

MEMORANDUM OF COOPERATION
ON
THE TECHNICAL INTERN TRAINING PROGRAM
BETWEEN
THE MINISTRY OF JUSTICE, THE MINISTRY OF FOREIGN AFFAIRS AND
THE MINISTRY OF HEALTH, LABOUR AND WELFARE OF JAPAN
AND
THE MINISTRY OF LABOUR OF THE KINGDOM OF THAILAND

The Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Health, Labour and Welfare of Japan (hereinafter referred to collectively as “the Ministry of Japan”) and the Ministry of Labour of Thailand (hereinafter referred to as “the Ministry of Thailand”) shared the view that the purpose of the Technical Intern Training Program is to transfer technical skills, techniques and knowledge (hereinafter referred to as “technical skills, etc.”) to Thailand, to contribute to the human resource development by which the development of the economy of Thailand would be led and thus to promote international cooperation. Based on this view, the Ministry of Japan and the Ministry of Thailand (hereafter referred to collectively as “both Ministries”) have decided as follows in order to adequately advance the Technical Intern Training Program.

1 Purpose

The purpose of this Memorandum of Cooperation (hereinafter referred to as “this Memorandum”) is to transfer technical skills, etc. from Japan to Thailand appropriately and smoothly through the Technical Intern Training Program by setting out the responsibilities between both Ministries to send and accept technical intern trainees and thus to promote international cooperation.

2 Responsibilities of the Ministry of Japan

The Ministry of Japan, in cooperation with the Embassy as well as the Consulate-General of Japan in Thailand, if considered appropriate, will carry out the following responsibilities related to the acceptance of technical intern trainees from Thailand, after commencement of cooperation under this Memorandum, in accordance with the relevant laws and regulations of Japan:

(1) When the Ministry of Japan receives the information from the Ministry of Thailand on a sending organization that intends to send technical intern trainees to Japan (hereinafter referred to as “Sending Organization”) and has been approved by the Ministry of Thailand to meet Sending Organization’s Approving Standards for Sending Organizations described in Attachment 1 (hereinafter respectively referred to as “Approving Standards” and “Approved Sending Organization”), to make such information publicly available in Japan;

(2) To accept only those technical intern trainees of Thailand who are sent by Approved Sending Organizations. However, the Ministry of Japan may not accept technical intern trainees of Thailand in case that a technical intern training plan related to the technical intern trainee is not approved and so forth, even if they are sent from Approved Sending Organizations;

(3) To substitute an approval to a Sending Organization by the Ministry of Thailand for the letter of recommendation for the Sending Organization, provided that the Ministry of Thailand completes procedures for the approval of Sending Organizations and provides the Ministry of Japan with a full list of Approved Sending Organizations;

(4) Not to require the letter of recommendation for Technical Intern Trainee by public authorities after receiving a full list of Approved Sending Organizations, on the condition that the Ministry of Japan receives the Certificate described in Attachment 3;

(5) When the Ministry of Japan receives from the Ministry of Thailand the information on the revocation of an approval of Approved Sending Organization, to make such information publicly available in Japan;

(6) To notify the results to the Ministry of Thailand, when the Ministry of Japan takes administrative measures against a supervising organization by revoking the license, issuing an order for suspension of operation or issuing an order for improvement in accordance with Article 36 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as “the Act”), or administrative measures against Implementing Organization by revoking accreditation of Technical Intern Training Plan or issuing an order for improvement in accordance with Article 15 of the Act; and

(7) To provide necessary information when the Ministry of Japan receives inquiries from the Ministry of Thailand pertaining to issues such as status of implementation of the Technical Intern Training Program, any revisions of the program or any additions of the occupations covered by the Program.

3 Responsibilities of the Ministry of Thailand

The Ministry of Thailand, in accordance with the relevant laws and regulation of Thailand, will carry out the following responsibilities with regard to sending technical intern trainees:

(1) To ensure that the recommendation, which is made by a public authority on a Sending Organization that is considered to have the ability to properly coordinate the applications of the technical intern trainees for the supervising-organization-type of the Technical Intern Training Program to supervising organizations in Japan (the recommendation stipulated in paragraph 1, Article 25 of the Ordinance for Enforcement of the Act), may not be made by any public authorities other than the Ministry of Thailand;

(2) To examine whether or not Sending Organizations that intend to send technical intern trainees to Japan meet Approving Standards, and to give approvals when Sending Organizations are considered to meet Approving Standards;

(3) To make the names and other information of Sending Organizations in Thailand publicly available when the approvals set out in the previous paragraph are given. To provide the Ministry of Japan with the information on Sending Organizations in the form specified in Attachment 2, and to continue issuing the letter of recommendation for Sending Organizations which the Ministry of Thailand considers appropriate to send technical intern trainees to Japan until the Ministry of Thailand provides the Ministry of Japan with a full list of Approved Sending Organizations;

(4) When the Ministry of Thailand is informed by the Ministry of Japan that an Approved Sending Organization seems to have exercised activities inconsistent with Approving Standards or other improper activities, to conduct investigations over the Approved Sending Organization in question, to provide necessary guidance and supervision, and then to report the results to the Ministry of Japan;

(5) To provide guidance to Approved Sending Organizations in Thailand in order to select and send technical intern trainees in an appropriate manner, to revoke an approval when the Ministry of Thailand considers that an Approved Sending Organization no longer meets Approving Standards, and to notify the results to the Ministry of Japan; and

(6) To provide the Ministry of Japan with information required, when the Ministry of Thailand receives inquiries from the Ministry of Japan pertaining to guidance and supervision records exercised over Approved Sending Organizations, records related to Approval of Sending Organizations, matters related to the type of job categories in demand for technical transfer in Thailand and so forth.

4 Designation of Contact Point

Both Ministries will designate respectively the following contact points related to communications and coordination between both countries in order to effectively implement the activities under this Memorandum.

(1) For Japan, the International Affairs Department of Organization for Technical Intern Training. For modification and supplementation of this Memorandum and desire to terminate the cooperation under this Memorandum, the Entry and Status Division of the Immigration Bureau, the Ministry of Justice and the Office of Counselor for Overseas Human Resources Development, the Ministry of Health, Labour and Welfare.

(2) For Thailand, the Department of Employment, the Ministry of Labour. The Department may delegate a part of the work related to this Memorandum to the Office of Labour Affairs, Royal Thai Embassy in Japan.

5 Settlement of Issues

Both Ministries will consult with respect to the implementation of activities under this Memorandum or issues arising in relation to the implementation, including occurrences of technical intern trainees' disappearances and deportations of illegally staying technical intern trainees, and will settle such issues amicably and in close cooperation, through diplomatic channels as deemed appropriate, with each country's relevant ministries and agencies. In terms of protecting technical intern trainees of Thailand in Japan, the Organization for Technical Intern Training will cooperate with the Office of Labour Affairs, Royal Thai Embassy in Japan through an on-site inspection, a native language consultation hotline, a support system enabling changes of training site and a framework to provide a temporary shelter to technical intern trainees.

6 Implementation within the Scope of Laws and Regulations

Cooperation under this Memorandum will be conducted within the scope of the laws and regulations in force in each country. Both Ministries will not disclose confidential information obtained from the other Ministry through cooperation and exchange of information within the framework of this Memorandum without the written consent from the other Ministry.

7 Information Sharing and Consultation

Both Ministries will hold periodic meetings for sharing information on the Technical Intern Training Program under this Memorandum. Both Ministries will consult from time to time, as necessary. Both Ministries will consult through diplomatic channels as deemed appropriate.

8 Miscellaneous

(1) Cooperation under this Memorandum will commence from the date of its signature.

(2) Cooperation under this Memorandum will continue for a period of five years from the date of its signature and will be extended automatically for additional five years unless there is a written notice by either Ministry not to extend it sixty days in advance of the termination date. In case that either Ministry wishes to terminate the cooperation based on this Memorandum before the end of the five-year period mentioned above, the cooperation may be terminated by a written notice to the other Ministry indicating such intent, not later than ninety days before the desired termination date.

(3) The content of this Memorandum will be modified or supplemented as necessary with written consent from both Ministries.

This Memorandum is made in English, signed on 27 March in 2019 in Tokyo.

For the Ministry of Justice of Japan

**For the Ministry of Labour
of the Kingdom of Thailand**

**For the Ministry of Foreign Affairs of
Japan**

**For the Ministry of Health, Labour and
Welfare of Japan**

Approving Standards for Sending Organizations

1 A Sending Organization must meet all of the following standards.

- (1) To appropriately select and send to Japan only those who are motivated to engage in technical intern training with the understanding of the objectives of the Technical Intern Training Program and contribute to the economic development of Thailand by making use of the achievement through the technical intern training after returning to Thailand.
- (2) To clearly specify the calculating criteria of commissions and any other fees to be collected from 'technical intern trainees and/or technical intern trainee candidates' (hereinafter referred to as "trainees and candidates") and make the criteria publicly available, and to explain the detail of such commissions and other fees to trainees and candidates in order to obtain their understanding sufficiently.
- (3) To provide the technical intern trainees who returned to Thailand after completing the technical intern training with necessary support, such as finding occupations in order for them to appropriately utilize the acquired technical skills, etc.
- (4) With respect to the appropriate implementation of the Technical Intern Training Program as well as the protection of technical intern trainees, to respond the requests from the Minister of Justice of Japan, the Minister of Health, Labour and Welfare of Japan or the Organization for Technical Intern Training. Such requests include cooperation on follow-up surveys on the technical intern trainees who returned to Thailand after completing the technical intern training.
- (5) As for the Sending Organization and its board members, if they had been sentenced to imprisonment or more severe penalty in Japan or in Thailand, at least five years have elapsed after the penalty had been completed or the penalty has been exempted from the execution.
- (6) To carry out any projects in accordance with the laws and regulations of Thailand.
- (7) As for the Sending Organization and its board members, to have never conducted any of the following acts within the preceding five years:
 - (a) In connection with technical intern training, managing money or other properties of trainees and candidates, their relatives or other persons concerned, regardless of any reasons such as collecting deposits 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 in relation to technical intern training;
 - (c) Human rights infringements against trainees and candidates such as assaults, intimidations, and restrictions of freedom; and

- (d) With regards to the procedures of the Technical Intern Training Program as well as the immigration program in Japan, to use or provide forged, altered or false documents, pictures or drawings with the intention of obtaining permissions fraudulently.
- (8) In coordinating applications for technical intern training to supervising organizations in Japan, to confirm with technical intern trainee candidates that trainees and candidates, their relatives or other persons concerned have never been involved in the acts set out in (a) and (b) of (7).
- (9) Acknowledging the importance of addressing disappearance of technical intern trainees, to cooperate with Japanese supervising organizations and to make efforts in order to prevent technical intern trainees from disappearing.
- (10) To have other necessary capacities to appropriately coordinate applications for technical intern training to supervising organizations in Japan.

2 In terms of approving Sending Organizations in Thailand, the Ministry of Thailand will commence the procedure from 27 March 2019 and provide full list of Approved Sending Organizations for the Ministry of Japan by 1 August 2019. The Ministry of Japan will accept only those technical intern trainees who are sent by Thai Approved Sending Organizations on the list from 1 Feb 2020.

Date : _____

Outline of Approved Sending Organization

Name of Organization : _____

Name of Representative : _____

Address : _____

TEL : _____ FAX : _____

Email : _____

URL: _____

Date of establishment : _____

Date of approval (Duration) : _____ (Valid until : _____)

Type of industry and main business : _____

Capital : _____

Yearly sales figure (the most recent year) : _____

Number of full-time employees (the number of employees involved in sending work) : _
(_____)

Name of person in charge of training : _____

(position) _____

(Address) _____

(TEL) _____ (FAX) _____

(Email) _____

Contact point in Japan

(Name) _____

(Name of representative (In the case of a company/organization)) _____

(Address) _____

(TEL) _____ (FAX) _____

(Email) _____

Date:

Certificate

The Ministry of Labour of Thailand (hereinafter referred to as “the Ministry”) hereby recognizes that the technical intern trainees who will be sent to Japan by Approved Sending Organizations* are appropriate to engage in technical intern training, excluding those recognized inappropriate by the Ministry, and so notifies the Japanese contact point designated in (1) of 4 of the Memorandum of Cooperation on the Technical Intern Training Program separately.

* The term Approved Sending Organization means the sending organization which is approved by the Ministry.

Ministry of Labour of Thailand

(Signature)