

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 AND SOCIAL PROTECTION OF MONGOLIA  
ON  
A BASIC FRAMEWORK 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 and Social Protection of Mongolia (hereinafter referred to as “Ministry of Mongolia”) 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 the Ministry of Mongolia (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 Mongolia, by means of establishing a basic framework for cooperation 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 Mongolia:

The General Office for Labour and Welfare Services under the Ministry of Mongolia (“hereinafter referred to as “GOLWS”)

### 3. Framework of cooperation

(1) 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;

(2) Cooperation under this Memorandum of Cooperation will be implemented taking into account labor market, economic and human resource policies and priorities of Japan and Mongolia.

### 4. Information-sharing and Consultation

(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) and GOLWS 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 understand 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, 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)” in order to engage in their activities under the status of residence stably and smoothly) and for the improper sending organizations in Mongolia;
- (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 including those unexpected which 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

Mongolia in accordance with the relevant laws and regulations of Japan:

- (1) To examine properly whether an employment contract concluded between an accepting organization and a specified skilled worker and a support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” prepared by an accepting organization conform to the criteria specified by the applicable laws and regulations relating to immigration (including prescribed criteria in an employment contract for a specified skilled worker that the amount of remuneration for specified skilled workers should be equal to or more than the amount that a Japanese national would receive, and criteria in a support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” that an accepting organization should support job change);
- (2) Regarding an application for registration by an organization which has been entrusted based on a contract with an accepting organization and intended to perform all the work of implementation of suitable support plans for foreign nationals with the status of residence of “Specified Skilled Worker (i)”, to implement the duties pertaining to registration and to deny the registration if the organization falls under the grounds for denial of registration specified by the laws and regulations relating to immigration. To make information on the registered organization (hereinafter referred to as “registered support organizations”) such as their names publicly available in Japan;
- (3) To conduct collection of reports and provide guidance and advice to accepting organization when deemed it necessary to secure (a) that the employment contract for specified skilled workers and the support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” conform to the criteria specified in the laws and regulations relating to immigration, (b) that the employment contract for specified skilled workers is properly implemented, (c) that the support plan for foreign nationals with the status of residence of “Specified Skilled Worker (i)” for providing support for the foreign national’s work life, day-to-day living and social life is properly implemented, and (d) that the acceptance of the specified skilled workers conforms to the laws and regulations relating to immigration or labor, and when abovementioned (a) to (d) are not deemed to be secured, to make an order for improvement according to the relevant laws and regulations as well as to make the fact in which such order is made available in Japan;
- (4) To conduct collection of reports and provide guidance and advice to registered support organizations when deemed it necessary in order to ensure proper operation of the system regarding that they properly implement support work based on the support plans for foreign nationals with the status of residence

of “Specified Skilled Worker (i)” and when deemed that there is a violation, to delete registration, if necessary;

- (5) In order to secure wages, work hours, safety and health and other labor conditions regarding specified skilled workers and properly improve work management, to provide guidance and supervision to an accepting organization or an intermediary organization;
- (6) In order to ensure proper acceptance of specified skilled workers, to take necessary measures to eliminate malicious intermediary organizations in Japan in accordance with immigration, labor and other relevant laws and regulations;
- (7) When the Ministries and Agencies of Japan receive the information from the Ministry of Mongolia on GOLWS, the only sending organization in Mongolia that intends to send specified skilled workers to Japan, to make such information publicly available in Japan;
- (8) To notify the Ministry of Mongolia of an improvement order to an accepting organization when making such an order, and to share the list of registered support organizations to the Ministry of Mongolia;
- (9) To require those who wish to apply for “Specified Skilled Worker (i)” to pass skill exams and tests to measure Japanese language proficiency in principle;
- (10) When those who successfully completed Technical Intern Training (ii) apply for “Specified Skilled Worker (i)”, to exempt them from passing the skill exams and tests to measure Japanese language proficiency described in (9);
- (11) When Mongolian nationals residing in Japan with a mid-to-long term status of residence apply for changing their status of residence to “Specified Skilled Worker (i)”, to examine whether or not the applicants meet standards stipulated by laws and regulations relating to immigration and to grant the change of status when the applicants are considered to meet the standards; and
- (12) To provide necessary information when receiving inquiries from the Ministry of Mongolia in relation to the acceptance of the specified skilled workers from Mongolia.

#### 6. Commitments of the Ministry of Mongolia

The Ministry of Mongolia will carry out the following commitments in

relation to sending the specified skilled workers from Mongolia in accordance with the relevant laws and regulations of Mongolia:

- (1) To designate GOLWS the only organization in Mongolia that can send specified skilled workers of Mongolia, to make the designation publicly available in Mongolia and to provide the Ministries and Agencies of Japan with the information on GOLWS;
- (2) To assure proper sending of specified skilled workers, by such measures as avoiding those illustrated in (a) to (e) of 4 (1);
- (3) When informed by the Ministries and Agencies of Japan of their improvement order to an accepting organization or the list of registered support organizations, to make the information publicly available in Mongolia;
- (4) To require GOLWS which is the sending organization of Mongolia to conclude an agreement between GOLWS and an accepting organization in pursuant to Article 4.1.5 of Law of Mongolia on Sending Labour Force Abroad and Receiving Labour Force and Specialists from Abroad when they conclude a contract with regard to sending and accepting specified skilled workers;
- (5) To require Mongolian specified skilled worker candidates who passed the skill exams and tests to measure Japanese language proficiency described in 5. (9) to register with GOLWS; and
- (6) To provide necessary information when the Ministry of Mongolia receives inquiries from the Ministries and Agencies of Japan in relation to sending the specified skilled workers from Mongolia.

#### 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, namely Japanese Language Proficiency Test (JLPT), Japan Foundation Test for Basic Japanese (JFT Basic) and Nursing Care Japanese Language Evaluation Test. Relevant Ministries and Agencies of Japan will provide the Ministry of Mongolia with detailed plan of skill exams and tests to measure Japanese language proficiency of the specified skilled workers.

If the Ministry of Mongolia and the ministry related to the tests (hereinafter referred to collectively as “Relevant Ministries of Mongolia”) are requested by the Relevant Ministries and Agencies of Japan to cooperate in the implementation of the tests and related programs pertaining to Japanese language

education, or in other programs related to the tests to Japanese language proficiency which Relevant Ministries and Agencies of Japan involve, Relevant Ministries of Mongolia will comply with the request to the extent possible.

In addition, if the Relevant Ministries and Agencies of Japan and the Relevant Ministries of Mongolia 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 relevant issues in accordance with the provisions of the laws and regulations relating to 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. 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 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.

#### 10. Language and others

This Memorandum of Cooperation was signed in duplicate in English at Tokyo, on April 17<sup>th</sup>, 2019.

The cooperation under this Memorandum of Cooperation will commence on the date of its signature.

For the Ministry of Justice of Japan

For the Ministry of Labour and Social  
Protection of Mongolia

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