

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 OF THE KINGDOM OF THAILAND
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 of the Kingdom of Thailand (hereinafter referred to as “MOL”) 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 MOL (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, while protecting specified skilled workers through the smooth and proper promotion of sending and accepting specified skilled workers to Japan from Thailand, by means of establishing a basic framework for information partnership, to ensure smooth and proper sending and accepting specified skilled workers (in particular the elimination of individuals or corporations in both countries involving in recruitment and job seeking in relation to specified skilled workers (hereinafter referred to as “intermediary organizations”), that conduct illegal or improper acts with regard to sending and accepting specified skilled workers) 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, Ministry of Justice

(2) For Thailand:

Overseas Employment Administration Division, Department of Employment, Ministry of Labour

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 industrial fields to accept specified skilled workers, and qualities and skills required by those industrial fields, as well as on the acts of intermediary organizations and on those that fall the following:

- (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)” to engage in their activities under the status of residence stably and smoothly) and for the improper sending organizations in Thailand;
- (d) Issues related to proper implementation of skill exams and tests to measure Japanese language proficiency of specified skilled workers (hereinafter referred to as “exams and tests”); and
- (e) Issues related to residence management of specified skilled workers in Japan.

5. Cooperation in the exams and tests

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 the exams and tests. If MOL and the ministry related to the exams and tests (hereinafter referred to collectively as “Relevant Ministries of Thailand”) are 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 Relevant Ministries and Agencies of Japan involve, Relevant Ministries of Thailand will comply with the request to the extent possible.

In addition, if the Relevant Ministries and Agencies of Japan and the Relevant Ministries of Thailand 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 accordance with the framework set out in 4 (1) of this Memorandum of Cooperation.

6. Responsibilities of the Ministries and Agencies of Japan

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

- (1) To accept foreign human resources with the status of residence of “Specified Skilled Worker (i)” to the industrial fields listed in Attachment;
- (2) With regard to the Thai nationals residing in Japan who change the status of residence to “Specified Skilled Worker (i)” after they completed Technical Intern Training (ii), to accept employment contract authorized by MOL (Office of Labour Affairs, Royal Thai Embassy, Tokyo) referred to in 7 (5) of this Memorandum of Cooperation as one of the necessary materials for granting status of residence for “Specified Skilled Worker (i)”;
- (3) 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, and to ensure compliance of the terms provisions of the employment contract; and
- (4) To ensure that the amount of remuneration for specified skilled workers will be equal to or more than the amount that a Japanese national would receive for engaging in the same kind of work, and a foreign national is not being discriminated against with regard to decisions on remuneration, implementation of education and training, use of welfare facilities or other treatment by reason of being a foreign national.

7. Responsibilities of MOL

MOL will carry out the following responsibilities in relation to sending the specified skilled workers from Thailand in accordance with the relevant laws and regulations of Thailand:

- (1) To send specified skilled workers from Thailand only through the arrangement of the Department of Employment, licensed private recruitment agencies or

- local employers, or through the self-arrangement;
- (2) To grant intermediary organizations to collect service fees from specified skilled workers from Thailand in accordance with the relevant laws and regulations of both countries;
 - (3) To examine whether the plan related to conducting the exams and tests in Thailand prepared by Relevant Ministries and Agencies of Japan meets relevant approval standards set by MOL, and to approve the plans when these are considered to meet such standards;
 - (4) To disseminate overseas employment information so that workers can be prepared to work as specified skilled workers in Japan; and
 - (5) With regard to the Thai nationals residing in Japan who change the status of residence to “Specified Skilled Worker (i)” after they completed Technical Intern Training (ii), to authorize employment contract at the Office of Labour Affairs, Royal Thai Embassy, Tokyo as one of the necessary materials to be used by the Ministries and Agencies of Japan for granting the said Thai nationals the status of residence for “Specified Skilled Worker (i)”.

8. 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.

9. Language and others

This Memorandum of Cooperation was signed in duplicate in English at Tokyo, on February 4th, 2020.

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

Cooperation under this Memorandum of Cooperation will continue for a period of five years from the date of its commencement and will be extended automatically for additional five years unless there is a written notice by the ministries and agencies or ministry of one country not to extend it sixty days in advance of the termination date. In case that ministries and agencies or ministry of one country wishes to terminate the cooperation based on this Memorandum of Cooperation before the end of the five-year periods mentioned above, 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.

For the Ministry of Justice of Japan

For the Ministry of Labour of
Thailand

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

Industrial Fields to Accept Foreign Human Resources with
the Status of Residence of “Specified Skilled Worker (i)”

- 1 Care Worker
- 2 Building Cleaning Management
- 3 Machine Parts and Tooling Industries
- 4 Industrial Machinery Industries
- 5 Electric, Electronics and Information Industries
- 6 Construction Industry
- 7 Shipbuilding and Ship Machinery Industry
- 8 Automobile Repair and Maintenance
- 9 Aviation Industry
- 10 Accommodation Industry
- 11 Agriculture
- 12 Fishery and Aquaculture
- 13 Manufacture of Food and Beverages
- 14 Food Service Industry