

# FOREIGNER'S LAND ACQUISITION ACT

Amended by Act No. 5544, May 25, 1998  
Amended by Act No. 5656, Jan. 21, 1999  
Act No. 7167, Feb. 9, 2004  
Act No. 7297, Dec. 31, 2004  
Act No. 8733, Dec. 21, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 9186, Dec. 26, 2008  
Act No. 10977, Jul. 28, 2011  
Act No. 11690, Mar. 23, 2013

## Article 1 (Purpose)

The purpose of this Act is to prescribe matters necessary for land acquisition, etc. of foreigners within the territory of the Republic of Korea.

## Article 2 (Definition)

For the purpose of this Act, the term "foreigner" means an individual, a juristic person or an organization falling under any of the following subparagraphs:

1. An individual who does not have the nationality of the Republic of Korea;
2. A juristic person or an organization falling under any of the following items:
  - (a) A juristic person or an organization established in accordance with foreign Acts and subordinate statutes;
  - (b) A juristic person or an organization not less than a half of the employees or members of which fall under subparagraph 1;
  - (c) A juristic person or an organization not less than a half of its executives, such as employees conducting affairs or directors, of which fall under subparagraph 1;
  - (d) A juristic person or an organization not less than a half of its capital or not less than a half of voting rights of which are possessed by persons falling under subparagraph 1 or juristic persons or organizations falling under item (a). In such cases, when calculating the capital or the number of voting rights, it shall be deemed that persons falling under subparagraph 1 or juristic persons or organizations falling under item (a) hold bearer stocks of a stock company.

## Article 3 (Principle of Reciprocity)

The Minister of Land, Infrastructure and Transport may prohibit or restrict an individual, a juristic person, an organization, or the government of a nation which prohibits or restricts a national of the Republic of Korea, a juristic person or an organization established in accordance with the Acts and subordinate statutes of the Republic of Korea or the Government of the Republic of Korea from acquisition or transfer of land in its territory from acquisition or transfer of land in the territory of the Republic of Korea as prescribed by Presidential Decree: Provided, That the same shall not apply in cases where it is necessary for implementation of a treaty concluded in accordance with the Constitution or any Act. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 4 (Report of Land Acquisition by Contract)**

(1) In cases where a foreigner, a foreign government, or an international organization prescribed by Presidential Decree (hereinafter referred to as "foreigner, etc.") has concluded a contract for land acquisition in the territory of the Republic of Korea (hereinafter referred to as a "contract for land acquisition"), the foreigner, etc. shall make a report of the land acquisition to the head of Si (referring to the head of Si where a Gu is not established and the head of Si under Article 17 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereinafter the same shall apply)/Gun/Gu within 60 days from the conclusion date of the contract as prescribed by Presidential Decree: Provided, That the same shall not apply in cases where a report of transactions of real estate has been made in accordance with Article 27 of the Business Affairs of Licensed Real Estate Agents and Report of Real Estate Transactions Act or a report of transactions of a house has been made in accordance with Article 80-2 of the Housing Act.

(2) Notwithstanding paragraph (1), in cases where land which a foreigner or similar intends to acquire is located in districts or areas falling under any of the following subparagraphs, the foreigner, etc. shall obtain permission of land acquisition from the head of Si/Gun/Gu as prescribed by Presidential Decree before concluding a contract for land acquisition: Provided, That the same shall not apply in cases where the foreigner, etc. has obtained permission for the contract for land acquisition in accordance with Article 118 of the National Land Planning and Utilization Act: <Amended by Act No. 8852, Jul. 28, 2011>

1. Military bases and reservations for military installations under subparagraph 6 of Article 2 of the Protection of Military Bases and Installations Act, or such other areas as may be necessary especially to limit land acquisition by a foreigner, etc. for the purpose of national defense as prescribed by Presidential Decree;
  2. Designated cultural assets under Article 2 (2) of the Cultural Heritage Protection Act, and protectors or reservations therefor;
  3. Ecology and scenery conservation areas under subparagraph 12 of Article 2 of the Natural Environment Conservation Act;
  4. Special reservations for wildlife under Article 27 of the Wildlife Protection and Management Act.
- (3) In cases where the head of Si/Gun/Gu deems that acquisition of land in districts and areas falling under any subparagraph of paragraph (2) by a foreigner, etc. does not interfere with the achievement of purposes

of designation of the relevant districts and areas, he/she shall grant permission under paragraph (2).

(4) No contract for land acquisition concluded in violation of paragraph (2) shall take effect.

#### **Article 5 (Report of Land Acquisition by other than Contract)**

When a foreigner, etc. has acquired land in the territory of the Republic of Korea by means of inheritance, auction or any cause other than contract prescribed by Presidential Decree, the foreigner, etc. shall make a report to the head of Si/Gun/Gu within six months after the date of land acquisition as prescribed by Presidential Decree.

#### **Article 6 (Report of Continuous Possession of Land)**

In cases where a national of the Republic of Korea, a juristic person or an organization established in accordance with the Acts and subordinate statutes of the Republic of Korea having land in the territory of the Republic of Korea has been changed to a foreigner, etc., if the foreigner, etc. intends to possess the relevant land continuously, the foreigner, etc. shall make a report to the head of Si/Gun/Gu within six months from the date of change to the foreigner, etc. as prescribed by Presidential Decree.

#### **Article 7 (Penal Provisions)**

Any foreigner, etc. who concludes a contract for land acquisition without obtaining permission under Article 4 (2) or who has concluded a contract for land acquisition with permission obtained by unjust means shall be punished by imprisonment for not more than two years or by a fine not exceeding twenty million won.

#### **Article 8 (Joint Penal Provisions)**

If the representative of a juristic person, an agent, an employee, other employed person of a juristic person or an individual commits an offense under Article 7 in connection with affairs of the juristic person or individual, not only such offender shall be punished but also the juristic person or individual shall be punished by a fine under the corresponding Article: Provided, That the same shall not apply in cases where the juristic person or individual has not neglected to give a reasonable attention to and to supervise the relevant affairs in order to prevent such offense.

#### **Article 9 (Fine for Negligence)**

(1) Any person who has failed to make a report of land acquisition under Article 4 (1) or has made a false report shall be imposed a fine for negligence not exceeding three million won.

(2) Any person who falls under any of the following subparagraphs shall be imposed a fine for negligence not exceeding one million won:

1. Any person who has failed to make a report of land acquisition under Article 5 or has made a false report;
2. Any person who has failed to make a report of the continuous possession of land under Article 6 or has made a false report.

(3) A fine for negligence under paragraphs (1) and (2) shall be imposed and collected by the head of Si/Gun/Gu as prescribed by Presidential Decree.

## ADDENDA

### **Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation.

### **Article 2 (Transitional Measures concerning Previous Permission and Report)**

(1) Where any permission or report on the acquisition or continuous holding of land was granted or made under the previous provisions at the time this Act enters into force, it shall be considered to have been granted or made in accordance with the amended provisions of Article 4 (1) and (2), 5, or 6.

(2) Where a foreigner who failed to obtain permission or make a report on the acquisition or continuous holding of land under the previous provisions at the time this Act enters into force, obtains permission or makes a report in accordance with the amended provisions of Article 4 (1) and (2), 5, or 6 within one year after the date of its enforcement, it shall be considered to have obtained permission or made a report in accordance with the previous provisions.

### **Article 3 (Transitional Measures concerning Penal Provisions)**

The application of penal provisions against an illegal act before the enforcement of this Act shall be made in accordance with the previous provisions: Provided, That the same shall not apply to the permission obtained or report made in accordance with the amended provisions of Article 2 (2) of the Addenda within one year after this Act enters into force.

### **Article 4 Omitted.**

ADDENDA <Act No. 5656, Jan. 21, 1999>

### **Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 1999.

### **Articles 2 and 3 Omitted.**

ADDENDA <Act No. 7167, Feb. 9, 2004>

### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

### **Articles 2 through 30 Omitted.**

ADDENDA <Act No. 7297, Dec. 31, 2004>

### **Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

### **Articles 2 through 9 Omitted.**

ADDENDA <Act No. 8733, Dec. 21, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9186, Dec. 26, 2008>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 3 shall enter into force on the date of its promulgation.
- (2) (Applicability to Report of Land Acquisition by Contract) The amended provisions of Article 4 (1) shall apply beginning from the first land acquisition for which a contract is concluded after this Act enters into force.

ADDENDA <Act No. 10977, Jul. 28, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

(2) Omitted.

**Articles 2 through 7 Omitted.**