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, INVALIDS AND SOCIAL AFFAIRS OF VIET NAM

The Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Health, Labour and Welfare of Japan (hereinafter referred to as "the Ministry of Japan") and the Ministry of Labour, Invalids and Social Affairs of the Socialist Republic of Viet Nam (hereinafter referred to as "the Ministry of Viet Nam") 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 Viet Nam, to contribute to the human resource development of Viet Nam, to promote the Japan-Viet Nam Extensive Strategic Partnership for Peace and Prosperity in Asia for the benefits of both countries and to promote international cooperation. Based on this view, the Ministry of Japan and the Ministry of Viet Nam 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 "MOC") is to transfer technical skills, etc. from Japan to Viet Nam appropriately and smoothly through the Technical Intern Training Program by setting out the responsibilities of the Ministry of Japan and the Ministry of Viet Nam to send and accept technical intern trainees and thus to promote international cooperation.

2. Contact Points

In order to implement effectively the activities within MOC, the two countries' Ministries designate respectively the contact points as follows:

(1) Contact point of Japan:

The main contact point of Japan is the Organization for Technical Intern Training (OTIT). The contact point for modification, supplementation or termination of MOC is the Immigration Bureau, Ministry of Justice and the Human Resources Development Bureau, Ministry of Health, Labour and Welfare.

(2) Contact point of Viet Nam:

Department of Overseas Labour (hereinafter referred to as "DOLAB"), Ministry of Labour, Invalids and Social Affairs.

3. Cooperation Framework

The cooperation under MOC will be conducted within the scope of the laws and regulations in force in each country. One side will not disclose confidential information of the other side obtained through the cooperation and information exchange within the framework of MOC without the written consent of the other side.

4. Cooperation Mechanism

The Ministry of Japan and the Ministry of Viet Nam will exchange information and cooperate with each other as follows for the appropriate implementation of the Technical Intern Training Program. In appropriate cases (including emergencies, crisis or disasters, etc.), the Ministries of both countries, through the diplomatic mission, will exchange information, solve arising problems and supervise the implementation of activities relating to the Technical Intern Training Program:

(1) Consultation, information exchange and processing

The Ministry of Japan and the Ministry of Viet Nam regularly exchange information on the implementation of policies and changes of policies of the two countries relating to the Technical Intern Training Program. The information exchange will be conducted through written documents and annual meetings;

(2) Problems solving

The Ministry of Japan and the Ministry of Viet Nam will consult each other in implementing activities under MOC, cooperate with each other in solving arising problems (including but not limitted to disappeared trainees, overstaying trainees and violations of laws and regulations of two countries by Vietnamese Sending Organizations, Japanese Supervising Organizations and Japanese Implementing Organizations), and settle such issues amicably and in close cooperation, through diplomatic missions as deemed appropriate, with each country's relevant ministries and agencies; and

(3) Violations of laws and regulations by Japanese Supervising Organizations and Vietnamese Sending Organizations

In order to ensure that the Technical Intern Training Program is conducted in conformity with laws and regulations, the Ministry of Japan and the Ministry of Viet Nam coordinate with each other to supervise and handle violations of laws and regulations of the two countries in the Technical Intern Training Program by Japanese Supervising Organizations and Vietnamese Sending Organizations.

5. Responsibilities of each Ministry

(1) Responsibilities of the Ministry of Japan

(i) To cooperate with the Embassy of Japan and the Consulate General of Japan in Viet Nam and the Ministry of Viet Nam in implementing the Technical Intern Training Program;

(ii) When the Ministry of Japan receives the information from the Ministry of Viet Nam on a sending organization that intends to send technical intern trainees to Japan and has been approved by the Ministry of Viet Nam to meet Sending Organization's Approving Standards described in Attachment 1 (hereinafter respectively referred to as "Approving Standards" and "Vietnamese Approved Sending Organization"), to make such information publicly available in Japan;

(iii) To consider only the documents as described in Attachment 6 and accredit the technical intern training plan for trainees on the list approved by DOLAB, which is the agency assigned by the Ministry of Viet Nam, as described in Attachment 3 of MOC;

(iv) To inform the Ministry of Viet Nam on trainees who are not accepted to enter Japan due to refusal of their intern plan;

(v) When the Ministry of Japan receives from the Ministry of Viet Nam the information on the revocation of approval of Vietnamese Approved Sending Organizations, to make such information publicly available in Japan;

(vi) In accordance with the license standards for Japanese Supervising Organizations described in Attachment 4 and with the accreditation standards for technical intern training plans described in Attachment 5, to conduct business relating to the license and the accreditation in an appropriate manner;

(vii) To take appropriate measures including revocation of license when a supervising organization commits an act which falls under any of the items described in Attachment 7;

(viii) When informed by the Ministry of Viet Nam about the behaviors of Japanese Supervising Organization which are not in conformity with the licensing standards described in Attachment 4 of MOC or other improper activities of the supervising organization, to investigate, instruct, supervise and handle the organization and then to report the result to the Ministry of Viet Nam.

(ix) When informed by the Ministry of Viet Nam about the actual condition which is not in conformity with the accreditation standards described in Attachment 5 of MOC or is different from the accredited plan, to investigate, instruct or supervise the Japanese Implementing Organizations, take appropriate measures and then report the results to the Ministry of Viet Nam;

(x) To take appropriate measures including revocation of accreditation of a technical intern training plan which falls under any of the items described in Attachment 8 (including the case that only the Japanese Supervising Organization or Japanese Implementing Organization violates the standards described in Attachment 9 of MOC);

(xi) To provide the Ministry of Viet Nam with the list of licensed Japanese Supervising Organizations;

(xii) When the Ministry of Japan takes administrative measures against a Japanese Supervising Organization by revoking the license or issuing an order for suspension of operation and 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 a Japanese Implementing Organization by revoking an accreditation of technical intern training plan or issuing an order for improvement in accordance with Article 15 of the Act, to notify the results to the Ministry of Viet Nam;

(xiii) To inform the Ministry of Viet Nam about the violations by Vietnamese Approved Sending Organizations and Japanese Supervising Organizations for taking appropriate measures against those violations.

(xiv) To protect rights and legitimate benefits of Vietnamese technical intern trainees during their stay in Japan;

(xv) To provide neccessary information at the request of the Ministry of Viet Nam for the purpose of checking information on the implementation of the Technical Intern Training Program, the relating information on the assessment, modification of the Technical Intern Training Program and additions of occupations for technical intern trainees;

(xvi) To accept only those technical intern trainees of Viet Nam who are sent by Vietnamese Approved Sending Organizations after the commencement of cooperation under MOC. However, Japan may not accept technical intern trainees of Viet Nam in case that a technical intern plan related to the technical intern trainee is not approved and so forth, even if they are sent from Vietnamese Approved Sending Organizations;

(xvii) To substitute approval of a Vietnamese Sending Organization by the Ministry of Viet Nam for the recommendation on a Vietnamese Sending Organization by a public authority of Viet Nam after the commencement of cooperation under MOC; and

(xviii) To require submission of the documents described in Attachment 3 and 6, which should be prepared by Vietnamese Approved Sending Organizations and technical intern trainees, in carrying out examinations of applications for the license and accreditation.

(2) Responsibilities of the Ministry of Viet Nam

(i) To cooperate with the Embassy of Viet Nam and the Consulates General of Viet Nam in Japan and the Ministry of Japan in implementing the Technical Intern Training Program;

(ii) To ensure that the recommendation, which is made by a public authority on a Vietnamese 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 Japanese Supervising Organizations (the recommendation stipulated in paragraph 1, Article 25 of the Ordinance for Enforcement of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees) may not be made by any public authorities other than the Ministry of Viet Nam;

(iii) To check whether or not Vietnamese Sending Organizations that intend to send technical intern trainees to Japan meet the Approving Standards and to give approval when the Vietnamese Sending Organizations are considered to meet the Approving Standards;

(iv) To make the names and other information of the Vietnamese Approved Sending Organizations publicly available and to provide the Ministry of Japan with the information on the Vietnamese Approved Sending Organizations in the form described in Attachment 2;

(v) To approve the trainee list described in Attachment 3 in order for the Ministry of Japan to consider the accreditation of technical intern training plans;

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

(vii) When the Ministry of Viet Nam is informed by the Ministry of Japan that an Vietnamese Approved Sending Organization seems to have exercised activities inconsistent with Approving Standards or other improper activities, to investigate, instruct, supervise over the Vietnamese Approved Sending Organization in question, and then report the results to the Ministry of Japan;

(viii) To instruct, manage and supervise the operation of Vietnamese Approved Sending Organizations and take appropriate sanctions toward Vietnamese Approved Sending Organizations which violate regulations described in Attachment 1 of MOC;

(ix) To cooperate on follow-up surveys conducted by the Ministry of Japan concerning the situation of utilization of acquired technical skills, etc. after the technical intern trainees return to Viet Nam, by, in particular, providing guidance to Vietnamese Approved Sending Organizations in order to obtain accurate feedbacks from as many as those former technical intern trainees; and

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

6. Trainees under Individual Enterprise Type Technical Intern Training

The provisions of 1 to 3, 4 (except for (3)), (i), (vi) (except for those concerning Japanese Supervising Organizations), (ix), (x) (except for those concerning Japanese Supervising Organizations), (xii) (except for those concerning Japanese Supervising Organizations), (xiv) and (xv) of (1), and (i), (ix) (except for those concerning Japanese Supervising Organizations) and (x) of (2) of 5, and 7 of MOC will also be applied to Individual Enterprise Type Technical Intern Training.

Individual Enterprise Type Technical Intern Training refers to training, as described in Attachment 10, where a foreign national who is an employee of an oversea establishment of a Japanese public or private organization or a foreign national who is an employee of a foreign public or private organization that has a close relationship with a Japanese public or private

organization engages in activities relating to skills, etc. under an employment contract with such Japanese public or private organization.

7. Commencement, Termination and Language

The cooperation under MOC is conducted in 5 continuous years starting from the 1st November 2017 and will automatically extend 5 more years if none of the Ministries informs the other Ministry of its intention to terminate MOC at least 60 days before the expiry date. In case either Ministry wishes to terminate MOC before the end of the 5 year period, it will inform the other Ministry by writing at least 90 days before the date of termination. However, the termination of MOC will not affect the activities being conducted under the framework of MOC.

The contents of MOC will be modified or supplemented as necessary with written consent from both Ministries.

MOC is made in English, signed on the 6th June, 2017 in Tokyo, Japan.

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

Attachment 1

Approving Standards for Vietnamese Sending Organization
(Company sending Vietnamese technical intern trainees to Japan)

I. Vietnamese Sending Organizations must meet all of the following standards to be approved to send technical intern trainees to Japan:

(1) To have a license on sending Vietnamese workers to work abroad under contract issued by the Ministry of Viet Nam and have sufficient ability to send Vietnamese technical intern trainees to Japan;

(2) To appropriately select and send to Japan only those who are motivated to engage in technical intern training with the understanding the objectives of the Technical Intern Training Program and contribute to the economic development of Viet Nam by making use of the achievement through the technical intern training after returning to Viet Nam;

(3) 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;

(4) To cooperate with Japanese Supervising Organizations in managing Vietnamese technical intern trainees in Japan and providing them with necessary support, such as finding occupation in order for them to appropriately utilize the acquired technical skills, etc. after they return to Viet Nam;

(5) 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 Viet Nam after completing the technical intern training;

(6) As for the Vietnamese Sending Organization and its board members, if they had been sentenced to imprisonment or more severe penalty in Japan or in Viet Nam, at least five years have elapsed after the penalty had been completed or the penalty has been exempted

from the execution;

(7) To carry out any projects in accordance with the laws and regulations of Viet Nam;

(8) As for the Vietnamese 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, administering 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 against laws and regulations of both countries;
(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.

(9) As for the Vietnamese Sending Organization and its board members, to have never conducted any of the following acts since the commencement of MOC:

(a) To allow brokers to intervene in the recruiting of technical intern trainees or the cooperation in dispatching and accepting technical intern trainees between Vietnamese Sending Organizations and Japanese Supervising Organizations or having the act of bribing, paying commission fees to Japanese Supervising Organizations;
(b) 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;
(c) Not to comply with contracts signed with technical intern trainees and Japanese Supervising Organizations or sign secret contracts with technical intern trainees and Japanese Supervising Organizations with fraudulent provisions;
(d) To lend the legal status to other organizations to send Vietnamese technical intern trainees to Japan;
(e) To provide information and report insufficiently or incorrectly to Japanese

Supervising Organizations and authorized agencies of the two countries; and

(f) Other violations of current laws and regulations of the two countries relating to the Technical Intern Training Program.

(10) 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 paragraph (8);

(11) To acknowledge the importance of addressing disappearance of technical intern trainees and to cooperate with Japanese Supervising Organizations and make efforts to prevent technical intern trainees from disappearing; and

(12) To have other necessary capacities to appropriately coordinate applications for the Technical Intern Training Program to Japanese Supervising Organizations.

II. After being approved as having sufficient capacities to send technical intern trainees to Japan, those Vietnamese Approved Sending Organizations which do not satisfy or violate one of the standards supecified in the section I above will be eliminated from the list of Vietnamese Approved Sending Organizations.

III. The contact points of two countries will discuss and confirm specific conditions on the ability of Vietnamese Sending Organizations.

***** In terms of approving Sending Organization in Viet Nam, the Ministry of Viet Nam will commence the procedure from 1st August 2017 and provide a full list of Vietnamese Approved Sending Organizations with the Ministry of Japan by 1st April 2018. The Ministry of Japan will accept only those trainees who are sent by Vietnamese Approved Sending Organizations on the list from 1st September 2018.

Attachment 2

Date：_____

Outline of Vietnamese Approved Sending Organization

Name of Organization：_____

Name of Representative：_____

Address：_____

_____

TEL：_____ FAX：_____

Email：_____

URL: _____

Date of establishment : _____

Date of approval: _____

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 the Technical Intern Training Program：

（position）_____

（Address）_____

_____

（TEL）_____(FAX)_____

(Email) _____

Contact point in Japan

（Name）：_____

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

（Address）_____

_____

（TEL）_____(FAX)_____

(Email) _____

Attachment 3

LIST OF TECHNICAL INTERN TRAINEE CANDIDATES

1. Information of Vietnamese Approved Sending Organization

Name:

License No.:

Name of Representative:

Address:

Tel: Fax:

2. Information of Japanese Supervising Organization

Name:

License No.:

Name of Representative:

Address:

Tel: Fax:

3. Information of Japanese Implementing Organization

Name:

Name of Representative:

Address:

Tel: Fax:

4. Information of technical intern trainee candidates

No.	Name	Date of birth	Gender	Occupation
1				
2				

Date…..month…….year

Approved by Department of Overseas Labour (DOLAB)

(signature and stamp)

Name and title

Position

Attachment 4

Criteria for the License of Supervising Organizations

Pursuant to the provisions provided for in Article 25 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, an organization must conform to all of the following items in order to obtain the license of supervising organization:

(1) To be a Japanese nonprofit juridical person as provided for in Article 29 of the Ordinance for Enforcement of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as "the Ordinance");

(2) To have sufficient capability to conduct the supervision business appropriately in accordance with the criteria as provided for in Article 52 of the Ordinance;

(3) To possess a sufficient financial basis to soundly conduct the supervision business;

(4) To have taken the necessary measures to properly manage personal information (information about an individual which can identify the specific individual) and to maintain the confidentiality of the implementing organization of the supervising-organization-type technical intern training, etc. and the supervising-organization-type technical intern trainees, etc.;

(5) To have taken any of the following measures for the purpose of appropriate management of the supervision business;

(a) Not to compose its officers entirely of persons with a close relationship with the implementing organization of supervising-organization-type technical intern training as provided for in Article 30 of the Ordinance, and to make the composition of the other officers not likely to impede the securing of appropriate operation of the supervision business;

(b) In addition to auditing by inspectors and persons responsible for auditing the business of the juridical person, to have an audit by a person, who satisfies the requirements as provided for in Article 30 of the Ordinance and does not have a close relationship with the implementing organization of supervising-organization-type technical intern training as provided for in Article 30 of the Ordinance, which audit the performance of duties pertaining to the supervision business by the officers, pursuant to Article 30 of the Ordinance;

(6) In cases where it intends to receive job applications for supervising-organization-type technical intern training from a person applying to become a supervising-organization-type technical intern trainee through the mediation of a sending organization in a foreign country,

to have a contract with the sending organization in a foreign country pertaining to such mediation; and

(7) In addition to the matters provided for in the items (1) to (6) above, to possess the capability to enable it to perform the supervision business appropriately.

Attachment 5

Criteria for Accreditation of the Technical Intern Training Plan

Pursuant to the provisions provided for in Article 9 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, a technical intern training plan must conform to all of the following items in order to have it accredited:

(1) The skills to be acquired, etc. shall be the ones that would be difficult to acquire in the technical intern trainee's home country.

(2) The goal and content of the technical intern training shall conform to the criteria provided for in Article 10 of the Ordinance for Enforcement of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as "the Ordinance") in accordance with the category of technical intern training;

(3) The period of the technical intern training shall be a maximum of one year in cases of individual-enterprise-type technical intern training (i) or supervising-organization-type technical intern training (i), or a maximum of two years in cases of individual-enterprise-type technical intern training (ii), individual-enterprise-type technical intern training (iii), supervising organization-type technical intern training (ii) or supervising-organization-type technical intern training (iii);

(4) The goal has been achieved about the passing of the trade skills test or technical intern training evaluation examination as prescribed in the technical intern training plan for individual-enterprise-type technical intern training (i) or supervising-organization-type technical intern training (i) pertaining to the skills, etc. in each respective technical intern training plan in cases of individual-enterprise-type technical intern training (ii) or supervising-organization-type technical intern training (ii) or the technical intern training plan for individual-enterprise-type technical intern training (ii) or supervising-organization-type technical intern training (ii) pertaining to the skills, etc. in each respective technical intern training plan in cases of individual-enterprise-type technical intern training (iii) or supervising-organization-type technical intern training (iii) have been achieved;

(5) The evaluation of the skills, etc. which the technical intern trainee has acquired shall be conducted through a trade skills test or technical intern training evaluation examination as provided for in Article 11 of the Ordinance before the completion of the technical intern training;

(6) The structure and the equipment of the place of business based on which the technical intern training is to be conducted shall conform to the criteria provided for in Article 12 of the Ordinance;

(7) A person has been appointed at each place of business as provided for in Article 13 of the Ordinance, responsible for implementation of the technical intern training;

(8) In cases of supervising-organization-type technical intern training, the applicant shall be subject to supervision of training by a supervising organization (limited to the one which has obtained a license to supervise (limited to that pertaining to general supervising business as prescribed in item (i) of paragraph (1) of Article 23) in cases where the technical intern training plan is for supervising-organization-type technical intern training (iii)), from which it received guidance on preparation of the technical intern training plan;

(9) Treatment of the technical intern trainees shall conform to the criteria provided for in Article 14 of the Ordinance;

(10) In cases of individual-enterprise-type technical intern training (iii) or supervising-organization-type technical intern training (iii), the applicant shall conform to the criteria provided for in Article 15 of the Ordinance as an entity with a high standard of capabilities to ensure the acquisition, etc., of the skills, etc.; and

(11) In cases where the applicant is to conduct technical intern training for multiple technical intern trainees at the same time during the technical intern training period, such number of trainees shall not exceed the number provided for in Article 16 of the Ordinance.

Attachment 6

Documents to Be Prepared by Public Authority, Sending Organizations and Trainees and Candidates after the Commencement of the Cooperation under the Memorandum of Cooperation

(1) In terms of application for license to Japanees Supervising Organization, applicants have to submit the following documents which Vietnamese Approved Sending Organization made.
  (a) Written summary of the Vietnamese Approved Sending Organization (* Reference Form 2-9)
  (b) Written statement of expenses collected by the Vietnamese Approved Sending Organization in Viet Nam (* Reference Form 2-10)
  (c) Written pledge of the Vietnamese Approved Sending Organization relating to the license for Japanese Supervising Organizations (* Reference Form 2-11)

(2) In terms of application for accreditation to technical intern training plan, applicants have to submit the following documents which the Ministry of Viet Nam made
  (a) List of technical intern trainee candidates issued to the Vietnamese Approved Sending Organization by DOLAB.

(3) In terms of application for accreditation to technical intern training plan, applicants have to submit the following documents which the Vietnamese Approved Sending Organization made.
  (a) Written pledge of the Vietnamese Approved Sending Organization on accreditation of the technical intern training plan (* Reference Form 1-10)
  (b) Contract for the agreement pertaining to the technical intern training entered into by the technical intern trainee and the Vietnamese Approved Sending Organization.
  (c) Written statement of expenses paid in Viet Nam relating to preparations for the technical intern training (* Reference Form 1-21) (* With the signature of a technical intern trainee)

(4) In terms of application for accreditation to technical intern training plan, applicants have to submit the following documents which trainee candidates made.
  (a) Curriculum vitae of the technical intern trainee (* Reference Form 1-3)
  (b) Written declaration of the technical intern trainee (* Reference Form 1-20)
  (c) Written explanation of important matters relating to treatment during the period of the technical intern training (* Reference Form 1-19) (* With the signature of a explainer)

(5) In terms of application for accreditation to technical intern training plan, applicants have to submit the following documents which Vietnamese preparatory organizations (organizations which concern preparation of trainee candidates in Viet Nam (excluding the Vietnamese Approved Sending Organization which send the trainees)), if any, made.

(a) Written summary and written pledge of the preparatory organization in Viet Nam (* Reference Form 1-13)

※ 'Reference Form' means the model of document provided by the Ministry of Japan.

Attachment 7

Revocation of the License for Supervising Organizations

Pursuant to the provisions provided for in Article 37 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as “the Act”), the competent ministers of Japan may revoke the license to supervise if a supervising organization falls under any of the following items:

(1) It is deemed that the supervising organization no longer conforms to any of the items of paragraph (1) of Article 25 of the Act;
(2) The supervising organization falls under one of the items of Article 26 of the Act (excluding item (ii), item (iii), and item (v) (c) and (d));
(3) The supervising organization has violated the conditions attached to the license to supervise pursuant to the provisions of Article 30, paragraph (1) of the Act;
(4) The supervising organization has violated the provisions of the Act or the provisions of laws relating to immigration or labor which are provided for by a Cabinet Order, or an order or disposition based on these provisions; and
(5) It has committed a wrongful or significantly unjust act with regard to the laws or regulations related to immigration or labor.

* When a supervising organization is found to have received any money which is not regarded as fees for supervision from any relevant person in relation to technical intern training including sending organizations, the license to supervise will be revoked. Further, pursuant to the provisions provide for in Article 111 of the Act, such act will be subject to imprisonment with work for not more than 6 months or a fine of not more than 300,000 yen.

Attachment 8

Revocation of Accreditation of the Technical Intern Training Plan

Pursuant to the provisions provided for in Article 16 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as “the Act”), the competent ministers of Japan may revoke the accreditation of the technical intern training plan in cases falling under any of the following items:

(1) The competent ministers deem that the implementing organization is deemed to have not conducted the technical intern training in accordance with the accredited plan;
(2) The competent ministers deem that the accredited plan is not deemed to conform to any of the items of Article 9 of the Act;
(3) The implementing organization has come to fall under one of the items of Article 10 of the Act;
(4) The implementing organization has omitted to give a report or to submit or present books or records pursuant to the provisions of paragraph (1), Article 13 of the Act, has given a false report or submitted or presented false books or records, or has not given an answer or has given a false answer to questions pursuant to the provisions of the same paragraph, or refused, interfered with or evaded an inspection pursuant to the provisions of the same paragraph;
(5) The implementing organization has made a false report or submitted or presented false books or records in response to a request from OTIT to make the report or submit or present books or records pursuant to the provisions of paragraph (1), Article 14 of the Act, or has given a false answer to questions asked by OTIT’s staff pursuant to the provisions of the same paragraph
(6) The implementing organization has violated the order prescribed under the provisions paragraph (1), Article 15 of the Act;
(7) The implementing organization has committed a wrongful or significantly unjust act with regard to laws or regulations related to immigration or labor; and
(8) The applicant or preparatory organization in Viet Nam (in cases pertaining to supervising-organization-type technical intern training, the applicant, supervising organization, intermediating sending organization or foreign preparatory organization), in connection with the technical intern training which the technical intern trainee, etc. is to engage in while in Japan, has entered into a contract that stipulates penalties with regard to non-performance of a contract pertaining to the technical intern training or a contract which otherwise expects the transfer of undue money or other property with any other people.

Attachment 9

Standards of Treatment of Technical Intern Trainees

The applicant of individual-enterprise-type technical intern training, or the applicant or the supervising organization of supervising-organization-type technical intern training must conform to the following standards of treatment of technical intern trainees:

(1) To secure appropriate accommodation for the technical intern trainee;
(2) To take measures to enable the technical intern trainee (i) to concentrate on their post-entry lectures through the payment of an allowance or some other method;
(3) In cases of supervising-organization-type technical intern training, to ensure that such trainee will not be made to directly or indirectly pay for the expenses collected as supervision fees pursuant to the provisions of paragraph (2), Article 28 of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (applicable to the applicant or the supervising organization of supervising-organization-type technical intern training only);
(4) With regard to the expenses to be paid regularly by the technical intern trainee regardless of whether they are food expenses, accommodation expenses or other expenses, to have the technical intern trainee sufficiently understand the contents of the meals, accommodation facilities and other benefits to be provided in exchange for the expenses, to reach an agreement with the trainee about such conditions and to ensure that the amount of the expenses is equivalent to the actual expenses or is otherwise an appropriate amount; and
(5) To pay the travel expenses required for the trainee's return to home country after the conclusion of the technical intern training (applicable to the applicant of individual-enterprise-type technical intern training or the supervising organization of supervising-organization-type technical intern training only). In case an application for technical intern training (iii) of a technical intern trainee (ii) is submitted during the period of his/her technical intern training (ii), to pay the travel expenses required for his/her travel to Japan prior to the technical intern training (iii) (applicable to the applicant of individual-enterprise-type technical intern training or the supervising organization of supervising-organization-type technical intern training which makes the technical intern trainee (iii) engage in the technical intern training (iii) only).

Attachment 10

Individual-Enterprise-Type Technical Intern Trainee

To engage in individual-enterprise-type technical intern training, the technical intern trainee candidate is required to be an employee of an "oversea establishment of a Japanese public or private organization" or a "public or private organization of a foreign country which has the close relationship with a Japanese public or private organization."

The term "oversea establishment of a Japanese public or private organization," in principle, means:

- An oversea establishment which is the head office or a branch office of a Japanese public or private organization;
- An overseas establishment which is the parent company or a subsidiary of a Japanese public or private organization;
- An overseas establishment which has the same Japanese public or private organization as a parent company; and
- An overseas establishment which is associated with a Japanese public or private organization.

The term "public or private organization of a foreign country which has the close relationship with a Japanese public or private organization," means in principle means:

- An organization which has a track record of having continuously conducted international transactions for one year or more or a track record of conducting international transactions of 1 billion yen or more in the past year with a public or private Organization in Japan; and

- An organization which has an international business partnership with a public or private organization in Japan, or some other organization deemed by the Minister of Justice and the Minister of Health, Labour and Welfare to have a close relationship.