

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 ressortissants de la République de Corée résidant au Japon (avec procès-verbal approuvé et procès-verbal des discussions). 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

present Agreement, to the laws and regulations in Japan applicable equally to all aliens.

Article VI

The present Agreement shall be ratified. The instruments of ratification shall be exchanged at Seoul as soon as possible. The present Agreement shall enter into force on the thirtieth day after the exchange of the instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE in duplicate at Tokyo, in the Japanese and Korean languages, both being equally authentic, this twenty-second day of June of the year one thousand nine hundred and sixty-five.

For Japan :

Etsusaburo SHIINA
Shinichi TAKASUGI

For the Republic of Korea :

TONG WON LEE
DONG JO KIM

AGREED MINUTES TO THE AGREEMENT 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

The representatives of the Governments of Japan and the Republic of Korea have reached the following understandings concerning the Agreement 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 today :

Re *Article I* :

1. For the purpose of certifying that a person who applies for permission for permanent residence in accordance with the provisions of paragraph 1 or 2 of the Article has the nationality of the Republic of Korea

- (i) Such person shall produce his passport or a certificate in lieu thereof, or shall submit a written statement that he has the nationality of the Republic of Korea; and

(ii) The competent authorities of the Government of the Republic of Korea will reply in writing in case the competent authorities of the Government of Japan make inquiries in writing.

2. For the purposes of paragraph 1 (b) of the Article, “ a person falling under (a) ” *will* [shall] include a national of the Republic of Korea residing in Japan since August 15, 1945 or a date prior thereto, continuously until the time of his death.

Re *Article III* :

1. For the purposes of (b) of the Article, “ his official premises ” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used as embassy or legation (including the residence of the diplomatic envoy).

2. The Government of Japan *will* [shall], when it intends to deport a person falling under (c) or (d) of the Article, take into consideration the composition of his family and other circumstances from a humanitarian standpoint.

3. The Government of the Republic of Korea *will, in accordance with* [shall, at the request of] the request of the Government of Japan, co-operate in accepting a person who is to be deported from Japan under the provisions of the Article.

4. It is the policy of the Government of Japan that, when deportation procedures are taken with respect to a person qualified to apply for permission for permanent residence in accordance with the provisions of Article I of the Agreement, it will, taking into account that should he be given permission for permanent residence he shall not be deported from Japan unless he falls under either of (a) through (d) of Article III, withhold the enforcement of his deportation :

- (i) in case he has already applied for permission for permanent residence, until decision is given on his application; or
- (ii) in case he has not applied for permission for permanent residence, until whether or not he intends to apply is confirmed, and in case he applies, until decision is given on his application.

Re *Article IV* :

1. In accordance with the laws and regulations, the Government of Japan *will* [shall], when nationals of the Republic of Korea who are given permission for permanent residence in Japan in accordance with the provisions of Article I of the Agreement wish to enter a public primary or secondary school of Japan, take such measures as it deems necessary so that such entrance may be permitted, and *will* [shall], when they finish a secondary school of Japan, recognize their qualification for applying for higher schools of Japan.

2. The Government of Japan *will* [shall] have for the time being the present livelihood protection for the nationals of the Republic of Korea who are given permission for permanent residence in accordance with the provisions of Article I of the Agreement continued.

3. The Government of Japan *will* [shall] take such measures as it deems necessary in order to insure under the National Health Insurance the nationals of the Republic of Korea who are given permission for permanent residence in Japan in accordance with the provisions of Article I of the Agreement.

4. When the nationals of the Republic of Korea who are given permission for permanent residence in Japan in accordance with the provisions of Article I of the Agreement (including persons who are qualified to apply for permission for permanent residence) renounce their intention of residing permanently in Japan and return to the Republic of Korea, the Government of Japan *will* [shall] permit in principle that they may take all their property with them or remit all their funds.

For this purpose :

- (i) with respect to their taking their property with them, the Government of Japan *will* [shall], within the scope of the laws and regulations, permit their taking with them their personal effects, household goods and professional tools and equipments, and pay due consideration as much as possible in authorizing their exportation; and
- (ii) with respect to their taking with them or remitting their funds, the Government of Japan *will* [shall], within the scope of the laws and regulations, permit their taking with them or remitting their funds not exceeding ten thousand United States dollars per family at the time of their returning home, and their taking with them or remitting the exceeding amount as the case may be.

Tokyo, June 22, 1965

E. S.

T. W. L.

RECORD OF DISCUSSIONS

In the course of the negotiations for conclusion of the Agreement on the Legal Status and the Treatment of Korean Nationals residing in Japan, the following statements were made respectively by the Japanese and Korean sides :

Japanese Representative :

(a) In the application of the provisions of paragraph 1 (a) of Article I of the Agreement, it is the policy of the Government of Japan to regard the period between the departure from Japan for military service or for compulsory labour recruitment and the arrival in Japan under the repatriation programme as the period of continued residence in Japan.

(b) The following will be included among those which a person applying for permission for permanent residence in accordance with the provisions of Article I of the Agreement is to submit or produce :

- (i) Application for permission for permanent residence
- (ii) Photograph
- (iii) Statement on family relations and residence record in Japan
- (iv) Certificate of alien registration.

(c) The term “ such measures as it deems necessary ” referred to in paragraph 1 of the part of the Agreed Minutes to the Agreement regarding Article IV of the Agreement means guidance, advice and recommendation given by the Ministry of Education in accordance with the laws and regulations presently in force.

(d) The term “ such measures as it deems necessary ” in paragraph 3 of the part of the Agreed Minutes to the Agreement regarding Article IV of the Agreement includes amendment of the ordinance of the Ministry of Welfare. However, since a preparatory period of considerable length will be necessary for taking such measures, the Government of Japan will ensure that those Korean nationals will be insured under the National Health Insurance as from the first day of the fiscal year following the fiscal year to which the first day after the lapse of one year from the date of the entry into force of the Agreement belongs.

(e) The Republic of Korea is designated in the notification under the Cabinet Order concerning the Acquisition of Properties by Aliens as a country to which the said Order shall not apply, and the Government of Japan has no intention to delete it upon the entry into force of the Agreement.

(f) It is the policy of the Government of Japan that, when a national of the Republic of Korea who is given permission for permanent residence in Japan in accordance with the provisions of Article I of the Agreement intends to leave Japan and applies for re-entry permission, it will, within the scope of the laws and regulations, handle such application as favourably as possible.

Korean Representative :

(a) It is the policy of the Government of the Republic of Korea that, after the entry into force of the Agreement, it will co-operate with the Government of

Japan in accepting nationals of the Republic of Korea to be deported from Japan under the laws and regulations of Japan concerning immigration control.

(b) The Government of the Republic of Korea, while recognizing that a preparatory period of considerable length will be necessary for taking “such measures as it deems necessary” referred to in paragraph 3 of the part of the Agreed Minutes to the Agreement regarding Article IV of the Agreement, expects that such measures will be taken as soon as possible.

(c) The Government of the Republic of Korea is prepared to consider with the Government of Japan measures for co-operating with the latter to the extent possible at the latter’s request in order to stabilize the life of the nationals of the Republic of Korea residing in Japan and relieve the poor among them.

M. Y.

K. H. L.