

No. 7211

**UNITED STATES OF AMERICA
and
REPUBLIC OF KOREA**

**Consular Convention. Signed at Seoul, on 8 January
1963**

Official texts: English and Korean.

Registered by the United States of America on 13 April 1964.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE DE CORÉE**

Convention consulaire. Signée à Séoul, le 8 janvier 1963

Textes officiels anglais et coréen.

Enregistrée par les États-Unis d'Amérique le 13 avril 1964.

No. 7211. CONSULAR CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA. SIGNED AT SEOUL, ON 8 JANUARY 1963

The United States of America and the Republic of Korea,

Being desirous of regulating the consular affairs of each state in the territory of the other,

Have decided to conclude a Consular Convention and have appointed as their plenipotentiaries for this purpose :

The President of the United States of America :

His Excellency Samuel D. Berger, Ambassador Extraordinary and Plenipotentiary, and

The Acting President of the Republic of Korea :

His Excellency Choi Duk-Shin, Minister of Foreign Affairs,

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows :

Article 1

ASSIGNMENT

(1) Each High Contracting Party shall have the right to send to the other High Contracting Party consular representatives who, after having been recognized in a consular capacity, shall be provided, free of charge, with exequaturs or other authorization.

(2) The sending state shall have the right, subject to the procedures established by paragraph (1) of this Article, to assign one or more members of its diplomatic mission accredited to the receiving state to the performance of consular functions. Such persons shall be entitled to the benefits, and be subject to the obligations, of this Convention, without prejudice to any additional privileges to which they may be entitled by virtue of being members of the diplomatic mission of the sending state.

(3) The location of the consular offices and the limits of the consular districts will be determined by agreement between the receiving state and the sending state.

¹ Came into force on 19 December 1963, the thirtieth day following the date of the exchange of the instruments of ratification which took place at Washington on 19 November 1963, in accordance with the provisions of article 18.

Article 2

LANDS AND BUILDINGS

(1) The sending state shall have the right, in the territory of the receiving state, to acquire, own, lease for any period of time, or otherwise hold and occupy such lands, buildings, and appurtenances as may be necessary and appropriate for governmental purposes, including residences for personnel attached to diplomatic and consular establishments.

(2) The sending state shall have the right to erect buildings and appurtenances on land which it owns or leases in accordance with paragraph (1) of this Article, subject to compliance with local building, zoning, or town planning regulations applicable to all land in the area in which such land is situated.

Article 3

INVIOABILITY OF OFFICES AND ARCHIVES

(1) The archives of a consular office shall be inviolable. Offices used exclusively for consular purposes shall not be entered by the police of other authorities without the consent of the consular officer, except that, in the case of fire or other disaster, or if the authorities have probable cause to believe that a crime of violence has been or is about to be committed in the consular office, consent to entry shall be presumed. In no case shall they examine or seize the papers there deposited.

(2) The national flag of the sending state and its consular flag may be flown at the consular office and at the residence of the consular officer in charge of such office, or on any vehicle, vessel, or aircraft used by him in the performance of his official duties. In times of emergency such flags may be flown at the residence and on the vehicle, vessel, or aircraft of any consular officer of the sending state. The sending state may affix to the buildings in which its consular offices are located signs bearing its coat-of-arms and the designation of the office.

Article 4

NOTARIAL SERVICES AND MISCELLANEOUS FUNCTIONS

A consular officer shall be permitted within his consular district :

- (a) to issue and amend visas and passports and to issue such notices to, and receive such declarations from, a national of the sending state as may be required under the laws of the sending state;

- (b) to prepare, attest, receive the acknowledgements of, certify, authenticate, legalize, and, in general, take such action as may be necessary to perfect or to validate any act, document, or instrument of a legal character, as well as copies thereof, including commercial documents, declarations, registrations, testamentary dispositions, and contracts, whenever such services are required by a national of the sending state for use outside the territory of the receiving state or by any person for use in the territory of the sending state;
- (c) to take evidence, on behalf of the courts of the sending state, voluntarily given by any person in the receiving state, and administer oaths to such persons, in accordance with the law of the sending state;
- (d) to obtain copies of or extracts from documents of public registry;
- (e) to inquire of local authorities on behalf of a national of the sending state into matters concerning his person, holdings, or interests, including shares in estates, pension rights, insurance or workmen's compensation benefits, and the like;
- (f) to further the commercial, artistic, scientific, professional, cultural, and educational interests of the sending state.

Article 5

PROTECTION OF NATIONALS

(1) A consular officer shall have the right within his district to interview, communicate with, assist, and advise any national of the sending state and, where necessary, arrange for legal assistance for him, provided such national so requests, or comes voluntarily to the consular office, or does not object to inquiry from or visit by the consular officer. The receiving state shall in no way restrict the access of any national of the sending state to its consular establishments.

(2) The appropriate authorities of the receiving state shall, at the request of any national of the sending state who is under arrest or otherwise detained in custody, immediately inform a consular officer of the sending state, who shall be accorded full opportunity to visit and communicate with such a national in order to safeguard his interests.

(3) A consular officer of the sending state shall have the right to visit and communicate with, subject to prison regulations, a national of the sending state who is serving a sentence of imprisonment.

(4) For the purposes of the provisions of paragraphs (1) and (2) of this Article, the phrase "national of the sending state" shall be deemed to apply also to any person employed on a vessel or aircraft of the sending state, who is not a national of the receiving state.

Article 6

ESTATES

(1) In the case of the death of a national of the sending state in the territory of the receiving state, without leaving in the territory of his decease any known heir or testamentary executor, the appropriate local authorities of the receiving state shall as promptly as possible inform a consular officer of the sending state.

(2) A consular officer of the sending state may, within the discretion of the appropriate judicial authorities and if permissible under then existing applicable local law in the receiving state :

- (a) take provisional custody of the personal property left by a deceased national of the sending state, provided that the decedent shall have left in the receiving state no heir or testamentary executor appointed by the decedent to take care of his personal estate; provided that such provisional custody shall be relinquished to a duly appointed administrator;
- (b) administer the estate of a deceased national of the sending state who is not a resident of the receiving state at the time of his death, who leaves no testamentary executor, and who leaves in the receiving state no heir, provided that if authorized to administer the estate, the consular officer shall relinquish such administration upon the appointment of another administrator;
- (c) represent the interests of a national of the sending state in an estate in the receiving state, provided that such national is not a resident of the receiving state, unless or until such national is otherwise represented; provided, however, that nothing herein shall authorize a consular officer to act as an attorney at law.

(3) Unless prohibited by law, a consular officer may, within the discretion of the court, agency, or person making distribution, receive for transmission to a national of the sending state who is not a resident of the receiving state any money or property to which such national is entitled as a consequence of the death of another person, including shares in an estate, payments made pursuant to workmen's compensation laws, pension and social benefits systems in general, and proceeds of insurance policies. The court, agency, or person making distribution may require that a consular officer comply with conditions laid down