

MEMORANDUM OF COOPERATION
BETWEEN
THE GOVERNMENT OF REPUBLIC OF INDIA
AND
THE GOVERNMENT OF JAPAN
ON
A BASIC FRAMEWORK FOR PARTNERSHIP
FOR
PROPER OPERATION OF THE SYSTEM PERTAINING TO
"SPECIFIED SKILLED WORKER"

The Government of Republic of India and the Government of Japan 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 Government of Republic of India and the Government of Japan (hereinafter referred to collectively as the "Governments 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 India, 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 Governments of both Countries will designate respectively the following contact points for both countries.

(1) For India:

(a) Overseas Indian Affairs Division-I, Ministry of External Affairs is the main focal point of overall implementation of the cooperation under this Memorandum of Cooperation; and

(b) IC Wing, Ministry of Skill Development and Entrepreneurship for the focal point regarding skill exams and tests to measure Japanese language proficiency of specified skilled workers (hereinafter referred to collectively as “exams and tests”)

(2) For Japan:

Policy Planning Division, Immigration Services Agency

3. Framework of cooperation and implementation

(1) Cooperation under this Memorandum of Cooperation will be conducted within the scope of the laws and regulations in force in each country. The Government of one country will not disclose the confidential information of the Government of the other country, obtained through cooperation and information-sharing within the framework of this Memorandum of Cooperation, without written consent of the Government of the other country.

(2) With respect to implementation of this Memorandum of Cooperation:

(a) The competent authorities from the Government of Republic of India are the Ministry of External Affairs and the Ministry of Skill Development and Entrepreneurship; and

(b) The competent authorities from the Government of Japan are the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan.

4. Basic framework for information partnership

(1) Information-sharing

The Governments 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 are involved in recruitment and job seeking relating to specified skilled workers (hereinafter referred to as "intermediary organizations for 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 Governments of both Countries will establish a Joint Working Group, comprising officials from both the Governments, dealing with sending and accepting specified skilled workers, to discuss any matter arising from the implementation of this Memorandum of Cooperation and operational details that the Governments of both Countries will

follow. The Joint Working Group 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 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)" in order to engage in their activities under the status of residence stably and smoothly) and for the improper sending organizations in India;

(d) Issues related to proper implementation of exams and tests, to the extent of the decision of the Government of Japan (which includes the ministries and agencies in charge of accepting specified skilled workers in paragraph 5);

(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 the exams and tests

The Government of Japan will properly conduct the exams and tests to the extent of the decision of the Government of Japan. If the Government of Republic of India is requested by the Government 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 in which the Government of Japan are involved, the Government of Republic of India will cooperate in response to the request to the extent possible.

In addition, if the Governments of both Countries 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 paragraph 4 (1).

6. Others

If the Government 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 Government of Japan will appropriately deal with the issues on residence of the specified skilled workers from India 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 no longer meet the conditions for legal residence in Japan, the Ministry of External Affairs of the Government of Republic of India will make efforts to take the necessary procedures together with the Embassy of India in Japan, such as the issuance of temporary passports, in order to ensure their smooth return to India, on the basis of such request received from the Government of Japan.

7. Review of the framework

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. Dispute resolution

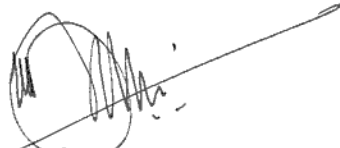
Any dispute or difference relating to interpretation or application of this Memorandum of Cooperation will be resolved amicably between the Governments of both Countries through negotiation and consultation without resorting to third parties or forums.

9. Terms and termination

This Memorandum of Cooperation will commence on the date of its signature and will continue for a period of ten years, which will be automatically renewed for the same period, unless terminated by a written notice to the Government of the other country indicating such intent, not later than ninety days before the desired termination date. Unless otherwise accepted, the persons who are already staying in Japan by virtue of this Memorandum of Cooperation will not be affected by such premature termination.

This Memorandum of Cooperation was signed in duplicate in English, at New Delhi, on 18 January 2021.

FOR THE GOVERNMENT
OF REPUBLIC OF INDIA



Harsh Vardhan Shringla

Foreign Secretary

FOR THE GOVERNMENT
OF JAPAN



Satoshi Suzuki

Ambassador Extraordinary and
Plenipotentiary