

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 TELECOMMUNICATION, FOREIGN EMPLOYMENT
AND SPORTS OF SRI LANKA
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 Telecommunication, Foreign Employment and Sports of Sri Lanka (hereinafter referred to as “MOTFES”) 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 MOTFES (hereinafter referred to collectively as “the 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 Sri Lanka, 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 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 Sri Lanka:

Recruitment Division of Sri Lanka Bureau of Foreign Employment, Ministry of Telecommunication, Foreign Employment and Sports.

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 under 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 Sri Lanka;

- (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. 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 (hereinafter referred to collectively as “exams and tests”). If the MOTFES and the ministries and agencies related to the exams and tests including Sri Lanka Bureau of Foreign Employment (SLBFE) (hereinafter referred to collectively as “Relevant Ministries and Agencies of Sri Lanka”) 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 and Agencies of Sri Lanka will comply with the request to the extent possible.

In addition, if the Relevant Ministries and Agencies of Japan and the Relevant Ministries and Agencies of Sri Lanka 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) in this Memorandum of Cooperation.

6. 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 or residence of the specified skilled workers from Sri Lanka 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 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. If these specified skilled workers and their spouse or children are not permitted to reside in Japan, the MOTFES will make efforts to take the necessary procedures together with the Embassy of Sri Lanka in Japan, such as the issuance of temporary passports, on request of the Ministries and Agencies of Japan, in order to ensure their smooth return to Sri Lanka.

7. 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.

8. Language and others

This Memorandum of Cooperation was signed in duplicate in English at Tokyo on this 19th day of June, 2019.

For the Ministry of Justice of Japan

For the Ministry of
Telecommunication, Foreign
Employment and Sports of
Sri Lanka

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