

No. 8474

**JAPAN
and
REPUBLIC OF KOREA**

**Agreement on the legal status and treatment of nationals of
the Republic of Korea residing in Japan (with agreed
minutes and record of discussions). Signed at Tokyo,
on 22 June 1965**

Official texts: Japanese and Korean.

Registered by Japan on 15 December 1966.

**JAPON
et
RÉPUBLIQUE DE CORÉE**

**Accord relatif au statut juridique et au traitement des res-
sortissants de la République de Corée résidant au Japon
(avec procès-verbal approuvé et procès-verbal des dis-
cussions). Signé à Tokyo, le 22 juin 1965**

Textes officiels japonais et coréen.

Enregistré par le Japon le 15 décembre 1966.

[TRANSLATION¹—TRADUCTION²]

No. 8474. AGREEMENT³ ON THE LEGAL STATUS AND THE TREATMENT OF THE NATIONALS OF THE REPUBLIC OF KOREA RESIDING IN JAPAN BETWEEN JAPAN AND THE REPUBLIC OF KOREA. SIGNED AT TOKYO, ON 22 JUNE 1965

Japan and the Republic of Korea,

Considering that nationals of the Republic of Korea residing in Japan for many years have come to have special relations with Japanese society; and

Recognizing that enabling these nationals of the Republic of Korea to lead a stabilized life under the social order of Japan will contribute to the promotion of friendly relations between the two countries and their peoples;

Have agreed as follows :

Article I

1. The Government of Japan shall give permission for permanent residence in Japan to a national of the Republic of Korea falling under either of the following categories, if he applies for such permission within five years from the date of the entry into force of the present Agreement in accordance with the procedure to be established by the Government of Japan for the implementation of the present Agreement :

- (a) A person residing in Japan since August 15, 1945, or a date prior thereto, continuously until the time of his application; or
- (b) A person born in Japan on or after August 16, 1945 and before the period of five years from the date of the entry into force of the present Agree-

¹ Translation by the Government of Japan. The Secretariat also received an English translation of this agreement from the Government of the Republic of Korea which on certain points differs from that provided by the Government of Japan. At the request of the Government of the Republic of Korea, these differences have been shown by printing in italics the pertinent word of phrase in the translation of the Government of Japan and providing in square brackets the corresponding expression in the translation by the Government of the Republic of Korea.

² Traduction du Gouvernement japonais. Le Gouvernement de la République de Corée a également communiqué au Secrétariat une traduction anglaise de cet accord qui diffère en certains points de celle transmise par le Gouvernement japonais. À la demande du Gouvernement de la République de Corée, on a indiqué en italique dans la traduction transmise par le Gouvernement japonais chaque mot ou groupe de mots donnant lieu à divergence et introduit à la suite entre crochets l'expression correspondante dans la traduction fournie par le Gouvernement de la République de Corée.

³ Came into force on 17 January 1966, the thirtieth day following the exchange of the instruments of ratification, which took place at Seoul on 18 December 1965, in accordance with article VI.

ment expires, as a lineal descendant of a person falling under (a) above, and residing in Japan continuously until the time of his application.

2. The Government of Japan shall give permission for permanent residence in Japan to a national of the Republic of Korea who is born in Japan after the lapse of five years from the date of the entry into force of the present Agreement as a child of a person who is given permission for permanent residence in Japan in accordance with the provisions of paragraph 1 above, if such child applies for such permission within sixty days from the date of birth in accordance with the procedure to be established by the Government of Japan for the implementation of the present Agreement.
3. Notwithstanding the provisions of paragraph 1 above, the application period for permission for permanent residence shall be sixty days from the date of birth in the case of a person who falls under paragraph 1 (b) above and is born after the lapse of four years and ten months from the date of the entry into force of the present Agreement.
4. No fee shall be levied for the above-mentioned applications and permissions.

Article II

1. With respect to the residence in Japan of the nationals of the Republic of Korea born in Japan as lineal descendants of the persons who are given permission for permanent residence in Japan in accordance with the provisions of Article I, the Government of Japan agrees, if requested by the Government of the Republic of Korea, to holding consultations *until twenty-five years will have elapsed* [by the lapse of twenty-five years] from the date of the entry into force of the present Agreement.
2. In the consultations under the preceding paragraph, the spirit and purposes which form the basis of the present Agreement shall be respected.

Article III

A national of the Republic of Korea who is given permission for permanent residence in Japan in accordance with the provisions of Article I shall not be deported from Japan unless he comes to fall under any of the following categories by his *act* [acts] committed on or after the date of the entry into force of the present Agreement :

- (a) A person who, for crimes concerning insurrection or crimes concerning foreign aggression, is sentenced in Japan to imprisonment or to a heavier punishment (except a person who is granted the suspension of execution of such sentence or who is sentenced for reasons of responding to an agitation or following the lead of another in an insurrection);

- (b) A person who, for crimes concerning foreign relations, is sentenced in Japan to imprisonment or to a heavier punishment, or a person who, for his criminal acts committed against the head of a foreign state, a diplomatic envoy or his official premises, is sentenced to imprisonment or to a heavier punishment and thereby prejudice vital interests of Japan in its foreign relations;
- (c) A person who, by violating the laws and regulations in Japan concerning control of narcotics with profitmaking intents, is sentenced to penal servitude or imprisonment for life or for not less than three years (except a person who is granted the suspension of execution of such sentence), or a person who, by violating the laws and regulations in Japan concerning control of narcotics, is sentenced to penalties not less than three times (twice in the case of a person who was sentenced to penalties not less than three times by his acts committed prior to the date of the entry into force of the present Agreement); or
- (d) A person who, by violating the laws and regulations in Japan, is sentenced to penal servitude or to imprisonment for life or for more than seven years.

Article IV

The Government of Japan shall pay due consideration to the following matters :

- (a) Matters concerning education, livelihood protection and national health insurance in Japan for the nationals of the Republic of Korea who are given permission for permanent residence in Japan in accordance with the provisions of Article I; and
- (b) Matters concerning taking property with them and remitting funds to the Republic of Korea in the event that nationals of the Republic of Korea, who are given permission for permanent residence in Japan in accordance with the provisions of Article I (including persons who are qualified to apply for permission for permanent residence in accordance with the provisions of the said Article), renounce their intention of residing permanently in Japan and return to the Republic of Korea.

Article V

It is confirmed that, with regard to all matters, including entry into and exit from Japan and residence in Japan, the nationals of the Republic of Korea who are given permission for permanent residence in Japan in accordance with the provisions of Article I shall be subject, unless specifically provided for in the