

MEMORANDUM OF COOPERATION
BETWEEN THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN
AFFAIRS, THE MINISTRY OF HEALTH, LABOUR AND WELFARE AND
THE NATIONAL POLICE AGENCY OF JAPAN
AND
THE MINISTRY OF LABOUR, IMMIGRATION AND POPULATION OF
THE REPUBLIC OF THE UNION OF MYANMAR
ON
A BASIC FRAMEWORK FOR INFORMATION PARTNERSHIP
FOR
PROPER OPERATION OF THE SYSTEM PERTAINING TO FOREIGN HUMAN
RESOURCES WITH THE STATUS OF RESIDENCE
OF
“SPECIFIED SKILLED WORKER”

The Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan (hereinafter referred to collectively as “Ministries and Agencies of Japan”) and the Ministry of Labour, Immigration and Population of the Republic of the Union of Myanmar (hereinafter referred to as “MOLIP”) share the view to enhance mutual benefits through the cooperation between the two countries on sending and accepting specified skilled workers in the operation of the system of acceptance (hereinafter referred to as “the system”) of human resources possessing certain expertise and skills, who have been granted the status of residence of “Specified Skilled Worker” by the Government of Japan (hereinafter referred to as “specified skilled workers”). Based on this view, the Ministries and Agencies of Japan and MOLIP (hereinafter referred to collectively as “Ministries and Agencies of Both Countries”) have decided to cooperate as follows:

1. Purpose

The purpose of this Memorandum of Cooperation is to protect specified skilled workers through the smooth and proper promotion of sending and accepting specified skilled workers to Japan from Myanmar, by means of establishing a basic framework for information partnership in order to ensure smooth and proper sending and accepting specified skilled workers (in particular the elimination of malicious intermediary organizations) and to resolve the problems of the sending and accepting and of residing in Japan of specified skilled workers, as well as to enhance the mutual benefits of both

countries through cooperation for proper operation of the system.

2. Contact point

In order to effectively implement the cooperation under this Memorandum of Cooperation, the Ministries and Agencies of Both Countries will designate respectively the following contact points for both countries.

(1) For Japan:

Residency Management Division, Residency Management and Support Department, Immigration Services Agency

(2) For Myanmar:

Department of Labour, MOLIP

3. Framework of cooperation

Cooperation under this Memorandum of Cooperation will be conducted within the scope of the laws and regulations in force in each country. The ministries and agencies or ministry of one country will not disclose the confidential information of the ministries and agencies or ministry of the other country, obtained through cooperation and information-sharing within the framework of this Memorandum of Cooperation, without written consent of the ministries and agencies or ministry of the other country.

4. Basic framework for information partnership

(1) Information-sharing

The Ministries and Agencies of Both Countries will promptly share necessary or useful information in order to ensure smooth and proper sending and accepting specified skilled workers and to resolve the problems of sending and accepting and of residing in Japan of specified skilled workers. This information includes information on the acts of intermediary organizations (including both individuals and corporations) in both countries which involve in recruitment and job seeking relating to specified skilled workers and on those that fall the following (hereinafter referred to as “intermediary organizations for specified skilled workers”):

- (a) Managing money or other properties of specified skilled workers or candidates of specified skilled workers (hereinafter referred to as “specified skilled workers and candidates”), their relatives or any person concerned, regardless of any reason such as the collection of a deposit or any other purposes;
- (b) Concluding any contracts that impose monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts;

- (c) Human rights infringements against specified skilled workers and candidates such as assaults, intimidation and restrictions of their freedom;
- (d) Using or providing forged, altered or false documents, pictures or drawings, with the intention of obtaining permissions, visas or other certificates fraudulently in relation to the immigration control or visa procedures of Japan; or
- (e) Collecting fees or other expenses from specified skilled workers and candidates without indicating the calculation basis of the expense, and making them understood the amount and breakdown of the expense.

(2) Consultations for correction of problems and other issues

The Ministries and Agencies of Both Countries will consult periodically or from time to time to achieve the purpose set forth in 1 of this Memorandum of Cooperation, including on detailed measures related to the commitments of the Ministries and Agencies of Japan set out in 5 as well as the commitments of the MOLIP set out in 6. The Ministries and Agencies of Both Countries will also make efforts to correct problems that require improvement for proper operation of the system. The main subjects of the consultations will be as follows:

- (a) Issues related to implementation and changes of the policies of both countries concerning the system;
- (b) Issues related to ensuring the appropriateness of intermediary organizations for specified skilled workers (including ways of necessary corrective measures);
- (c) Issues related to corrective measures for the various examinations pertaining to sending and accepting specified skilled workers and for improper accepting organizations in Japan, or organizations engaging in support for foreign human resources with the status of residence of “Specified Skilled Worker (i)”, (which means support for their work life, daily life and social life enabling specified skilled workers with “Specified Skilled Worker (i)” to engage in their activities under the status of residence stably and smoothly) and for the improper sending organizations in Myanmar ;
- (d) Issues related to proper implementation of skill exams and tests to measure Japanese language proficiency of specified skilled workers;
- (e) Issues related to residence management of specified skilled workers in Japan; and
- (f) Issues related to proper operation of the system and other related systems pertaining to immigration or labor of both countries other than

the issues specified in (a) to (e) above.

5. Commitments of the Ministries and Agencies of Japan:

The Ministries and Agencies of Japan will carry out the following commitments in relation to the acceptance of the specified skilled workers from Myanmar in accordance with the relevant laws and regulations of Japan:

- (1) When receiving from the MOLIP the information on a sending organization that intends to send specified skilled workers to Japan (hereinafter referred to as “Sending Organization”) which is approved by the MOLIP, to make such information publicly available in Japan;
- (2) When receiving from the MOLIP the information on the revocation of an approval set out in 6(4), to make such information publicly available in Japan;
- (3) To notify the MOLIP of an improvement order to an accepting organization when making such an order, and to share the list of registered supporting organizations to the MOLIP; and
- (4) To provide necessary information when receiving inquiries from the MOLIP in relation to the acceptance of the specified skilled workers from Myanmar.

6. Commitments of the MOLIP

The MOLIP will carry out the following commitments in relation to sending the specified skilled workers from Myanmar in accordance with the relevant laws and regulations of Myanmar:

- (1) To examine whether or not Sending Organizations meet approving standards and to give approvals when Sending Organizations are considered to meet approving standards set up by the MOLIP.
- (2) To make the names and other information of approved Sending Organizations in Myanmar publicly available when the approvals set out in (1) above are given. To provide the Ministries and Agencies of Japan with the information on approved Sending Organizations;
- (3) When informed by the Ministries and Agencies of Japan that an approved Sending Organization seems to have exercised activities inconsistent with approving standards or other improper activities, to conduct investigations over the approved Sending Organization in question, to provide necessary guidance and supervision, and then to report the results to the Ministries and Agencies of Japan;
- (4) To provide guidance to approved Sending Organizations in Myanmar in order to select and send workers with Specified Skilled Worker of Myanmar in an appropriate manner, to revoke an approval when considering that an approved Sending Organization no longer meets approving standards, and to notify the results to the Ministries and Agencies of Japan;

(5) When informed by the Ministries and Agencies of Japan of their improvement order to an accepting organization or the list of registered supporting organizations, to make such information publicly available in Myanmar; and

(6) To provide necessary information when receiving inquiries from the Ministries and Agencies of Japan in relation to sending the specified skilled workers from Myanmar.

7. Cooperation in skill exams and tests to measure Japanese language proficiency

The Ministries and Agencies of Japan and the ministries in charge of accepting specified skilled workers (hereinafter referred to collectively as “Relevant Ministries and Agencies of Japan”) will properly conduct skill exams and tests to measure Japanese language proficiency of the specified skilled workers. If the MOLIP and the ministry related to the tests (hereinafter referred to collectively as “Relevant Ministries of Myanmar”) are requested by the Relevant Ministries and Agencies of Japan to cooperate in the implementation of the tests and related business pertaining to Japanese language education, or in other business related to the tests to Japanese language proficiency which Relevant Ministries and Agencies of Japan involve, Relevant Ministries of Myanmar will comply with the request to the extent possible. The Ministries and Agencies of Japan will inform the MOLIP of procedures of the skill exams and tests conducted in Myanmar to measure Japanese language proficiency of the specified skilled workers after signing this Memorandum of Cooperation.

In addition, if the Relevant Ministries and Agencies of Japan and the Relevant Ministries of Myanmar obtain information, in relation to the tests, about proxy test-taking, the forgery or alteration of documents certifying passing of the test or other wrongful acts, they will share the information promptly in accordance with the framework set out in 4 (1) in this Memorandum of Cooperation.

8. Others

If the Ministries and Agencies of Japan deem that human resources to make up for the labor shortage in Japan have been secured through the acceptance of specified skilled workers in each field, they may temporarily suspend the acceptance of specified skilled workers in accordance with the provisions of the laws and regulations relating to immigration of Japan. In such a case, the Ministries and Agencies of Japan will appropriately deal with the issues on residence of the specified skilled workers from Myanmar and their

dependent spouses or children (provided that the status of residence of specified skilled workers is “Specified Skilled Worker (ii)”) (hereinafter referred to as “spouse or children”) in accordance with the provisions of the laws and regulations concerning immigration of Japan, taking into account the status of the employment contract between specified skilled workers and the organization accepting them, the operational situation and living conditions, etc.

9. Settlement of disputes

Any differences or disputes which may arise in the interpretation or implementation of this Memorandum of Cooperation will be resolved through amicable consultations between Ministries and Agencies of Both Countries.

10. Duration, review and termination

The Cooperation under this Memorandum of Cooperation will commence April 1 in 2019. The cooperation under this Memorandum of Cooperation will continue for a period of five years from April 1 in 2019 and can be extended for successive periods of up to five years each, upon mutual consent between the Ministries and Agencies of Both Countries.

Based on a review of the system pertaining to specified skilled workers to be implemented two years after its commencement, the framework of cooperation between the two countries under this Memorandum of Cooperation will be reviewed as necessary. The contents of this Memorandum of Cooperation will be modified or supplemented as necessary with written consent of both countries.

In case that the ministries and agencies or ministry of either country wish to terminate the cooperation based on this Memorandum of Cooperation, the cooperation may be terminated by a written notice to the ministries and agencies or ministry of the other country indicating such intent, not later than ninety days before the desired termination date. The termination of this Memorandum of Cooperation will not affect the continuous implementation of existing cooperation.

11. Language and others

This Memorandum of Cooperation was signed in duplicate in English at Tokyo, on 26th day of March, 2019, and at Nay Pyi Taw, on 28th day of March, 2019.

Director-General
Immigration Bureau
The Ministry of Justice of Japan

Director-General
Department of Labour
The Ministry of Labour, Immigration and
Population of the Republic of the Union of
Myanmar

Director-General
Consular Affairs Bureau
The Ministry of Foreign Affairs of Japan

Director-General
Employment Security Bureau
The Ministry of Health, Labour and
Welfare of Japan

Director General
Organized Crime Department
The National Police Agency of Japan