

**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 GOVERNMENT OF MALAYSIA
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 Government of Malaysia (as represented by the Ministry of Human Resources, hereinafter referred to as “Government of Malaysia”) 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 Government of Malaysia 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 Malaysia, 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 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 Japan and the Government of Malaysia will designate respectively the following contact points for both countries.

(1) For Japan:

Policy Planning Division, Immigration Services Agency.

(2) For Malaysia:

Ministry of Human Resources.

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. Either the Ministries and Agencies of Japan or the Government of Malaysia will not disclose to third parties the confidential information of the other, 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 Agencies of Japan and the Government of Malaysia 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 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; 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 Japan and the Government of Malaysia will establish a Joint Committee, comprising relevant officials from the respective countries dealing with the employment and management of specified skilled workers, to discuss any matter arising from the implementation of this Memorandum of Cooperation. The Joint Committee 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 Malaysia;
- (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 “the 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 including improper recruitment and employment for specified skilled workers, and return of specified skilled workers other than the issues specified in (a) to (e) above.

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 the Government of Malaysia 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 Government of Malaysia will comply with the request to the extent possible.

In addition, if the Relevant Ministries and Agencies of Japan and the Government of Malaysia obtain information, in relation to the exams and 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.

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 on residence of the specified skilled workers from Malaysia 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 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. If these specified skilled workers and their spouse or children are not permitted to reside in Japan, the Government of Malaysia will make efforts to take the necessary procedures together with the Embassy of Malaysia 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 Malaysia.

7. Language, Review of the Framework and Others

The cooperation under this Memorandum of Cooperation is conducted in five continuous years starting from the date of the signature. The duration of this Memorandum of Cooperation will be renewed for further periods by mutual consent.

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 either the Ministries and Agencies of Japan or the Government of Malaysia wish to terminate the cooperation based on this Memorandum of Cooperation, the cooperation may be terminated by a written notice to the other 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.

THE FOREGOING record represents the consensus reached between the Ministries and Agencies of Japan and the Government of Malaysia upon the matters referred to therein.

Signed in duplicate in English at Tokyo on the 26th day of May, 2022 in two (2) original texts, all texts having equal value.

For the Ministry of Justice of
Japan

For the Government of Malaysia

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