

Government of the People's Republic of Bangladesh
Ministry of Expatriates' Welfare and Overseas Employment
Probashi Kallyan Bhaban
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Revised Guideline for selection of Sending Organization (SO) and 'Specified Skilled Worker' (SSW) to Japan under Memorandum of Cooperation (MoC).

The Ministry of Expatriates' Welfare & Overseas Employment (MoEWOE) of the People's Republic of Bangladesh and The Government of Japan signed the Memorandum of Cooperation (MoC) 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" on 27 August 2019. As per MoC, there is provision of sharing the view to enhance mutual benefits through the cooperation between the two countries on sending and accepting specified skilled workers possessing certain expertise and skills, who have been granted the status of residence of "Specified Skilled Workers" (SSWs) by the Government of Japan.

In this perspective, it is expedient and necessary to formulate a set of guidelines for the selection of Sending Organizations and 'Specified Skilled Workers' for Japan utilizing opportunities in the highly competitive, specialized and prospective market of Japan and ensuring safe, orderly, regular and responsible management of recruitment process. The purpose of the Guideline is also to protect specified skilled workers through the smooth and proper promotion of sending them to Japan from Bangladesh, and to resolve the problems relating to sending and residing in Japan pertaining to specified skilled workers by enhancing the mutual benefits of both the countries.

1. Selection of Sending Organizations (SOs)

- a. Valid Bangladeshi Recruiting Agency will submit an application containing/attaching the following information and documents to the MoEWOE:
 - i) Name and RL number of Recruiting Agency;
 - ii) Office address, telephone number, mobile number, e-mail address and website address (if any) in Bangladesh.
 - iii) Office address, telephone number, e-mail and website address of Branch or Representative office in Japan;
 - iv) Name, position, visa status, address, telephone number, e-mail of employees /representatives of Branch or Representative office in Japan;
 - v) Agreement between the Agency and Representative office in Japan;
 - vi) Type of ownership (limited company/ proprietorship/etc.)

- vii) Amount of capital and turnover of the previous year;
- viii) Total number of employees of the Agency in Bangladesh;
- ix) Number of workers sent to different countries during the last 3 years, if applicable;
- b) Required documents
 - i) Attested copy of up-to-date income tax return certificate;
 - ii) Performance report for the last three years from BMET;
 - iii) Updated police clearance of Owner(s)/director(s) of the applicant agency in prescribed form(s). Government/semi-Government/Government accredited autonomous organizations may be waived from having police clearance;
- c) Details of Training institute:

For ensuring quality training and to have skilled workers in a particular trade or sector the agency must have a training institute and submit the details of the training institute as follows:

- i. Name and full address of training institute;
- ii. Details of institute including space, equipment, training module etc. should be enclosed;
- iii. Number of teachers/trainers;
- iv. List of trades;
- v. List of trade wise equipment;
- vi. Number of trainees of last 3 years, if applicable;
- vii. Approval letter of the institute from concerned authority, if any;
- viii. Agreement with Government approved Technical Institutes (if any)
- ix. Accreditations/ certificate of Appreciation (if any);
- x. Description of facilities (e.g. wash room, air condition etc.);
- d) The Ministry will verify the information provided in the application with the help of Bureau of Manpower Employment and Training (BMET) and the Labour Wing of the Bangladesh Embassy in Japan.

2. Recommendation Committee' for selection of Sending Organization (SO)

- a) A Recommendation Committee comprising the following members will recommend the names of eligible SOs:
 - i. Secretary, MoEWoE : Chairperson
 - ii. Director General, Bureau of Manpower, Employment and Training (BMET) : Member
 - iii. Director General, Wage Earners' Welfare Board (WEWB) : Member
 - iv. Additional Secretary/ Joint Secretary (Employment), MoEWOE : Member
 - v. Additional Secretary / Joint Secretary (Training), MoEWoE : Member

- vi. Representative not below the rank of Joint Secretary, Ministry : Member of Foreign Affairs.
- vii. Representative not below the rank of Joint Secretary from : Member Security Services Division.
- viii Deputy Secretary/Senior Assistant Secretary (Employment-2), : Member MoEWOE Secretary

The Secretary may co-opt one or more members.

- b) The Committee will recommend the eligible recruiting agents after examining the reports sent by the BMET/the appropriate officers and Counselor/ First Secretary (Labour) of the Bangladesh Embassy in Japan. Taking into consideration other related factors such as capacity, experience, competence and credibility of the applicant recruiting agencies, the committee will recommend them to enlist or issue license as Sending Organization (SO) to the Hon'ble Minister in charge of the Ministry of Expatriates' Welfare and Overseas Employment for approval.

3. Enlistment of SOs

- a. Upon receiving selection, the selected SOs will be so informed in writing and their list will be circulated through the website of the Ministry and BMET and sent to the following organizations:
 - i) Embassy of Japan in Bangladesh
 - ii) Embassy of Bangladesh in Japan
- b. Approval will be granted for a period of not exceeding two years which will be renewed from time to time for a similar period on the basis of their satisfactory performance;

4. Duties and responsibilities of the Sending Organizations (SOs)

All SOs must-

- i. Comply with the provisions of Overseas Employment and Migrant (Recruiting Agents Licensing and Conduct) Rules, 2019, this guidelines and terms and conditions as prescribed by the employer or their agents and the competent Japanese authority;
- ii. Have their training institutes and branch office/representative offices fully operational with adequate manpower and equipment;
- iii. Refrain from engaging any sub-agent or middlemen in the process of recruitment of aspiring SSWs;
- iv. Deposit a caution money of BDT 15,00000 (Fifteen lac) in the form of Fixed Deposit Receipt (FDR) lien marked to Director General, BMET for two years which will be renewed on the subsequent renewal of the approval;

- v. Get the service charge/fee with full breakdown for any service rendered to the finally selected SSWs approved by the Ministry;
- vi. Submit all relevant information/ documents of the returned SSW if anyone returns;
- vii. Submit an annual report to the Bangladesh Embassy in Japan and BMET on all SSWs sent to and returned from Japan;
- viii. Submit any other information or document as required by the Ministry;
- ix. Not engage in or deal with any undue monetary transaction with SSWs in sending them to Japan;
- x. Must refrain from indulging in any unfair means particularly in 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.

5. Qualifications for SSWs

a. Aspiring SSWs must have the following qualifications:

- i) Age not below 18 years and not over 45 years;
- ii) Minimum academic qualification of Secondary School Certificate (SSC)/ Equivalent standard; or any other academic qualification accepted by the concerned organization or employer in Japan.
- iii) Pass the relevant skills examination and Japanese language test arranged by relevant ministries and agencies of Japan;
- v) Satisfactory physical and mental fitness and complete the Medical Test from the Government Approved Hospital/ Health Centers;

b. Bangladeshi nationals who have satisfactorily completed Technical Intern (TI) Training in Japan are exempted from skills and Japanese language test.

c. Aspiring SSWs will be registered/enlisted in database of BMET.

6. Procedure of selection of SSWs

- i) According to the clause-5 of MoC, the Ministries and Agencies of Japan and the Ministries in charge of accepting Specified Skilled Workers will properly conduct skill exams and Japanese language proficiency tests of the specified skilled workers. As requested in writing by relevant Ministries and Agencies of Japan, MoEWOE will provide all possible support to them in the matter of conducting examinations and other matters pertaining to the recruitment of SSWs and the teaching of Japanese language;
- ii) SOs will collect demand letters of SSW from accepting organization(s)/supporting organization(s) of Japan for sending SSWs. The demand letter should be attested by the Embassy of Bangladesh in Japan.

- iii) The SOs/Supporting Organizations/Accepting Organizations will submit an application along with the attested demand letter and the list of SSWs who have passed skills and Japanese language tests to MoEWOE for granting recruitment approval. If all relevant papers found correct, the MoEWOE will issue, within 3 (three) working days from the date of receipt of such applications, the approval letter or letter of consent to the concerned organization;
- iv) The accepting organizations of Japan will make an employment contract with SSWs;
- v) After getting the Certificate of Eligibility from the Ministry of Justice of Japan, selected SSWs will apply to the Embassy of Japan in Bangladesh for visa.
- vi) BMET will issue Emigration Clearance Card to the selected SSWs after getting application from them.
- vii) The BMET will arrange Pre-departure briefings for the selected SSWs to Japan. Japanese culture, customs, norms, lifestyle and do's & don'ts will be included in that briefing.

7. Migration Cost for SSWs:

Migration cost to be borne by SSWs to Japan including fee of training will be determined by the Ministry. Information on migration cost will be well publicized showing all concerned Government and Non-Government offices or organizations including the SOs. SOs must clearly and fully explain to aspiring SSWs all information and terms and conditions of employment including the cost of migration.

For collecting excessive money or involving the intermediary group, penal action will be taken against the concerned SO in accordance with the clause 4(1) of the 'Memorandum of Cooperation (MoC) and clause 9 of this Guideline.

8. Open Individual Bank Account of SSW

Selected SSWs will compulsorily open individual account with Probashi Kallyan Bank (Expatriates' Welfare Bank), a specialized state-owned bank.

The provision to open a bank account has been included to ease (its personal) the transaction. On the other hand, to ease provision of government support to the migrant's workers as and when required such as for the workers disability or death due to accident/insurance benefit or reintegration support for the returnee migrants/financial assistance to the family members of migrant etc.

9. Penal action against offence committed by SOs

- i) Penal action will be taken against the SOs for violation of any provisions of this Guidelines or for committing any offence under the 'Overseas Employment and Migrants Act, 2013' which includes among others forfeiture of the deposit and suspension or cancellation of the recruiting agent license;

- ii) If a recruiting agency license is suspended, cancelled or revoked for any reason, the enlistment of the recruiting agent as SO will automatically stand suspended, cancelled or revoked;
- iii) As the 'Overseas Employment and Migrants Act 2013' is in the schedule of the 'Mobile Court Act-2009', in case of the violation of rules or acts or breach of agreement in related affairs, the concerned person or organization may be treated by Mobile Court.

10. Migration Clearance Card for SSWs

All the relevant papers including visas of finally selected SSWs have to be submitted by the concerned SO to BMET for Emigration clearance card. BMET will issue Emigration clearance card within 02 (two) working days after examining all the documents. SSWs will undertake their travel to Japan only after getting Emigration clearance card from BMET.

11. Safeguard and Legal Actions

- a) The Guideline is issued in exercise of the power vested under Section 47 of 'Overseas Employment and Migrants, Act 2013'.
 - b) MoEWOE reserves power to amend or revise any provision of this Guideline as and when necessary.
12. The Guideline will come into effect immediately and will replace the Guideline issued on 04 October 2021.



(Dr. Ahmed Munirus Saleheen)

Secretary

Ministry of Expatriates' Welfare and Overseas Employment
secretary@probashi.gov.bd

Copy for Kind information and necessary action to (not according to seniority):

1. Foreign Secretary (Senior Secretary), Ministry of Foreign Affairs, Dhaka, Bangladesh.
2. Secretary, Security Services Division, Ministry of Home Affairs, Dhaka, Bangladesh.
3. H. E. Ambassador of Japan in Bangladesh.
4. H. E. Ambassador of Bangladesh in Japan.
5. Chairman, Probashi Kallyan Bank (PKB), Dhaka.
6. Additional Secretary (All), Ministry of Expatriates' Welfare and Overseas Employment.
7. Director General, Wage Earner's Welfare Board (WEWB)
8. Director General, Bureau of Manpower and Employment and Training (BMET).
9. Managing Director, Bangladesh Overseas Employment and Services Limited (BOESL).
10. Joint Secretary (All), Ministry of Expatriates' Welfare and Overseas Employment.
11. President, Japan International Training Cooperation Organization (JITCO)
12. IM Japan, (International Manpower Development Organization, Japan).
13. Additional Directory General (Administration and Training), BMET, Dhaka.
14. Director, Policy Planning Division, Immigration Services Agency, Japan.
15. Secretary (Administration), Bangladesh Association of International Recruiting Agencies (BAIRA), Dhaka, Bangladesh.
16. PS to Honorable Ministry, Ministry of Expatriates' Welfare and Overseas Employment.
17. PS to Secretary, Ministry of Expatriates' Welfare and Overseas Employment.
18. Deputy Secretary (Employment), Ministry of Expatriates' Welfare and Overseas Employment.
19. Director (Training), Bureau of Manpower and Employment and Training, BMET, Dhaka.
20. First Secretary (Labor), Bangladesh Embassy in Japan.
21. President, Japan Bangladesh Chamber of Commerce and Industry (JBCCI), Dhaka.
22. Public Relation Officer, Ministry of Expatriates' Welfare and Overseas Employment.
23. System Analyst, Ministry of Expatriates' Welfare and Overseas Employment. (For circulating in website of the Ministry & relevant Sectors.)
24. Office File.


(Md. Zahidul Islam)
Senior Assistant Secretary