

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, EMPLOYMENT AND SOCIAL SECURITY OF
THE GOVERNMENT OF NEPAL
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, Employment and Social Security of the Government of Nepal (hereinafter referred to as “MoLESS”) 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 MoLESS (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 Nepal, by means of establishing a basic framework for information partnership 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, 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 Nepal:

Employment Management Division, MoLESS

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 all the organizations (including both individuals and corporations) in both countries involved in recruitment and job seeking relating to specified skilled workers and on those that fall in 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 unlawful monetary charges 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 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 purposes set forth in 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 the recruitment process for specified skilled workers and costs needed in such process (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 activities of the concerned organizations in Nepal;
- (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

(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 properly conduct skill exams and tests to measure Japanese language proficiency of the specified skilled workers. If the

MoLESS and the ministry related to the tests (hereinafter referred to collectively as “Relevant Ministries of Nepal”) are requested by the Relevant Ministries and Agencies of Japan to cooperate in the implementation of the 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 Nepal will comply with the request to the extent possible.

(2) MoLESS will designate a unit under the Department of Foreign Employment, which manages the overall recruitment process and facilitates Relevant Ministries and Agencies of Japan to conduct the skill exams and tests to measure Japanese language proficiency of the specified skilled workers.

(3) In case the Relevant Ministries and Agencies of Japan and the Relevant Ministries of Nepal 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.

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 Nepal 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 the 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 relevant Ministry of Nepal will make efforts to take the necessary procedures together with the Embassy of Nepal 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 Nepal.

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.

The cooperation under this Memorandum of Cooperation will commence on the 1st day of April, 2019 and continue for a period of five years. The duration of this Memorandum of Cooperation will be renewed for further periods by mutual consent.

8. Language and others

This Memorandum of Cooperation was signed in duplicate in English at Tokyo, on 20th day of March, 2019, and at Kathmandu, on 25th day of March, 2019.

For the Ministry of Justice of Japan

For the Ministry of Labour,
Employment and Social Security of
Nepal

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