWdyYXRpb25fZW5nJTJGMjI1JTJGNTU5MzZmM4JTJGcmJzJTJGYXJ0Y2xWwV3LmRvJTNGcGFzc3dvc mQIM0QIMjZyZ3NCZ25kZVN0ciUzRCUyNmJic0NsU2VxJTNEJTI2 cmZzRW5kZGVtdHllM0QIMjZpc1ZpZXdNaW5lJTNEJmFsc2UIMj ZwYWdlJTNEJmFsc2UIMjZpc1ZpZXdNaW5lJTNEJmFsc2UIMjZzc mNoQ29sdW1uJTNEJTI2c3JjaFdyZCUzRCUyNg%3D%3D) (last visited Aug 17, 2023).

<sup>2</sup> Jessie Butchley, [updated]: South Korea expansion of visa-free applications to travelers from forty-six countries Envoy Global Resource Center (2023), <https://resources.envoyglobal.com/global->

<news-alerts/south-korea-expansion-of-visa-free-applications-to-travelers-from-forty-six-countries/> (last visited Aug 17, 2023).

<sup>3</sup> Embassy of the Republic of Korea to the Republic of Singapore, Visa-Free Entry to Jeju Island 상세보기 | Embassy Notice Embassy of the Republic of Korea to the Republic of Singapore, [https://overseas.mofa.go.kr/sg-en/brd/m\\_2435/view.do?seq=761394&page=1](https://overseas.mofa.go.kr/sg-en/brd/m_2435/view.do?seq=761394&page=1) (last visited Aug 17, 2023).

<sup>4</sup> SPECIAL ACT ON THE ESTABLISHMENT OF JEJU SPECIAL SELF-GOVERNING PROVINCE AND THE DEVELOPMENT OF FREE INTERNATIONAL CITY, Statutes of the Republic of Korea, [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=31630&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=31630&lang=ENG) (last visited Mar 31, 2023).

However, the island is not precisely visa-free. Designated by the South Korean Ministry of Justice, 23 countries are excluded from the visa-free policy. Those countries are Afghanistan, Bangladesh, Cameroon, Cuba, Egypt, Gambia, Ghana, Iran, Iraq, Kosovo, Kyrgyz, Myanmar, Nigeria, Nepal, Pakistan, Palestine, Senegal, Somalia, Sri Lanka, Sudan, Syria, Uzbekistan, and Yemen.<sup>5</sup> Besides the possibility of needing an eTA (electronic travel authorization), no nationals besides these need visas for Jeju.<sup>6</sup>

On the mainland, the same nationals are ineligible for transit privileges, such as organized tours from Incheon Airport into South Korea.<sup>7</sup> As well as a visa exemption if they possess a physical visa or a residence permit issued by specific countries, sometimes called a *substitute visa*.<sup>8</sup>

Clearly, these nations are deprived of many visa freedoms, but why?

Globally, South Korea is not the only nation that allows "visa-free" tourism to one of its islands. Other countries with visa-free islands, like Norway, Iran, and Vietnam, have similar visa-free tourism policies without excluding nationalities. Addressing their policies and whether exclusions to certain nationalities exist proves South Korea's Jeju visa policy to be uniquely strict. The following chapter shall identify the policies of the countries above.

## COMPARING POLICIES OF OTHER VISA-FREE ISLANDS

Iran: Qeshm and Kish, two beautiful Iranian islands in the Persian Gulf known for their stunning natural beauty and rich culture, are visa-free for up to 14 days. However, travelers from certain countries, including the U.S., Canada, and the U.K., must arrange a certified escort guide upon arrival and obtain hotel reservations.<sup>9</sup> The visa-free locations of Qeshm and Kish are universally visa-free, despite some requisites of hotel and guide reservations that should be made.

Vietnam: Phú Quốc is a Vietnamese island in the Gulf of Thailand, known for its stunning beaches, fishing, and crystal-clear waters. In Vietnam, *all* citizens can enter and visit Phú Quốc without visa requirements.<sup>10</sup> As of March

2014, Vietnam started allowing foreign visitors to stay on Phú Quốc Island for up to 30 days without a visa.

Norway: In Norway, *all* travelers are exempt from visas when traveling to Svalbard, the Norwegian territory in the Arctic Ocean, roughly midway between mainland Norway and the North Pole.<sup>11</sup> However, flights to Svalbard do not operate outside of the E.U., so a visa may be needed for those travelers attempting to visit Svalbard.<sup>12</sup>

## MOTIVES OF SOUTH KOREAN VISA DECISIONS AND LAW

I contacted the Ministry of Justice in South Korea, seeking clarification on the rationale behind prohibiting certain nationalities from entry. I presented instances where other territories with visa-free access truly uphold the principle of visa-free travel, highlighting the perception that the blanket restrictions imposed on specific citizenships might be viewed as unjust. Furthermore, I pointed out that among the 23 nationalities subjected to the ban, some are granted visa-free access to mainland Korea if they hold diplomatic or government passports, resulting in an inequitable situation.

The Ministry of Justice based in Seoul affirmed that the visa-free entry system for Jeju operates in alignment with the provisions of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Creation of a Free International City, explicitly referring to Article 197,<sup>13</sup> which addresses scenarios concerning the entry and stay of foreign individuals. The Ministry asserted that this designation results from a "comprehensive assessment of national interests and the regulation of foreigners' residency."

While vague, this peculiar birthing of the South Korean visa waiver took into consideration outstanding detail niche issues. When South Korea introduced its visa waiver system in 2018, issues regarding aliens were addressed, such as the government's intention to intensify the examination of visa renewal applicants, ensuring their lack of unsettled taxes or fines. Moreover, the government sought to strengthen its capacity to probe immigration-related matters, encompassing potential offenses linked to foreign nationals. Additionally, measures were put in place to disqualify

<sup>5</sup> *Visa-Free Entry to Jeju Island 상세보기*, Visa-Free Entry to Jeju Island 상세보기 | Embassy NoticeEmbassy of the Republic of Korea to the Republic of Singapore, [https://overseas.mofa.go.kr/sg-en/brd/m\\_2435/view.do?seq=761394&page=1](https://overseas.mofa.go.kr/sg-en/brd/m_2435/view.do?seq=761394&page=1) (last visited Mar 31, 2023).

<sup>6</sup> ID at 3

<sup>7</sup> Transit policy of South Korea, Transit Policy of South Korea - IndiaAirport.com, [https://indiaairport.com/transit\\_outbound/south\\_korea.htm](https://indiaairport.com/transit_outbound/south_korea.htm) (last visited Aug 17, 2023).

<sup>8</sup> Korea Visa Portal, Korea Visa Portal KOREA VISA PORTAL, [https://www.visa.go.kr/openPage.do?MENU\\_ID=1010201](https://www.visa.go.kr/openPage.do?MENU_ID=1010201) (last visited Aug 17, 2023).

<sup>9</sup> Iran Traveling Center: *No visa required for Iran free trade zones* Iran Traveling Center (2016), <https://www.irantravelingcenter.com/no-visa-required-for-iran/> (last visited Mar 31, 2023).

<sup>10</sup> *Visa no longer needed to enter Phu Quoc by sea*, Vietnam Visa Expert, <https://web.archive.org/web/20140512222739/http://www.vietnamvisaexpert.com/Vietnam-immigration-and-visa-news/news15/> (last visited Mar 31, 2023).

<sup>11</sup> *Visas and Immigration*, Governor of Svalbard, <https://www.sysselmesteren.no/en/visas-and-immigration/> (last visited Mar 31, 2023).

<sup>12</sup> *How to travel to Svalbard*, Visit Svalbard, <https://en.visitsvalbard.com/visitor-information/travel-information/how-to-travel-to-svalbard> (last visited Mar 31, 2023).

<sup>13</sup> SPECIAL ACT ON THE ESTABLISHMENT OF JEJU SPECIAL SELF-GOVERNING PROVINCE AND THE DEVELOPMENT OF FREE INTERNATIONAL CITY, Statutes of the Republic of Korea, [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=47269&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=47269&lang=ENG) (last visited Aug 17, 2023).

employers who provide substandard housing, like "vinyl greenhouses," from employing foreign workers.<sup>14</sup>

South Korea offers visa-waiver travel privileges to 112 nationalities<sup>15</sup>. However, as observed in visa waiver or visa-free programs of other high-income economy nations like the U.S.,<sup>16</sup> New Zealand,<sup>17</sup> and Japan,<sup>18</sup> The least advantaged countries often receive the fewest benefits. The countries enjoying visa privileges in the waivers or agreements of the U.S.,<sup>19</sup> New Zealand,<sup>20</sup> Japan,<sup>21</sup> and also South Korea<sup>22</sup> are primarily, if not entirely, developed and prosperous nations. Conversely, the world's most impoverished<sup>23</sup> and least developed<sup>24</sup> Nations are often absent from favorable lists, with Jeju being a possibility of a significant exception, hence the importance of being more open.

This situation doesn't solely stem from economic standings, and it's essential to uphold the aid and resources these economically more robust countries provide to their less fortunate counterparts.<sup>25</sup> Nonetheless, it's crucial to recognize that governments in these less privileged nations might contribute to the unfavorable conditions faced by their citizens. Such governments might be less inclined to engage in favorable diplomatic agreements or practice human rights,<sup>26</sup> potentially leading their citizens to seek better opportunities abroad. This, in turn, could increase the number of refugees from these countries, which unofficially prompts other nations to be cautious about accepting individuals from these regions.

Determining why numerous high-income countries do not usually extend visa fee privileges to individuals from the developing world is a complex endeavor, likely influenced by a confluence of factors. Available consular data indicates an elevated propensity for emigration from these regions, potentially placing a strain on more advanced host nations that might be unwilling to accommodate such influxes and subsequent harshness in visa fortifications.<sup>27</sup> Frequently, associating stringent visa regulations with immigration concerns is easy. We will examine whether similar connections can be established for South Korea, particularly concerning nationals denied visa-free benefits for entry into Jeju. Among the limited refugees in Korea, a significant portion originates from Syria and Yemen.<sup>28</sup> These two countries are not granted exceptions for 30-day stays, transit perks, or regular, unrestricted travel to Jeju. A few Yemeni individuals managed to enter Jeju before visa requirements were imposed, seeking asylum legally, yet it was seen as problematic.<sup>29</sup>

This parallel, defensive scenario has occurred before. After a small number of Iranians immigrated to Serbia due to a visa-free system, they suspended the program after it was also seen as problematic.<sup>30</sup> Similarly, an analogous situation unfolded in Suriname due to perceived system abuse, involving, once again, nationals banned in the Jeju system.<sup>31</sup> Japan also experienced a comparable occurrence where individuals on cruise ships accessed the country quickly, seemingly without significant reactive consequences.<sup>32</sup> An

<sup>14</sup> Yonhap, Korea to introduce Electronic Travel Authorization System for visa-free foreign visitors The Korea Herald (2018), <http://www.koreaherald.com/view.php?ud=20180212000723> (last visited Aug 17, 2023).

<sup>15</sup> Implementation of the Korea Electronic Travel Authorization, Korean Air, <https://www.koreanair.com/us/en/footer/customer-support/notice/2105-keta> (last visited Aug 17, 2023).

<sup>16</sup> Visa Waiver Program, U.S. Department of State, <https://travel.state.gov/content/travel/en/us-visas/tourism-visit/visa-waiver-program.html> (last visited Aug 17, 2023).

<sup>17</sup> Transit Visa Waiver Countries, Immigration New Zealand, <https://www.immigration.govt.nz/new-zealand-visas/preparing-a-visa-application/your-journey-to-new-zealand/before-you-travel-to-new-zealand/transit-visa-waiver-country> (last visited Aug 17, 2023).

<sup>18</sup> Exemption of visa (short-term stay), Ministry of Foreign Affairs of Japan, [https://www.mofa.go.jp/j\\_info/visit/visa/short/novisa.html](https://www.mofa.go.jp/j_info/visit/visa/short/novisa.html) (last visited Aug 17, 2023).

<sup>19</sup> Id at 16

<sup>20</sup> Id at 17

<sup>21</sup> Id at 18

<sup>22</sup> Welcome - K-ETA, <https://www.k-eta.go.kr/portal/guide/viewetaalification.do?locale=EN> (last visited Aug 17, 2023).

<sup>23</sup> Petros Symeonidis, The poorest countries in the world FocusEconomics (2023), <https://www.focus-economics.com/blog/the-poorest-countries-in-the-world/> (last visited Aug 17, 2023).

<sup>24</sup> U.N. list of least developed countries, UNCTAD, <https://unctad.org/topic/least-developed-countries/list> (last visited Aug 17, 2023).

<sup>25</sup> Michele Wheat, Which countries provide and receive the most foreign aid? Wristband Resources, <https://www.wristband.com/content/which-countries-provide-receive-most-foreign-aid/> (last visited Aug 17, 2023).

<sup>26</sup> Rahim Faiez, U.N. says Afghanistan is the world's most repressive country for women PBS (2023), <https://www.pbs.org/newshour/world/u-n-says-afghanistan-is-worlds-most-repressive-country-for-women> (last visited Aug 17, 2023).

<sup>27</sup> New Study Reveals Disproportionately Higher Schengen Visa Denial Rates in the Eastern Hemisphere, [HTTPS://WWW.OUTLOOKINDIA.COM/](https://www.outlookindia.com/business-spotlight/new-study-reveals-disproportionately-higher-schengen-visa-denial-rates-in-the-eastern-hemisphere-news-306585) (2023), <https://www.outlookindia.com/business-spotlight/new-study-reveals-disproportionately-higher-schengen-visa-denial-rates-in-the-eastern-hemisphere-news-306585> (last visited Aug 10, 2023).

<sup>28</sup> Republic of Korea, UNHCR, <https://www.unhcr.org/countries/republic-korea> (last visited Aug 17, 2023).

<sup>29</sup> Eleonora Ardemagni, Mustafa Naji & Ibrahim Jalal, South Korea's "Yemeni refugee problem" Middle East Institute (2023), <https://www.mei.edu/publications/south-koreas-yemeni-refugee-problem> (last visited Aug 17, 2023).

<sup>30</sup> Rfe/rl, Serbia ends visa-free travel for Iranians, citing "abuses" by some RadioFreeEurope/RadioLiberty (2018), <https://www.rferl.org/a/serbia-abolishes-visa-free-travel-iranians-citing-abuses-by-some-migrants-to-eu-/29539329.html> (last visited Aug 17, 2023).

<sup>31</sup> Dillon De Shong, Suriname reintroducing visa requirements for several countries: Loop Caribbean News Loop News (2023), <https://caribbean.loopnews.com/content/suriname-reintroducing-visa-requirements-number-countries> (last visited Aug 17, 2023).

<sup>32</sup> Staff Writer, Japan's missing cruise passengers expose visa loophole Nikkei Asia (2018), <https://asia.nikkei.com/Spotlight/Japan->

analysis of a 2016 data table<sup>33</sup> Detailing visitor numbers to South Korea, along with their home countries, indicated that some nationals prohibited from visa-free entry to Jeju had higher visitation rates in Korea. This suggests some may have overstayed. Nevertheless, China represented the largest source of visitors to South Korea, and historically, a substantial number of Chinese students resided there illegally during the late 2000s, surpassing the total reported refugee count in Korea.<sup>34</sup>

While it's common for countries to curtail visa privileges in response to immigration concerns, South Korea faces a unique situation due to its heavy reliance on Chinese tourism. This dynamic could prompt the government of South Korea to overlook these worries, unlike it would to a less advantageous nation, highlighting a remarkable interplay between risk and reward if sound. Furthermore, instances of bias towards foreign-born teachers through visa policies suggest that decisions influenced by nationality-based bias might not be unusual.<sup>35</sup>

South Korea's defensive measures extend beyond its borders. The Passport Act<sup>36</sup> prohibits its citizens from traveling to countries deemed unsafe by the government, including Somalia, Ukraine, Yemen, Afghanistan, and Syria<sup>37</sup>. Acts such as the Inter-Korean Exchange and Cooperation Act, the Act on Activities in the Antarctic Area, and the Protection of Antarctic Environment also limit free movement. An intriguing aspect emerges where the constraints faced by citizens of countries like Syria, Afghanistan, and Somalia in reaching South Korea's Jeju Island mirror the predicament of South Korean citizens, unable to visit those same banned countries without similar restrictions, all due to their own government's actions.

## A REMEDY

South Korea should reevaluate its visa policy for Jeju Island to promote greater inclusivity in tourism. While the island boasts "visa-free" status, exclusions affecting 23

countries question the policy's fairness. Contrary examples from Iran, Vietnam, and Norway illustrate more open approaches. Seeking clarification from South Korea's Ministry of Justice, concerns of unjust blanket restrictions have been raised. Balancing security concerns with the island's reputation as a global destination is crucial. By adopting a more inclusive visa policy, South Korea can showcase its commitment to fairness, diversity, and international collaboration while boosting tourism and its positive economic and cultural impact.

## CONCLUSION

In summation, the paradox of Jeju Island's allure as a "visa-free" destination juxtaposed with the exclusion of 23 nations demands a reevaluation of South Korea's approach. The island's captivating beauty, volcanic landscapes, and unique culture deserve a visa policy that aligns with its global appeal. While the intent of promoting tourism and economic growth through a visa-free policy is commendable, the current exclusions raise questions about the policy's fairness and effectiveness. Contrasting with the more inclusive policies of nations like Iran, Vietnam, and Norway, it becomes evident that security concerns can be addressed without blanket bans. Engaging with the data and analysis in this study and historical examples of similar tactics from other nations brings forth the concern of unjust restrictions, shedding light on the need for a more thoughtful and balanced approach. Striking the proper equilibrium between security considerations and Jeju's global reputation is paramount. The potential impact of a revised visa policy is significant. It can invigorate the local economy by attracting diverse tourists and encouraging international collaboration. Moreover, a more welcoming stance can foster cultural exchange and understanding, nurturing diplomatic ties.

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immigration/Japan-s-missing-cruise-passengers-expose-visa-loophole (last visited Aug 17, 2023).

<sup>33</sup> Korea, monthly statistics of tourism: Key facts on tourism: Tourism statistics, Korea, Monthly Statistics of Tourism | key facts on tourism | Tourism Statistics, <https://web.archive.org/web/20161221235348/https://kto.visitkorea.or.kr/eng/tourismStatics/keyFacts/KoreaMonthlyStatistics/eng/inout/inout.kto#search> (last visited Aug 17, 2023).

<sup>34</sup> 13 Pct. of Chinese students staying illegally, 동아일보, <https://www.donga.com/en/article/all/20090622/262491/1> (last visited Aug 17, 2023).

<sup>35</sup> Kang Shin-who, Foreign teachers say visa-rule biased koreatimes (2008),

[http://www.koreatimes.co.kr/www/news/nation/2008/10/117\\_32169.html](http://www.koreatimes.co.kr/www/news/nation/2008/10/117_32169.html) (last visited Aug 17, 2023).

<sup>36</sup> PASSPORT ACT, Statutes of the Republic of Korea, [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=42702&ang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=42702&ang=ENG) (last visited Aug 17, 2023).

<sup>37</sup> 주시애틀 대한민국 총영사관, 각 국가·지역별 안전여행 위험도에 따른 여행경보 조정, 시행 및 미국 대상 여행경보 2 단계로 하향 조정 상세보기 | 안전여행정보주시애틀 대한민국 총영사관, [https://overseas.mofa.go.kr/us-seattle-ko/brd/m\\_4733/view.do?seq=1342799](https://overseas.mofa.go.kr/us-seattle-ko/brd/m_4733/view.do?seq=1342799) (last visited Aug 17, 2023).