

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, INVALIDS AND SOCIAL AFFAIRS OF
VIET NAM
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, Invalids and Social Affairs of Viet Nam (hereinafter referred to as “Ministry of Viet Nam”) 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 Viet Nam (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 from Viet Nam to Japan in accordance with the laws and regulations of the respective country, by means of establishing a basic framework to ensure smooth and proper sending and accepting specified skilled workers (in particular the elimination of malicious intermediary organizations and illegal activities relating to specified skilled workers) 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

(2) For Viet Nam:

Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs

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. Information-sharing and cooperation

(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 includes information on the following acts of intermediary organizations in both countries which involve in recruiting and sending and accepting specified skilled workers to Japan:

- (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;
- (e) Collecting fees or other expenses from specified skilled workers and candidates, which are not allowed by the laws and regulations of the respective country, or those without indicating the calculation basis of the expense and making

them understand the amount and breakdown of the expense or collecting fees from specified skilled workers and candidates without reporting clearly and fully to the Ministries and Agencies of Both Countries; and

- (f) Other activities against the laws and regulations of both countries pertaining to recruiting and accepting Vietnamese specified skilled workers.

(2) Cooperation in solving arising problems and 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 solve 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 acts illustrated in 4 (1) 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 improper enterprises providing overseas employment service in Viet Nam;
- (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;
- (f) Issues related to cooperation to prevent Vietnamese nationals from obtaining the status of residence of “Student” for the purpose of working in Japan;
- (g) Issues related to types of jobs and areas; and
- (h) 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 (g) above.

5. Cooperation in skill exams and Japanese language proficiency tests

- (1) 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 prepare the content and have consent with the Ministry of Viet Nam to the plan (including, but not limited to, time, locations and fees) related to conducting the skill exams and Japanese language proficiency tests of the specified skilled workers (hereinafter referred to as “exams and tests”) in Viet Nam.

- (2) The Relevant Ministries and Agencies of Japan will provide the Ministry of Viet Nam with the list of candidates to attend the exams and tests and the list of candidates who passed the exams and tests.
- (3) The Ministry of Viet Nam will send its staff to supervise the exams and tests if necessary, and cooperate within its capability when receiving requests from the Relevant Ministries and Agencies of Japan relating to the exams and tests conducted in Viet Nam.
- (4) Information on the exams and tests and application for attending these exams and tests will be posted on the website of the Embassy of Japan in Viet Nam with the consent of the Ministry of Viet Nam.
- (5) In case of detecting any violating acts in the exams and tests, such as, proxy test-taking, the forgery or alteration of documents certifying passing of the exams and tests or other wrongful acts, the Ministries and Agencies of Both Countries will share these information as set out in this Memorandum of Cooperation for resolution.

6. 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 Vietnamese specified skilled workers in accordance with the relevant laws and regulations of Japan:

- (1) To accept only those Vietnamese specified skilled workers who had completed necessary procedures in accordance with the relevant laws and regulations of Viet Nam, and have been listed on the Recommendation List approved by the Ministry of Viet Nam described in 7 (7) and 7 (8) of this Memorandum of Cooperation including:
 - (a) Those who are sent by permitted Vietnamese organizations by the Ministry of Viet Nam to provide overseas employment service (hereinafter referred to as “sending organizations”);
 - (b) Those who are currently residing in Japan and have been recruited directly by accepting organizations to work as specified skilled workers, including the following:
 - (i) Those who are exempted from the exams and tests, including Vietnamese technical intern trainees who have completed the Technical Intern Training Program (ii) or (iii); and
 - (ii) Vietnamese students who have graduated from school to earn a degree completing at least a 2-year course in Japan and applied for changes of their status of residence to “Specified Skilled Worker” after passing the exams and tests;

- (2) To include in the guidelines principle on cost sharing by the accepting organizations relating to Japanese language education, skill training, travelling expenses including costs to return to Viet Nam after the termination of the employment contract of the specified skilled workers and other necessary expenses for sending specified skilled workers taking into account of regulations of Viet Nam;
- (3) When receiving from the Ministry of Viet Nam the information on a sending organization that intends to send specified skilled workers to Japan, to make such information publicly available in Japan;
- (4) When receiving from the Ministry of Viet Nam the information on the revocation of an approval of a sending organization, to make such information publicly available in Japan;
- (5) To notify the Ministry of Viet Nam of an improvement order (including the results of investigations which are the bases of the improvement order) to an accepting organization when making such an order and to share the list of registered supporting organizations to the Ministry of Viet Nam;
- (6) To ensure that accepting organizations will provide support pertaining to securing an appropriate residence for specified skilled workers during their stay in Japan with the status of residence of “Specified Skilled Worker (i)”. Pertaining to the costs specified skilled workers pay regularly with regard to their residence, to prohibit accepting organizations from charging specified skill workers more than actual costs;
- (7) When informed by the Ministry of Viet Nam about any registered supporting organizations or accepting organizations which have wrongful acts as set out in 4(2), to investigate, have necessary resolution and inform the results to the Ministry of Viet Nam;
- (8) To ban those Vietnamese nationals residing in Japan who fall under disqualifying conditions such as expelled or removed students, disappeared technical intern trainees or those who are applying for the status of refugee, from taking skill exams conducted in Japan;
- (9) To provide necessary information when receiving inquiries from the Ministry of Viet Nam in relation to the acceptance of the specified skilled workers from Viet Nam;
- (10) In relation to Vietnamese students’ change of status of residence to Specified

Skilled Worker, to take appropriate measures including strict examination of educational institutions in order to prevent misuse of the student program for the purpose of working in Japan, from the standpoint of respecting basic human rights; and

- (11) Not to accept Vietnamese specified skilled workers who had not completed necessary procedures in accordance with the regulations of Viet Nam including those related to forbidden jobs and areas.

7. Commitments of the Ministry of Viet Nam

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

- (1) To examine whether or not Vietnamese sending organizations meet relevant standards for sending specified skilled workers and to give approval when sending organizations are considered to meet the standards. Not to permit sending organizations to send Vietnamese specified skilled workers to accepting organizations which conducted improper acts against laws and regulations of Viet Nam, including asking or receiving kick back money, air ticket, hotel charge, or entertainment from sending organizations or workers in return for recruiting Vietnamese specified skilled workers, or sending Vietnamese specified skilled workers to work in forbidden jobs and areas according to regulations of Viet Nam;
- (2) To make the names and other information of sending organizations publicly available when the approval set out in (1) above are given, and to provide the Ministries and Agencies of Japan with the information on the sending organizations;
- (3) When informed by the Ministries and Agencies of Japan that a sending organization seems to have exercised activities inconsistent with standards or other improper activities, to conduct inspection over the sending organization in question, to provide necessary guidance and supervision, and then to inform the results to the Ministries and Agencies of Japan;
- (4) When informed by the Ministries and Agencies of Japan of their improvement order to an accepting organization or the list of registered supporting organizations, to make such information publicly available in Viet Nam;
- (5) To provide guidance to sending organizations in order to select and send Vietnamese specified skilled workers in an appropriate manner, to revoke an approval when the Ministry of Viet Nam considers that a sending organization no longer meets standards, and to notify the results to the Ministries and Agencies

of Japan;

- (6) To issue relevant regulations which specifically stipulates the fees and costs described in 6 (2) or propose the competent authorities of Viet Nam to issue such regulations;
- (7) To issue the Recommendation List as described in Attachment 1 so that the Vietnamese candidates of specified skilled workers can complete the procedure to apply for the status of residence of “Specified Skilled Worker” at the competent authorities in Japan;
- (8) To instruct Vietnamese Labour Management Section in Japan to receive the reports for changes of status of residence to “Specified Skilled Worker” and issue Recommendation List as described in the Attachment2 for those as stated in 6 (1) (b); and
- (9) To provide necessary information when receiving inquiries from the Ministries and Agencies of Japan in relation to sending the specified skilled workers from Viet Nam.

8. Rights of specified skilled workers

Specified skilled workers residing in Japan have rights under immigration, labor and other relevant laws and regulations of Japan including rights related to 6 (2) and 6 (6) of this Memorandum of Cooperation.

9. Language, commencement, duration and termination

This Memorandum of Cooperation was signed in duplicate in English at Hanoi, on the 20th of May, 2019 and at Tokyo, on the 16th of May, 2019. The cooperation under this Memorandum of Cooperation is conducted in five continuous years starting from the date of the latter signature and will automatically extend for another period of five years if none of the Ministries and Agencies of Both Countries inform the Ministry or Agency of the other country of its intention to terminate this Memorandum of Cooperation at least sixty days before the expiry date. In case either of the Ministries and Agencies of Both Countries wishes to terminate this Memorandum of Cooperation before the end of the five-year period, it will inform the Ministries and Agencies of the other country by writing at least ninety days before the date of termination.

The contents of this Memorandum of Cooperation will be modified or supplemented as necessary with written consent from the Ministries and Agencies of Both Countries.

For the Ministry of Justice of Japan

For the Ministry of Labour, Invalids
and Social Affairs of Viet Nam

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

LIST OF SPECIFIED SKILLED WORKERS

1. Information of Vietnam Licensed Enterprise Providing Overseas Employment Service:

Name:

License No.:

Name of Representative:

Address:

Tel

Fax:

2. Information of Japanese Accepting Organization:

Name:

License No.:

Name of Representative:

Address:

Tel

Fax:

3. Labor Term: year from..... to.....

4. Information of Specified Skilled Workers:

Specified Skilled Workers No.1

Specified Skilled Workers No.2

No.	Name	Date of Birth	Gender	Passport No.	Occupation	Estimated departure date

This letter of recommendation shall be valid for 01 year from the date of signing.

Date month year

Approved by Department of Overseas Labour – Dolab
Division for Japan, Southeast Asia
(signature and stamp)

LIST OF SPECIFIED SKILLED WORKERS

1. Information of Registered Supporting Organization:

Name:

License No.:

Name of Representative:

Address:

Tel

Fax:

2. Information of Japanese Accepting Organization:

Name:

License No.:

Name of Representative:

Address:

Tel

Fax:

3. Labor Term: year from..... to.....

4. Information of Specified Skilled Workers:

Specified Skilled Workers No.1

Specified Skilled Workers No.2

No.	Name	Date of Birth	Gender	Passport No.	Status of residence before (*)	Occupation

(*)Please specify the status of residence's information before changing to specified skilled workers.

This letter of recommendation shall be valid for 01 year from the date of signing.

Date month year

Approved by Vietnamese Labour Management Section in Japan
(signature and stamp)