

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, SOCIAL SECURITY AND MIGRATION OF THE
KYRGYZ REPUBLIC
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 Agency of Japan”) and the Ministry of Labour, Social Security and Migration of the Kyrgyz Republic (hereinafter referred to as “Ministry of the Kyrgyz Republic”) share the view to enhance mutual benefits through 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 Agency of Japan and the Ministry of the Kyrgyz Republic (hereinafter referred to collectively as “Ministries and Agency of Both Countries”) have decided to cooperate as follows:

1. Purpose

The purpose of this Memorandum of Cooperation is, while protecting specified skilled workers through the smooth and proper promotion of sending and accepting specified skilled workers to Japan from the Kyrgyz Republic, to establish a basic framework for information partnership 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 sending, 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 Points

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

1) For the Japanese side:

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

2) For the Kyrgyz side:

The Center for Employment of Citizens abroad under the Ministry of Labour, Social Security and Migration

3. Framework for Cooperation

The cooperation under this Memorandum of Cooperation will be conducted within the scope of laws and regulations in force in each country. Either the Ministries and Agency of Japan or the Ministry of the Kyrgyz Republic will not disclose to third parties 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 other.

4. Basic Framework for Information Partnership

1) Information sharing

The Ministries and Agency 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 are involved in recruitment and job seeking related to specified skilled workers (hereinafter referred to as “intermediary organizations for specified skilled workers”) and on those that fall under the following:

- a) Managing money or other properties of specified skilled workers and 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; and
- e) Collecting fees or other expenses from specified skilled workers and candidates without indicating the calculation basis of the expense, and making them understand the amount and breakdown of the expense.

2) Consultations for correction of problems and other issues

The Ministries and Agency of Both Countries will consult periodically or from time to time to achieve the purpose set forth in paragraph 1 of this Memorandum of Cooperation, and will 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 the Kyrgyz Republic;
- d) Issues related to proper implementation of skill exams and tests to measure Japanese language proficiency of specified skilled workers (hereinafter referred to collectively as “exams and tests”);
- 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. Cooperation in the Exams and Tests

The Ministries and Agency of Japan and the ministries and agencies of Japan in charge of accepting specified skilled workers (hereinafter referred to collectively as “Relevant Ministries and Agencies of Japan”) will properly conduct the exams and tests. If the Ministry of the Kyrgyz Republic is requested by the Relevant Ministries and Agencies of Japan to cooperate in the implementation of the exams and tests and related business pertaining to Japanese language education, or in other business related to the tests

to measure Japanese language proficiency which the Relevant Ministries and Agencies of Japan are involved in, the Ministry of the Kyrgyz Republic will comply with the request to the extent possible.

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

6. Commitments of the Ministries and Agency of Japan

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

- 1) When receiving from the Ministry of the Kyrgyz Republic 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 Ministry of the Kyrgyz Republic, to make such information publicly available in Japan;
- 2) When receiving from the Ministry of the Kyrgyz Republic the information on the revocation of an approval set out in 7 4), to make such information publicly available in Japan;
- 3) To notify the Ministry of the Kyrgyz Republic of an improvement order to an accepting organization when making such an order, and to share the list of registered supporting organizations to the Ministry of the Kyrgyz Republic; and
- 4) To provide necessary information when receiving inquiries from the Ministry of the Kyrgyz Republic in relation to the acceptance of the specified skilled workers from the Kyrgyz Republic.

7. Commitments of the Ministry of the Kyrgyz Republic

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

- 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 Ministry of the Kyrgyz Republic;
- 2) To make the names and other information of approved Sending Organizations in the Kyrgyz Republic publicly available when the approvals set out in 1) above are given. To provide the Ministries and Agency of Japan with the information on approved Sending Organizations;

- 3) When informed by the Ministries and Agency 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 Agency of Japan;
- 4) To provide guidance to approved Sending Organizations in the Kyrgyz Republic in order to select and send specified skilled workers of the Kyrgyz Republic 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 Agency of Japan;
- 5) When informed by the Ministries and Agency of Japan of their improvement order to an accepting organization or the list of registered supporting organizations, to make such information publicly available in the Kyrgyz Republic; and
- 6) To provide necessary information when receiving inquiries from the Ministries and Agency of Japan in relation to sending the specified skilled workers from the Kyrgyz Republic.

8. Others

If the Ministries and Agency 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 laws and regulations concerning immigration of Japan. In such a case, the Ministries and Agency of Japan will appropriately deal with the issues of residence of the specified skilled workers from the Kyrgyz Republic and their dependent spouses or children (provided that the status of residence of specified skilled workers is “Specified Skilled Worker (ii)”) in accordance with the provisions of laws and regulations concerning immigration of Japan, taking into account the status of the employment contract between specified skilled workers and the organizations accepting them, the operational situation and living conditions, etc. If these specified skilled workers and their spouses or children are not permitted to reside in Japan, the Ministry of the Kyrgyz Republic will make efforts to take the necessary procedures together with the Embassy of the Kyrgyz Republic in Japan, such as the issuance of temporary passports on request of the Ministries and Agency of Japan, in order to ensure their smooth return to the Kyrgyz Republic.

9. Review of the Framework and Others

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 revised or supplemented as necessary with written consent of both countries.

10. Language and Others

This Memorandum of Cooperation will commence on the date of the latter signature and be terminated six months after the date of receipt by either the Ministries and Agency of Japan or the Ministry of the Kyrgyz Republic to the other on its intention to terminate this Memorandum of Cooperation.

Any disputes arising from the interpretation and/or the implementation of this Memorandum of Cooperation will be settled amicably through mutual consultations and negotiations between the Ministries and Agency of Both Countries.

This Memorandum of Cooperation was signed in duplicate in English at Tokyo, on _____, 2023, and at Bishkek, on _____, 2023.

For the Ministry of Justice of Japan

For the Ministry of Labour Social
Security and Migration
of the Kyrgyz Republic

For the Ministry of Foreign Affairs of Japan

For the Ministry of Health, Labour and
Welfare of Japan

For the National Police Agency of Japan