

# **Act on Proper Technical Intern Training and Protection of Technical Intern Trainees**

(Act No. 89 of November 28, 2016)

## Contents

- Chapter I General Provisions (Article 1-Article 7)
- Chapter II Technical Intern Training
  - Section 1 Technical Intern Training Plan (Article 8-Article 22)
  - Section 2 Supervising Organization (Article 23-Article 45)
  - Section 3 Protection of Technical Intern Trainees (Article 46-Article 49)
  - Section 4 Auxiliary Provisions (Article 50-Article 56)
- Chapter III Organizations for Technical Intern Training
  - Section 1 General Provisions (Article 57-Article 63)
  - Section 2 Incorporation (Article 64-Article 68)
  - Section 3 Officers (Article 69-Article 81)
  - Section 4 Board of Councilors (Article 82-Article 86)
  - Section 5 Business Affairs (Article 87-Article 90)
  - Section 6 Finance and Accounting (Article 91-Article 98)
  - Section 7 Supervision (Article 99-Article 100)
  - Section 8 Auxiliary Provisions (Article 101-Article 102)
- Chapter IV Miscellaneous Provisions (Article 103-Article 107)
- Chapter V Penal Provisions (Article 108-Article 115)
- Supplementary Provisions

## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act, in conjunction with the Act on Immigration Control and Refugee Status (Cabinet Order No. 319 of 1951; hereinafter referred to as "Immigration Control Act" in the following Article and Article 48, paragraph (1)), and other laws and regulations on immigration, and the Labor Standards Act (Act No. 49 of 1947), the Industrial Safety and Health Act (Act No. 57 of 1972), and other laws and regulations on labor, is to ensure the proper implementation of the training of, and protection of technical intern trainees, and promoting international cooperation through the transfer of skills, technique, and knowledge (hereinafter referred to as "skills, etc.") to developing countries and other regions through human resource development, by way of establishing basic principles and clarifying related responsibilities of the national government and other relevant parties for technical intern

training as well as establishing systems for the accreditation of technical intern training plans and the licensing of supervising organizations.

(Definitions)

- Article 2 (1) The term "technical intern training" as used in this Act means individual-enterprise-type technical intern training and supervising-organization-type technical intern training, and the term "technical intern trainees" as used in this Act means individual-enterprise-type technical intern trainees and supervising-organization-type technical intern trainees.
- (2) The term "individual-enterprise-type technical intern training" as used in this Act means the following:
- (i) individual-enterprise-type technical intern training (i) (meaning training where a foreign national (meaning a foreign national as prescribed in Article 2, paragraph (2) of the Immigration Control Act; the same applies hereinafter) who is an employee at a Japanese private or public organization's place of business located outside of Japan, or a foreign national who is an employee at a place of business located outside of Japan which belongs to a foreign private or public organization that has a close relationship specified by order of the competent ministry with a Japanese private or public organization, receives status of residence in Japan (limited to that under item (i), sub-item (a) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act) through being accepted by that Japanese private or public organization, attends lectures provided by that Japanese private or public organization, and engages in relevant work at that Japanese organization's place of business located in Japan in order to acquire skills, etc. through an employment contract with that organization; the same applies hereinafter);
  - (ii) individual-enterprise-type technical intern training (ii) (meaning training where a person who has completed individual-enterprise-type technical intern training (i), for the purpose of increasing proficiency in skills, etc., receives status of residence in Japan (limited to that under item (ii), sub-item (a) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act), and engages in relevant work which requires those skills, etc. at a place of business located in Japan belonging to a Japanese private or public organization, through an employment contract with that organization; the same applies hereinafter); and
  - (iii) individual-enterprise-type technical intern training (iii) (meaning training where a person who has completed individual-enterprise-type technical intern training (ii) and has a status of residence in Japan (limited to that

- under item (iii), sub-item (a) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act) engages in relevant work which requires those skills, etc. at a place of business located in Japan belonging to a Japanese private or public organization through an employment contract with that organization, for the purpose of attaining proficiency in skills, etc.; the same applies hereinafter).
- (3) The term "individual-enterprise-type technical intern trainee" as used in this Act means the following:
- (i) individual-enterprise-type technical intern trainee (meaning a foreign national who engages in individual-enterprise-type technical intern training (i); the same applies hereinafter);
  - (ii) individual-enterprise-type technical intern trainee (ii) (meaning a foreign national who engages in individual-enterprise-type technical intern training (ii); the same applies hereinafter); and
  - (iii) individual-enterprise-type technical intern trainee (iii) (meaning a foreign national who engages in individual-enterprise-type technical intern training (iii); the same applies hereinafter).
- (4) The term "supervising-organization-type technical intern training" as used in this Act means the following:
- (i) supervising-organization-type technical intern training (i) (meaning training where a foreign national receives status of residence in Japan (limited to that under item (i), sub-item (b) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act) through being accepted by a nonprofit Japanese corporation, attends lectures provided by that corporation, and engages in relevant work at a place of business located in Japan belonging to a Japanese private or public organization under that corporation's supervision, through an employment contract with that organization, in order to acquire skills, etc.; the same applies hereinafter);
  - (ii) supervising-organization-type technical intern training (ii) (meaning training where a person who has completed supervising-organization-type technical intern training (i) receives a status of residence in Japan (limited to that under item (ii), sub-item (b) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act), and engages in relevant work at a place of business located in Japan which belongs to a Japanese private or public organization under a nonprofit Japanese corporation's supervision, through an employment contract with that organization, in order to increase proficiency in skills, etc.; the same applies hereinafter); and
  - (iii) supervising-organization-type technical intern training (iii) (meaning training where a person who has completed supervising-organization-type

- technical intern training (ii) receives a status of residence in Japan (limited to that under item (iii), sub-item (b) listed in the right-hand column corresponding to "Technical Intern Training" of Appended Table I-2 of the Immigration Control Act) and engages in relevant work at a place of business located in Japan which belongs to a Japanese private or public organization under a nonprofit Japanese corporation's supervision, through an employment contract with that organization, in order to attain proficiency in skills, etc.; the same applies hereinafter).
- (5) The term "supervising-organization-type technical intern trainee" as used in this Act means the following:
- (i) supervising-organization-type technical intern trainee (i) (meaning a foreign national who engages in supervising-organization-type technical intern training (i); the same applies hereinafter);
  - (ii) supervising-organization-type technical intern trainee (ii) (meaning a foreign national who engages in supervising-organization-type technical intern training (ii); the same applies hereinafter);
  - (iii) supervising-organization-type technical intern trainee (iii) (meaning a foreign national who engages in supervising-organization-type technical intern training (iii); the same applies hereinafter).
- (6) The term "implementing organization" as used in this Act means an organization implementing individual-enterprise-type technical intern training or supervising-organization-type technical intern training.
- (7) The term "organization implementing individual-enterprise-type technical intern training" as used in this Act means an organization which conducts individual-enterprise-type technical intern training in accordance with the technical intern training plan as prescribed in Article 8, paragraph (1) for which the organization has received accreditation for technical intern training (meaning the accreditation provided in Article 8, paragraph (1) (or, if a change has been approved in accordance with the provisions of Article 11, paragraph (1), the accreditation in question means the accreditation after that change); the same applies hereinafter).
- (8) The term "organization implementing supervising-organization-type technical intern training" as used in this Act means an organization which conducts supervising-organization-type technical intern training based on a technical intern training plan as prescribed in Article 8, paragraph (1) for which the organization has received accreditation for technical intern training.
- (9) The term "supervision" as used in this Act means making arrangements to establish an employment relationship between the organization implementing supervising-organization-type technical intern training, etc. (meaning an organization implementing supervising-organization-type technical intern training, or an organization which intends to conduct supervising-organization-

type technical intern training; the same applies hereinafter) and a supervising-organization-type technical intern trainee, etc. (meaning a supervising-organization-type technical intern trainee or a person who wishes to become a supervising-organization-type technical intern trainee; the same applies hereinafter); and supervising the organization implementing supervising-organization-type technical intern training for implementation of supervising-organization-type technical intern training.

(10) The term "supervising organization" as used in this Act means a nonprofit Japanese corporation that provides supervision as its business (hereinafter referred to as "supervising business") by obtaining a license to supervise (meaning the license as provided for in Article 23, paragraph (1) (or, if a change has been approved in accordance with the provisions of Article 32, paragraph (1) or there has been a change under Article 37, paragraph (2) to the license regarding specified supervising business in accordance with the provisions of Article 23, paragraph (1), item (ii), the license in question means the license after the change); the same applies hereinafter).

#### (Basic Principles)

Article 3 (1) Technical intern training must be developed for the proper acquisition of, increase in the proficiency of, or attainment of the proficiency of (hereinafter referred to as "acquisition") the skills, etc., and conducted in an environment with a system in place to protect technical intern trainees, in order to allow the trainees to concentrate on technical intern training.

(2) Technical intern training must not be used as a way to cover labor supply and demand.

#### (Responsibilities of the National and Local Governments)

Article 4 (1) In order to achieve the objective of this Act, the National Government must comprehensively and effectively promote measures so as to ensure the proper implementation of technical intern training and the protection of technical intern trainees, in accordance with the basic principles set forth in the preceding Article.

(2) In conjunction with the National Government measures set forth in the preceding paragraph, local governments must endeavor to promote measures necessary for ensuring the proper implementation of technical intern training and the protection of technical intern trainees, in accordance with the actual circumstances of the relevant region.

#### (Responsibilities of Implementing Organizations and Supervising Organizations)

Article 5 (1) Implementing organizations must be conscious of their

responsibilities as entities conducting technical intern training with regard to the proper implementation of technical intern training and the protection of technical intern trainees, must endeavor to develop a suitable environment for conducting technical intern training, and must cooperate with the National Government and local government measures, in accordance with the basic principles set forth in Article 3.

- (2) Supervising organizations must be conscious of the fact that they perform an important role in the proper implementation of technical intern training and the protection of technical intern trainees, must fulfill their responsibilities in supervision in an appropriate manner, and must cooperate with the measures being implemented by the National Government and local governments.
- (3) Associations of which an implementing organization or supervising organization is a member must endeavor to provide the necessary guidance and advice to the implementing or supervising organizations in order to ensure the proper implementation of technical intern training, and protection of the technical intern trainees.

(Responsibilities of Technical Intern Trainees)

Article 6 Technical intern trainees must endeavor to acquire skills, etc., and transfer those skills, etc. to their home country by devoting themselves to technical intern training.

(Basic Policy)

Article 7 (1) The competent ministers must establish a basic policy for the proper implementation of technical intern training and the protection of technical intern trainees (hereinafter referred to as the "basic policy" in this Article).

- (2) The basic policy is to specify the following:
  - (i) fundamentals on the proper implementation of technical intern training and the protection of technical intern trainees;
  - (ii) matters to ensure the proper implementation of technical intern training and the protection of technical intern trainees;
  - (iii) matters that should be taken into consideration for the proper implementation of technical intern training and the protection of technical intern trainees; and
  - (iv) the fields for which skills, etc., should be transferred and matters regarding promotion of the transfer of skills, etc.
- (3) The competent ministers are to establish measures in the basic policy in order to ensure the proper implementation of technical intern training and protection of technical intern trainees for specific job categories, if necessary.
- (4) The competent ministers must consult the heads of the relevant

administrative organs in advance when planning to establish or amend the basic policy.

- (5) The competent ministers must publish any basic policy that has been established or amended, without delay.

## **Chapter II Technical Intern Training**

### **Section 1 Technical Intern Training Plans**

(Accreditation of Technical Intern Training Plans)

Article 8 (1) A Japanese individual or corporation (or if multiple corporations have a relationship with each other in which one of them is the parent company (meaning the parent company as prescribed in Article 2, item (iv) of the Companies Act (Act No. 86 of 2005)) and the others are its subsidiary (meaning the subsidiary as prescribed in item (iii) of the same Article) or any other close relationship provided for by order of the competent ministry with each other, and they jointly conduct technical intern training, that corporation means these multiple corporations) which intends to conduct technical intern training may, as provided for by order of the competent ministry, prepare a plan relating to the implementation of technical intern training (hereinafter referred to as a "technical intern training plan") for each technical intern trainee and have it accredited as an appropriate technical intern training plan by submitting it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(2) Technical intern training plans must include the following:

- (i) the name and address of the Japanese individual or corporation as prescribed in the preceding paragraph (hereinafter referred to as "applicant" in this Article, the following Article and Article 12, paragraph (5)), and in the case of a corporation, the name of its representative;
- (ii) in the case of a corporation, the names and addresses of its officers;
- (iii) the name and address of the place of business where the technical intern training is to be conducted;
- (iv) the names and nationalities of the technical intern trainees;
- (v) the category of technical intern training (meaning the category of individual-enterprise-type technical intern training (i), (ii) or (iii); or meaning the category of supervising-organization-type technical intern training (i), (ii) or (iii); the same applies in item (ii) of the following Article);
- (vi) the goals of the technical intern training (meaning passing the trade skills test as provided for in Article 44, paragraph (1) of the Human Resources Development Promotion Act (Act No. 64 of 1969) (hereinafter referred to as "trade skills test" in the following Article), passing an examination designated by order of the competent minister (hereinafter referred to as

- "technical intern training evaluation examination" in the following Article and Article 52) by the time of completion of the technical intern training, or other goals; the same applies in the following Article), its content, and the period of training;
- (vii) the name of the person responsible for implementing the technical intern training at each place of business where the technical intern training is to be conducted;
  - (viii) in cases of supervising-organization-type technical intern training, the name and address of the supervising organization which is to conduct the supervision, and the name of its representative;
  - (ix) the remuneration, work hours, leave, accommodation facilities, food expenses and living expenses to be paid for by technical intern trainees, and other treatment of technical intern trainees; and
  - (x) other matters as provided for by order of the competent ministries.
- (3) Documents certifying each of the matters listed in the items of the following Article and other documents as provided for by order of the competent ministry must be attached to the technical intern training plan.
- (4) An applicant who intends to conduct supervising-organization-type technical intern training must develop a technical intern training plan based on guidance from a supervising organization (limited to supervising organizations with a license to supervise (limited to the license for general supervising business as prescribed in Article 23, paragraph (1), item (i)), if the technical intern training plan is for supervising-organization-type technical intern training (iii)) from which it is to receive the supervision.
- (5) The applicant must pay a fee in the amount specified by order of the competent ministries based on consideration of actual costs.

(Criteria for Accreditation)

Article 9 If an application for accreditation as provided for in paragraph (1) of the preceding Article has been made, and the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that it conforms to all of the following items, they are to accredit the technical intern training plan:

- (i) the skills, etc. to be acquired are ones that would be difficult to do so in the technical intern trainee's home country;
- (ii) the goals and content of the technical intern training conform to the criteria provided for by order of the competent ministries in accordance with the category of technical intern training;
- (iii) the period of the technical intern training is 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);
- (iv) the goals of passing 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) for the skills, etc. in each respective technical intern training plan have been achieved in cases of individual-enterprise-type technical intern training (ii) or supervising-organization-type technical intern training (ii); or the goals of passing 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 (ii) or supervising-organization-type technical intern training (ii) for the skills, etc. in each respective technical intern training plan have been achieved in cases of individual-enterprise-type technical intern training (iii) or supervising-organization-type technical intern training (iii);
- (v) the evaluation of the skills, etc. which the technical intern trainee has acquired is conducted through a trade skills test, technical intern training evaluation examination, or any other evaluation as provided for by order of the competent ministries before the completion of the technical intern training;
- (vi) the structure based on which the technical intern training is to be conducted and the equipment of the place of business where it will be conducted conforms to the criteria provided for by order of the competent ministries;
- (vii) a person responsible for implementation of the technical intern training has been appointed to each place of business where the technical intern training is to be conducted, as provided for by order of the competent ministries;
- (viii) if the technical intern training plan is for supervising-organization-type technical intern training, the applicant is subject to supervision by a supervising organization (limited to those which have obtained a license to supervise (limited to the license for general supervising business as prescribed in Article 23, paragraph (1), item (i)), if 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;
- (ix) the amount of remuneration paid to a technical intern trainee is equivalent to or greater than the amount of remuneration paid to a Japanese national

- for similar work, and other treatment of the technical intern trainees conforms to the criteria provided for by order of the competent ministries.
- (x) if the technical intern training plan is for individual-enterprise-type technical intern training (iii) or supervising-organization-type technical intern training (iii), the applicant conforms to the criteria provided for by order of the competent ministries for having a high standard of capabilities to ensure the acquisition of the skills, etc.; and
  - (xi) if the applicant is to conduct technical intern training for multiple technical intern trainees at the same time during the technical intern training period, the number of trainees does not exceed the number provided for by order of the competent ministries.

(Reasons for Not Qualifying for Accreditation)

Article 10 If a person falls under any of the following, that person is not be able to obtain the accreditation set forth under Article 8, paragraph (1):

- (i) the person was subject to imprisonment without work or a heavier punishment, and five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;
- (ii) a person subject to a fine under the provisions of this Act, the provisions of other laws specified by Cabinet Order relating to immigration or labor (excluding the provisions prescribed in item (iv)), or any order under these provisions, if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;
- (iii) a person subject to a fine under the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991)(excluding the provisions of Article 50 (limited to the part related item (ii)) and Article 52 of the same Act), or subject to a fine for having committed an offence under Article 204, Article 206, Article 208, Article 208-2, Article 222, or Article 247 of the Penal Code(Act No. 45 of 1907) or the Act on Punishment of Physical Violence and Other Related Matters (Act No. 60 of 1926), if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;
- (iv) a person subject to a fine under the provisions of Article 208, Article 213-2, or Article 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, Article 159, or Article 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (limited to the part related to the first sentence of Article 51) of the Workers Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102, Article 103-2, or Article 104, paragraph (1) (limited to the part

- related to the first sentence of Article 102 or Article 103-2) of the Welfare Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or Article 48, paragraph (1) (limited to the part related to the first sentence of Article 46) of the Act Concerning the Collection of Premiums on Labor Insurance (Act No. 84 of 1969), or Article 83 or Article 86 (limited to the part related to the first sentence of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;
- (v) a person specified by order of a competent ministry as a person who is unable to properly perform work related to technical intern training due to a physical or mental disorder;
  - (vi) a person that has received an order to commence bankruptcy proceedings and has yet to have their rights restored;
  - (vii) a person whose accreditation for technical intern training was revoked under the provisions of Article 16, paragraph (1), if five years have not yet passed since the date of revocation;
  - (viii) if an organization whose accreditation of technical intern training was revoked pursuant to the provisions of Article 16, paragraph (1) is a corporation (if the accreditation of intern training was revoked under the provisions of item (iii) of the same paragraph, the relevant case is limited to those in which the corporation falls under a person prescribed in item (ii) or (iv)), the relevant person was an officer (meaning members, directors, executive officers or any other equivalent person executing business; and including consultants, advisers, or any other persons who, irrespective of their title, are found to have power that is equivalent to or greater than members, directors, executive officers or other equivalent persons executing business over the corporation; the same applies in item (xii) of this Article, Article 25, paragraph (1), item (v), and Article 26, item (v)) of the corporation at the time of the occurrence of the event that caused the corporation to be subject to the revocation, and five years have not yet passed since the date of the revocation;
  - (ix) a person that committed a wrongful or extremely unjust act with regard to laws or regulations relating to immigration or labor within five years prior to the date of the application of accreditation set forth under Article 8, paragraph (1);
  - (x) a person that is a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (hereinafter referred to as "organized crime group member" in this item); or who was a member of the organized crime group if five years have not yet passed since that person ceased to be that member

- (those persons are referred to as "organized crime group member, etc." in item (xiii) of this Article and Article 26, item (vi));
- (xi) a minor who does not possess the same capacity to act as an adult with regard to business, and whose legislative representative falls under any of the preceding items or the following item;
  - (xii) a corporation in which one of its officers falls under any of the preceding items; or
  - (xiii) a person whose business activities are controlled by a member of an organized crime group, etc.

(Changes to Technical Intern Training Plans)

- Article 11 (1) If an implementing organization intends to make a change (excluding minor changes provided for by Order of the competent ministry) to any of the matters given in any of the items of Article 8, paragraph (2) (excluding item (v)) of the technical intern training plan for training that was accredited (hereinafter referred to as "accredited plan"), it must obtain approval to do so from the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.
- (2) The provisions of Article 8, paragraphs (3) through (5) and the two preceding Articles apply mutatis mutandis to the approval set forth under the preceding paragraph.

(Accreditation by the OTIT)

- Article 12 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may entrust all or a part of the administrative affairs relating to the accreditation set forth under Article 8, paragraph (1) (including approval of the changes set forth under paragraph (1) of the preceding Article; the same applies in paragraph (4)) (hereinafter referred to as "administrative affairs for accreditation") to the Organization for Technical Intern Training (hereinafter referred to as "the OTIT" in this Chapter).
- (2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare entrust all or a part of the administrative affairs for accreditation to the OTIT pursuant to the provisions of the preceding paragraph, that Commissioner or Minister is not to perform the relevant administrative affairs for accreditation that they entrusted in whole or in a part.
- (3) If the OTIT performs all or a part of the administrative affairs for accreditation, for the provisions of Article 8 through the preceding Article to be applied, the term "Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare" in Article 8, paragraph (1), Article 9,

- and paragraph (1) of the preceding Article is to be replaced with "the OTIT".
- (4) If the OTIT has issued accreditation as provided for in Article 8, paragraph (1), it must report to that effect to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare without delay.
- (5) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have entrusted all or a part of the administrative affairs of accreditation to the OTIT pursuant to the provisions of paragraph (1), the applicant must pay the fee prescribed in Article 8, paragraph (5) (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article) to the OTIT.
- (6) Any fees paid to the OTIT pursuant to the provisions of the preceding paragraph are considered as revenue of the OTIT.
- (7) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have entrusted all or a part of the administrative affairs of accreditation to the OTIT pursuant to the provisions of paragraph (1), or if they are to cease entrusting all or a part of the administrative affairs of accreditation that had been entrusted to the OTIT, they must give public notice to that effect.

(Collection of Reports)

- Article 13 (1) The competent ministers may order a current or former implementing organization (hereinafter referred to as "implementing organization, etc." in this paragraph and in paragraph (1) of the following Article), a current or former supervising organization (hereinafter referred to as "supervising organization, etc." in this paragraph, paragraph (1) of the following Article, and Article 35, paragraph (1)), or a current officer or employee of an implementing organization, etc., or supervising organization, etc. (hereinafter referred to as "employee or officer" in this paragraph), or a former employee or officer (hereinafter referred to as "employee or officer, etc." in this paragraph and in paragraph (1) of the following Article) to make a report or submit or present books and documents, request the appearance of the implementing organization, etc., or employee or officer, etc., or have officials of the competent ministries ask questions to relevant persons, or enter the premises of the places of business of the implementing organization, etc., or the supervising organization, etc., or other sites related to the technical intern training to inspect their facilities, books, documents, or other items within the extent necessary to enforce the provisions of this Chapter (excluding the following section).
- (2) In cases of the questioning or on-site inspection under the provisions of the preceding paragraph, the official of the competent ministry must carry an identification card showing their official status and present it to the relevant

person upon request.

- (3) The authority under the provisions of paragraph (1) must not be construed as authorization for the purpose of a criminal investigation.

(Implementation of Administration Affairs by the OTIT)

Article 14 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have entrusted all or part of the administrative affairs of accreditation to the OTIT pursuant to the provisions of Article 12, paragraph (1), they may have the OTIT perform the following administrative affairs to the extent necessary to enforce the provisions of this Section:

- (i) administrative affairs requesting the implementing organization, etc., supervising organization, etc., or employee or officer, etc., to make the necessary reports or submit or present the necessary books and documents; and
  - (ii) administrative affairs relating to the questioning of relevant persons or on-site inspections of the equipment, books, documents and other items of an implementing organization, etc., or supervising organization, etc. by the OTIT's staff.
- (2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have the OTIT request the relevant person to make a report or submit or to present books and documents, or have it conduct the questioning or on-site inspection pursuant to the provisions of the preceding paragraph, they are to indicate the necessary matters to the OTIT and instruct it to carry them out.
- (3) If the OTIT requests the relevant person to make a report or submit or present books and documents or conducts the questioning or inspection as prescribed in the provisions of paragraph (1) in accordance with the instructions set forth under the preceding paragraph, it must report the results thereof to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(Orders for Improvement)

Article 15 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that an implementing organization has not conducted technical intern training in accordance with the accredited plan, or an implementing organization is in violation of the provisions of this Act, the provisions of other law related to immigration or labor, or any order based these provisions; and it is necessary in order to ensure the proper implementation of technical intern training, the Commissioner and Minister may order the implementing organization to take

necessary measures to improve the situation by a set deadline.

- (2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have issued an order pursuant to the provisions of the preceding paragraph, they must give public notice to that effect.

(Revocation of Accreditation)

Article 16 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may revoke the accreditation of training in cases coming under any of the following items:

- (i) the Commissioner and Minister find that the implementing organization has not conducted the technical intern training in accordance with the accredited plan;
  - (ii) the Commissioner and Minister find that the accredited plan does not conform to one of the items of Article 9;
  - (iii) the implementing organization has come to fall under one of the items of Article 10;
  - (iv) the implementing organization has omitted giving a report or submitting or presenting books or documents under Article 13, paragraph (1), has given a false report or submitted or presented false books or documents, or has not given an answer or has given a false answer to questions under the same paragraph, or refused, interfered with or evaded an inspection under the same paragraph;
  - (v) the implementing organization has made a false report or submitted or presented false books or documents in response to a request from the OTIT to make the report or submit or present books and documents pursuant to the provisions of Article 14, paragraph (1), or has given a false answer to questions asked by the OTIT's staff pursuant to the provisions of the same paragraph;
  - (vi) the implementing organization has violated the order prescribed under the provisions of paragraph (1) of the preceding Article; or
  - (vii) the implementing organization has committed a wrongful or significantly unjust act with regard to laws or regulations related to immigration or labor.
- (2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have revoked the accreditation of training pursuant to the provisions of the preceding paragraph, they must give public notice to that effect.

(Notification of Implementation)

Article 17 If an implementing organization has commenced technical intern training, it must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of the date of the

commencement of training and other matters as provided for by order of the competent ministry without delay.

(Acceptance of Notification by the OTIT)

Article 18 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may entrust the OTIT with administrative affairs relating to the acceptance of the notification under the preceding Article.

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare has entrusted the OTIT with the administrative affairs relating to acceptance of the notification pursuant to the provisions of the preceding Article, the person who intends to make the notification under the preceding Article must do so to the OTIT, notwithstanding the provisions of that Article.

(3) If the OTIT has accepted the notification under the preceding paragraph, it must report to that effect to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(4) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare are to entrust the OTIT with administrative affairs relating to the acceptance of notification pursuant to the provisions of paragraph (1), or are to cease entrusting the OTIT with the administrative affairs relating to the acceptance of notification, the competent ministers must give public notice to that effect.

(Giving Notification of Difficulty in Conducting Technical Intern Training)

Article 19 (1) If it has become difficult for an organization implementing individual-enterprise-type technical intern training to conduct that training, it must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare without delay of the names of its individual-enterprise-type technical intern trainees for whom it has become difficult to conduct that training, the measures to be taken to ensure the continuation of their training, and other matters as provided for by Order of the competent ministries.

(2) If it has become difficult for an organization implementing supervising-organization-type technical intern training to conduct that training, it must notify the supervising organization without delay of the names of its supervising-organization-type technical intern trainees for whom it has become difficult to conduct that training, the measures to be taken to ensure the continuation of their training, and other matters as provided for by Order of the competent ministry.

(3) The provisions of the preceding Article apply mutatis mutandis to



administrative affairs for the acceptance of notifications under paragraph (1).

(Keeping of Books)

Article 20 Implementing organizations must prepare books and documents as provided for by Order of the competent ministries in connection with technical intern training, and keep them at the place of business where the technical intern training is being conducted.

(Reporting on the Status of Implementation)

Article 21 (1) If an implementing organization has conducted technical intern training, it must prepare and submit a report to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare on the status of implementation of that training, pursuant to the provisions of Orders of the competent ministry.

(2) The provisions of Article 18 apply mutatis mutandis to administrative affairs relating to acceptance of the report under the preceding paragraph.

(Delegation to Orders of Competent Ministries)

Article 22 Beyond what is provided for in this Section, the necessary matters relating to the implementation of procedures for accreditation of technical intern training plans and other provisions of this Section are provided for by Order of the competent ministry.

## **Section 2 Supervising Organizations**

(Supervising Organization Licenses)

Article 23 (1) A person seeking to conduct supervising business must obtain a license from the competent minister in accordance with the business categories given below:

(i) general supervising business (meaning supervising business other than that presented in the following item; the same applies hereinafter); or

(ii) specified supervising business (meaning providing supervision as business with an organization implementing supervising-organization-type technical intern training that conducts only supervising-organization-type technical intern training (i) or supervising-organization-type technical intern training (ii); the same applies hereinafter).

(2) A person intending to obtain the license set forth under the preceding paragraph (hereinafter referred to as the "applicant" in paragraph (7), the following Article, and Article 25) must submit a written application to the competent ministers describing the following matters pursuant to the provisions of order of the competent ministries:

- (i) its name and address, and name of its representative;
  - (ii) names and addresses of its officers;
  - (iii) name and address of the place of business where the supervising business is conducted;
  - (iv) whether it conducts general supervising business or specified supervising business;
  - (v) name and address of the supervision manager appointed pursuant to the provisions of Article 40, paragraph (1);
  - (vi) if it seeks to receive a job application for supervising-organization-type technical intern training from a person who wishes to become a supervising-organization-type technical intern trainee through a sending organization in a foreign country that acts as a broker between them (the sending organization means a person that satisfies the requirements as provided for by order of the competent ministries for those properly acting as a broker of job applications for supervising-organization-type technical intern training from persons applying to become a supervising-organization-type technical intern trainee; the same applies in Article 25, paragraph (1), item (vi)), the sending organization's name and address and, in cases of a corporation, the name of its representative; and
  - (vii) other matters provided for by order of the competent ministry;
- (3) The written application set forth under the preceding paragraph must have a business plan on supervising business for each place of business where the supervising business is conducted, documents certifying the matters listed in the items of Article 25, paragraph (1), and other documents as provided for by order of the competent ministry attached to it.
- (4) In the business plan set forth under the preceding paragraph, the expected number of organizations implementing supervising-organization-type training which are to be subject to supervision for each place of business where the supervising business is to be conducted, the expected number of supervising-organization-type technical intern trainees at those organizations, and other matters related to the supervision must be described as provided for by order of the competent ministry.
- (5) If the competent ministers have received an application for a license as provided for in paragraph (1), they are to investigate the facts with regard to the written application as provided for in paragraph (2) and the documents as provided for in paragraph (3).
- (6) If the Minister of Health, Labour and Welfare intends to grant the license as provided for in paragraph (1), the Minister must hear the opinion of the Labour Policy Council in advance.
- (7) The applicant must pay the fee in the amount provided for by order of the competent ministry based on consideration of the actual costs.

(Implementation of Investigations into Facts by the OTIT)

Article 24 (1) Competent ministers may entrust their investigation into the facts provided for in paragraph (5) of the preceding Article to the OTIT in whole or in part.

- (2) If the competent ministers have entrusted the investigation to the OTIT pursuant to the provisions of the preceding paragraph in whole or in part, they are not to conduct the relevant investigation in whole or in part themselves. In such cases, if the competent ministers are to issue the license as provided for in paragraph (1) of the preceding Article, they must consider the results of the investigation reported by the OTIT pursuant to the provisions of paragraph (4).
- (3) If the competent ministers have entrusted the investigation to the OTIT pursuant to the provisions of paragraph (1) in whole or in part, the applicant must submit the written application as provided for in paragraph (2) of the preceding Article to the OTIT and undergo the OTIT investigation, notwithstanding the provisions of the same paragraph.
- (4) If the OTIT has received the written application as provided for in the preceding paragraph, it must report to that effect to the competent ministers; and if it has conducted the investigation set forth under the same paragraph, it must report the results to the competent ministers without delay.
- (5) If the competent ministers have entrusted the investigation to the OTIT pursuant to the provisions of paragraph (1) in whole or in part, the applicant must pay the fee in the amount provided for by order of the competent ministry based on consideration of the actual costs.
- (6) Any fees paid to the OTIT under the provisions of the preceding paragraph are considered as revenue of the OTIT.
- (7) If the competent ministers have entrusted the investigation to the OTIT pursuant to the provisions of paragraph (1) in whole or in part, or are to cease entrusting all or a part of an investigation that had been entrusted to the OTIT, they must give public notice to that effect.

(Criteria for Licenses)

Article 25 (1) If an application for the license as provided for in Article 23, paragraph (1) has been filed, the competent ministers must not grant the license unless they find that the applicant conforms to all of the following items:

- (i) it is a Japanese nonprofit corporation as provided for by order of the competent ministry;
- (ii) it has sufficient capability to conduct the supervising business appropriately in accordance with the criteria provided for by order of the competent ministry as set forth under Article 39, paragraph (3);

- (iii) it possesses a sufficient financial basis to properly conduct the supervising business;
  - (iv) it has taken the necessary measures to properly manage personal information (meaning information relating to individuals which may be used to identify a specific individual (including information that can be used to identify a specific individual through a cross check against other information); hereinafter the same applies in Article 40, paragraph (1), item (iv) and Article 43), and to protect the confidentiality of the organization implementing the supervising-organization-type technical intern training, etc. and the supervising-organization-type technical intern trainees, etc.;
  - (v) it has taken any of the following measures for the purpose of appropriate management of the supervising business:
    - (a) its officers are not composed entirely of persons with a close relationship provided for by order of the competent ministry with the organization implementing supervising-organization-type technical intern training, and otherwise the composition of the officers are not likely to impede the securing of appropriate operation of the supervising business; or
    - (b) in addition to auditing by inspectors and persons responsible for auditing the business of the corporation, it has a person who satisfies the requirements as provided for in order of the competent ministry and does not have a close relationship as provided for by order of the competent ministry with the organization implementing supervising-organization-type technical intern training, audit the officer's performance of duties pertaining to the supervising business, pursuant to order of the competent ministry;
  - (vi) if it intends to receive job applications for supervising-organization-type technical intern training from persons applying to become a supervising-organization-type technical intern trainee through a sending organization in a foreign country that acts as a broker between them, it has entered into a contract with the sending organization in a foreign country on that brokerage;
  - (vii) if the application for the license set forth under Article 23, paragraph (1) concerns general supervising business, the applicant is to conform to the criteria provided for by Order of the competent ministry as meeting the high standard of capability to conduct an audit of the status of implementation of supervising-organization-type technical intern training and to perform other work; and
  - (viii) in addition to the matters provided for in the preceding items, the applicant possesses the capability to to perform the supervising business appropriately.
- (2) If the competent ministers are not to grant the license as provided for in

Article 23, paragraph (1), they must give notice to that effect to the applicant, stating the reasons therefor, without delay.

- (3) If the competent ministers have entrusted the investigation pursuant to the provisions of paragraph (1) of the preceding Article to the OTIT in whole or in part, they must give the notice set forth under the preceding paragraph via the OTIT.

(Grounds for Non-Approval of Licenses)

Article 26 If a person comes under any of the items listed below, the person may not receive the license as provided for in Article 23, paragraph (1):

- (i) a person that comes under Article 10, item (ii), item (iv) or item (xiii);
- (ii) a person whose license to supervise has been revoked pursuant to the provisions of Article 37, paragraph (1), if five years have not yet passed since the date of that revocation;
- (iii) a person that submitted a notification of discontinuation of the supervising business pursuant to the provisions of Article 34, paragraph (1) during the period from the time of receiving a notice under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) of the determination to revoke the license to supervise pursuant to Article 37, paragraph (1) of this Act until the date of implementation of that determination or the date of the decision not to implement that determination (excluding cases in which there were reasonable grounds for discontinuation of that business), if five years have not yet passed since the date of that notification;
- (iv) a person that committed a wrongful or significantly unjust act with regard to the laws or regulations related to immigration or labor within the past five years prior to the date of the application for the license set forth under Article 23, paragraph (1);
- (v) a person in which its officer comes to fall under any of the following:
  - (a) the officer in question comes to fall under Article 10, item (i), item (iii), item (v), item (vi), item (x) or item (xi);
  - (b) the officer in question comes to fall under item (i) (excluding the part relating to Article 10, item (xiii)) or the preceding item;
  - (c) if another person's license to supervise was revoked pursuant to the provisions of Article 37, paragraph (1) (or if another person's license to supervise was revoked pursuant to the provisions of item (ii) of the same paragraph, the relevant case is limited to cases in which that other person came to fall under item (i) (excluding the part relating to Article 10, item (xiii)), the officer in question held the same position in that other person at the time of the occurrence of the event that led to the revocation, and five years have not yet passed since the date of the revocation; or
  - (d) if another person made a notification of discontinuation of the supervising

business pursuant to the provisions of Article 34, paragraph (1) within the period prescribed in item (iii), the officer in question held the same position in that other person within 60 days prior to the date of the notice set forth under the same item (excluding persons for whom there were reasonable grounds for discontinuation of the business), and five years have not yet passed since the date of that notice; or

(vi) the person that is likely to employ a member of an organized crime group, etc., in the business or use a member of an organized crime group, etc., as an assistant in that business.

(Special Provisions for the Employment Security Act)

Article 27 (1) The supervising organization may offer the employment placement services for technical intern training (meaning making arrangements in the course of its trade, to establish an employment relationship for technical intern training between a job recruiter and a job seeker, upon application from that job recruiter or seeker, only if the job recruiter is an organization implementing supervising-organization-type technical intern training, etc. under supervision by the relevant supervising organization, and the job seeker is a supervising-organization-type technical intern trainee, etc. in relation to supervision by the relevant supervising organization; the same applies hereinafter), notwithstanding the provisions of Article 30, paragraph (1) and Article 33, paragraph (1) of the Employment Security Act (Act No. 141 of 1947).

(2) With regard to the employment placement services for technical intern training offered by a supervising organization, the supervising organization is deemed to be the employment placement service provider set forth in Article 4, paragraph (9) of the Employment Security Act, the fee-charging employment placement service provider set forth under the provisions of Article 32-3, paragraph (1) of the same Act, the person who obtained the license set forth under Article 33, paragraph (1) of the same Act, or the employment service organization set forth in Article 2 of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life (Act No. 132 of 1966); and the relevant supervising organization is subject to application of the provisions of Article 5-2, Article 5-3, Articles 5-5 through 5-7, Article 32-12 and Article 32-13 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the Employment Security Act), Articles 33-5 through Article 34, Article 48, and Article 48-3, paragraph (2) and paragraph (3) of the Employment Security Act, and the provisions of Chapter III of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life. In that case, the term "Order of the Ministry of Health, Labour and Welfare" in the provisions of Article 5-3, paragraph (3) and

paragraph (4), Article 32-13, Article 5-5, paragraph (1), item (iii), Article 32-13 (including cases as applied mutatis mutandis pursuant to the provisions of Article 33, paragraph (4) of the Employment Security Act), and Article 33-6 of the Employment Security Act is to be replaced with "order of the competent ministry," and the term "Minister of Health, Labour and Welfare" in the provisions of Article 32-12, paragraph (1) and paragraph (3) (including as applied mutatis mutandis pursuant to the provisions of Article 33, paragraph (4) of the Employment Security Act), Article 33-6, Article 48 and Article 48-3, paragraph (2) and paragraph (3) of the Employment Security Act, and Article 11 and Article 12, paragraph (1) of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Occupational Life is to be replaced with "competent ministers".

- (3) The provisions of Article 18 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under Article 32-12, paragraph (1) of the Employment Security Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the same Act) as applied pursuant to the preceding paragraph following the deemed replacement of terms.
- (4) Beyond what is provided for in the preceding three paragraphs, the other necessary matters relating to the employment placement services of technical intern training are provided for by Order of the competent ministry.

#### (Fees for Supervision)

Article 28 (1) Supervising organizations must not receive any fees or remuneration for their supervising business, under any name, from an organization implementing supervising-organization-type technical intern training, etc., a supervising-organization-type technical intern trainee, etc., or any other relevant person.

- (2) Notwithstanding the provisions of the preceding paragraph, supervising organizations may collect supervision costs of an appropriate type and amount as provided for by order of the competent ministry based on the general expenses and other costs ordinarily considered necessary for the supervision, after indicating the uses and amounts of those costs clearly to the organization implementing supervising-organization-type technical intern training, etc. in advance.

#### (Licenses)

Article 29 (1) If the competent ministers have granted a license as provided for in Article 23, paragraph (1), they must issue certificates corresponding to the number of places of business where the supervising business is to be conducted.

- (2) A person that has been granted a license must keep the certificate at each place of business where the supervising business is conducted, and must

present it upon the request of a relevant person.

- (3) If a certificate has been lost or destroyed, the person that was issued the certificate must promptly notify the competent ministers to that effect and must have the certificate reissued.
- (4) The competent ministers may entrust the administrative affairs relating to issuing certificates pursuant to the provisions of paragraph (1) or reissuance of the certificate pursuant to the provisions of the preceding paragraph to the OTIT.
- (5) If the competent ministers have entrusted the administrative affairs relating to issuance or reissuance of the license certificate pursuant to the provisions of paragraph (1) and paragraph (3) to the OTIT, or if they are to cease entrusting the administrative affairs relating to issuance or reissuance of the license certificate pursuant to the provisions of paragraph (1) and paragraph (3) to the OTIT, they must give public notice to that effect.

#### (License Conditions)

Article 30 (1) The license to supervise may be subject to conditions, and those conditions may be subject to change.

- (2) The conditions as provided for in the preceding paragraph are to be limited to the minimum degree necessary in light of the purpose of the license to supervise or necessary to ensure the reliable implementation of matters relating to the license to supervise, and must not impose undue obligations on the person that is to receive the license to supervise.

#### (Period of Validity of Licenses)

Article 31 (1) The period of validity of the license as provided for in Article 23, paragraph (1) (or a renewed period of validity, if the period of validity of the license has been renewed pursuant to the provisions of the following paragraph) must be a period of not less than three years from the date of the granting of that license (or from the day after the date of the expiration of the period prior to renewal, if the period of validity of the license has been renewed pursuant to the provisions of the following paragraph) as specified by Cabinet Order based on consideration of the capabilities and track record relating to conducting the supervising business.

- (2) A person that seeks to continue conducting the supervising business under the license (or under the amended license, if permission has been granted for a change under paragraph (1) of the following Article or a change has been made to the license of specified supervising business pursuant to the provisions of Article 37, paragraph (2)) after the expiration of the period of validity of that license as prescribed in the preceding paragraph (hereinafter referred to as "period of validity of the license" in this Article) must obtain a renewal of the



period of validity of that license.

- (3) If an application for renewal of the period of validity of the license has been made and the competent ministers find that the application does not conform to one of the items of paragraph (1) of Article 25, the competent ministers must not renew the period of validity of the license.
- (4) A person that wishes to renew the period of validity of the license must pay the fee provided for by order of the competent ministry based on consideration of the actual costs.
- (5) The provisions of Article 23, paragraphs (2) through (5), Article 24, Article 25, paragraph (2) and paragraph (3), Article 26 (excluding item (ii), item (iii) and item (v), (d) and (e)) and Article 29 apply mutatis mutandis to the renewal of the period of validity of the license.

(Amended License)

- Article 32 (1) If a supervising organization intends to change the category of business under its license to supervise, it must obtain an approval to do so from the competent minister. In that case, the supervising organization must have its license certificate amended.
- (2) The provisions of Article 23, paragraphs (2) through (5) and paragraph (7), Article 24, Article 25, Article 26 (excluding item (ii), item (iii), and item (v), (c) and (d)), and Article 29 apply mutatis mutandis to the license provided for in the preceding paragraph.
  - (3) If a change has been made in the matters (excluding those specified by order of the competent ministry) listed in the items of Article 23, paragraph (2) (excluding item (iv)), the supervising organization must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect within one month of the date of the change. In such a case, if the matters subject to the relevant change relate to the establishment of a new place of business where the supervising business is to be conducted, the business plan and other documents provided for by order of the competent ministry for the new place of business must be attached to that notification.
  - (4) The provisions of Article 23, paragraph (4) apply mutatis mutandis to the business plan provided for in the preceding paragraph.
  - (5) If the competent ministers have received a notification under paragraph (3) of the change related to the establishment of a new place of business where the supervising business is to be conducted, they must issue a license certificate corresponding to the number of newly established places of business.
  - (6) If a supervising organization files a notification under paragraph (3) and the matters related to the notification are described on the license certificate, it must have its license certificate updated.

(7) The provisions of Article 18 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under paragraph (3), and the provisions of Article 29, paragraph (4) and paragraph (5) apply mutatis mutandis to the administrative affairs relating to issuance of the license certificate under paragraph (5).

(Notification of Difficulty in Conducting Technical Intern Training)

Article 33 (1) If the supervising organization has received a notice under Article 19, paragraph (2) or it finds that it is difficult for an organization implementing supervising-organization-type technical intern training under its supervision to conduct the supervising-organization-type technical intern training, the supervising organization must, without delay, notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of the matters relating to that notice and other matters as provided for by Order of the competent ministry.

(2) The provisions of Article 18 apply mutatis mutandis to the administrative affairs relating to the receipt of the notification under the preceding paragraph.

(Suspension and Discontinuation of Business)

Article 34 (1) If a supervising organization intends to discontinue its supervising business or to suspend it in whole or in part, the supervising organization must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect at least one month prior to the date of that discontinuation or suspension, and must notify them of the measures to be taken to ensure the continuation of the supervising-organization-type technical intern training related to an organization implementing the supervising-organization-type technical intern training under supervision of the relevant supervising organization, and other matters as provided for by order of the competent ministry.

(2) The provisions of Article 18 apply mutatis mutandis to the administrative affairs of receipt of the notification under the preceding paragraph.

(Collection of Reports)

Article 35 (1) Within the extent necessary for the purpose of implementing the provisions of this Section, the competent ministers may order a person related to the supervising-organization-type technical intern training (meaning a supervising organization, etc. or a current or former organization implementing supervising-organization-type technical intern training), a current officer or employee of a person related to supervising-organization-type technical intern training (hereinafter referred to as "employee or officer" in this paragraph) or a former employee or officer (that current employee or

officer, and that former employee or officer are hereinafter collectively referred to as "employee or officer, etc." in this paragraph) to make a report, submit or present books and documents; may request the appearance of the person related to the supervising-organization-type technical intern training or the employee or officer, etc.; may have an official of the competent ministry question relevant persons; or may have them enter the premises of the places of business of the organization implementing supervising-organization-type technical intern training or other sites related to the supervising-organization-type technical intern training, to inspect their equipment, books, documents, or other items.

- (2) The provisions of Article 13, paragraph (2) apply mutatis mutandis to the questioning or on-site inspection under the preceding paragraph, and the provisions of paragraph(3) of the same Article apply mutatis mutandis to the authority under the preceding paragraph.

(Orders for Improvement)

Article 36 (1) If a supervising organization has violated the provisions of this Act, the provisions of other laws related to immigration or labor, or any order based these provisions, and the competent ministers find it necessary in order to secure the proper operation of the supervision, they may order the supervising organization to take the necessary measures to improve the management of the supervising business by a set deadline.

- (2) If the competent ministers have issued an order under the preceding paragraph, they must give public notice to that effect.

(Revocation of Licenses)

Article 37 (1) The competent ministers may revoke the license to supervise if the supervising organization falls under any of the following items:

- (i) it is found that the supervising organization no longer conforms to any of the items of paragraph (1) of Article 25;
  - (ii) the supervising organization falls under one of the items of Article 26 (excluding item (ii), item (iii), and item (v), (c) and (d));
  - (iii) the supervising organization has violated the conditions attached pursuant to the provisions of Article 30, paragraph (1) to the license to supervise;
  - (iv) the supervising organization has violated the provisions of this Act, the provisions of laws specified by Cabinet Order relating to immigration or labor, or any order or administrative actions based on these provisions; or
  - (v) it has committed a wrongful or significantly unjust act with regard to the laws or regulations related to immigration or labor.
- (2) If the competent ministers find that a supervising organization which was granted a license to supervise (limited to that for general supervising business)

no longer conforms to the criteria provided for by Order of the competent ministry set forth under Article 25, paragraph (1), item (vii), they may, ex officio, change that license to supervise to one for specified supervising.

- (3) If the competent ministers find that a supervising organization falls under any of the provisions of paragraph (1), item (i) or items (iii) through (v), they may order the suspension of all or a part of the supervising business for a set period of time.
- (4) If the competent ministers have revoked a license to supervise pursuant to the provisions of paragraph (1), amended a license to supervise pursuant to the provisions of paragraph (2), or issued an order pursuant to the provisions of the preceding paragraph, they must give public notice to that effect.

(Prohibition of Name Lending)

Article 38 A supervising organization must not have any other person conduct supervising business using that organization's name.

(Supervision in Accordance with the Accredited Plan)

Article 39 (1) The supervising organization must endeavor to have supervising-organization-type technical intern trainees acquire the necessary knowledge to engage in the supervising-organization-type technical intern training and must supervise the supervising-organization-type technical intern training in accordance with the accredited plan.

- (2) The supervising organization must provide the necessary guidance and advice to the organization implementing supervising-organization-type technical intern training under its supervision when that organization conducts an evaluation of the skills, etc. acquired by the supervising-organization-type technical intern trainees.
- (3) In addition to the matters listed in the two preceding paragraphs, the supervising organization must conduct its business in accordance with the criteria as provided for by order of the competent ministry with regard to the audit of the status of implementation of the supervising-organization-type technical intern training and other work.

(Appointment of a Supervision Manager)

Article 40 (1) The supervising organization, as provided for by order of the competent ministry, must appoint a supervision manager for each place of business where the supervising business is conducted, and have that manager generally supervise the following:

- (i) preparations for acceptance of supervising-organization-type technical intern trainees;
- (ii) matters related to guidance and advice provided to organizations

- implementing supervising-organization-type technical intern training with regard to the acquisition of skills, etc., by the supervising-organization-type technical intern trainees, and communication and coordination with the organizations implementing supervising-organization-type technical intern training;
- (iii) matters related to protection of the technical intern trainees as provided for in the following Section, and other matters related to the protection of supervising-organization-type technical intern trainees;
  - (iv) matters related to the management of personal information relating to the organization implementing supervising-organization-type technical intern training and supervising-organization-type technical intern trainees, etc.;
  - (v) matters related to communication and coordination with the manager pursuant to the provisions of Article 9, item (vii) in relation to labor conditions for, industrial safety for, and occupational health of the supervising-organization-type technical intern trainees; and
  - (vi) matters related to communication and coordination with the national and local government agencies which have jurisdiction over the administrative affairs relating to technical intern training, the OTIT, and other relevant organizations.
- (2) The supervision manager must be a person other than those given below:
- (i) a person who falls under any of the provisions of Article 26, item (v), (a) (excluding the parts related to Article 10, item (xi)) or (b) through (d);
  - (ii) a person who has committed a wrongful or significantly unjust act with regard to laws or regulations related to immigration or labor within five years prior to the date of appointment under the preceding paragraph, or on or after the date of appointment; or
  - (iii) a minor.
- (3) The supervising organization must have the supervision manager provide the necessary guidance to ensure that an organization implementing supervising-organization-type technical intern training does not violate the Labor Standards Act, the Industrial Safety and Health Act, or other laws and regulation relating to labor.
- (4) If the supervising organization find that an organization implementing supervising-organization-type technical intern training has violated the Labor Standards Act, the Industrial Safety and Health Act, or other laws and regulations related to labor in connection with the supervising-organization-type technical intern training, it must have the supervision manager issue the necessary instructions for corrective purposes.
- (5) If the supervising organization has issued the instructions as provided for in the preceding paragraph, it must promptly report that fact to the relevant administrative organs.

(Keeping of Books and Documents)

Article 41 The supervising organization must prepare books and documents relating to the supervising business as provided for by Order of the competent ministry, and must keep them at the place of business where the supervising business is conducted.

(Audit Reports)

Article 42 (1) If the supervising organization has conducted an audit of an organization implementing supervising-organization-type technical intern training under its supervision in accordance with the criteria provided for by order of the competent ministry set forth under Article 39, paragraph (3), it must prepare an audit report without delay after it has completed the audit and must submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(2) The supervising organization must prepare a business report on the supervising business for each place of business where the supervising business is conducted, and must submit them to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, as provided for by order of the competent ministry.

(3) The provisions of Article 18 apply mutatis mutandis to the administrative affairs relating to the receipt of the audit report under paragraph (1) and the receipt of the business report under the preceding paragraph.

(Handling of Personal Information)

Article 43 (1) When a supervising organization collects, keeps, or uses the personal information of an organization implementing supervising-organization-type technical intern training, etc. or a supervising-organization-type technical intern trainee, etc. in connection with the supervising business, it must collect that information only within the scope necessary to achieve the objectives of the supervising business, and must keep and use it only within the scope of the purposes for which it was collected; provided, however, that this does not apply to cases in which the relevant person gave consent or there are otherwise reasonable grounds

(2) The supervising organization must take the necessary measures for proper management of personal information related to the organizations implementing supervising-organization-type technical intern training, etc. and supervising-organization-type technical intern trainees, etc.

(Obligation of Confidentiality)

Article 44 The officers and employees or former officers and employees of the

supervising organization must not divulge or misappropriate any confidential information which they came to know of in connection with their work, without reasonable grounds.

(Delegation to Orders of the Competent Ministry)

Article 45 Beyond what is provided for in this Section, the licensing procedures for the supervising organizations and other necessary matters relating to implementation of this Section are provided for by Order of the competent ministry.

### **Section 3 Protection of Technical Intern Trainees**

(Prohibited Acts)

Article 46 A person engaging in the supervision (referred to as "training supervisor" in Article 48, paragraph (1)) or its officers or employees (referred to as "training supervisors, etc." in the following Article) must not force the technical intern trainees to engage in technical intern training against their will through the use of assault, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of the technical intern trainee.

Article 47 (1) The training supervisors, etc. must not enter into a contract that stipulates penalties for or predetermines compensations for damage on the non-performance of a contract regarding technical intern training, with the technical intern trainees, etc. (meaning technical intern trainees or persons who wish to become technical intern trainees; hereinafter the same applies in this Article), their spouses, their lineal relatives, their relatives cohabiting with the technical intern trainees, etc., or any other person who has a close personal relationship with the technical intern trainees, etc.

(2) The training supervisors, etc. must not have a technical intern trainee, etc. enter into a savings contract incidental to the contract for technical intern training or enter into a contract assuming control of the savings of the technical intern trainee, etc.

Article 48 (1) A person conducting technical intern training, training supervisor, or officer or employee thereof (referred to as "persons associated with technical intern training" in the following paragraph) must not retain the passport (meaning the passports as prescribed for in the provisions of Article 2, item (v) of the Immigration Control Act; the same applies in Article 111, item (v)) or residence card (meaning the residence cards as prescribed for in the provisions of Article 19-3 of the Immigration Control Act; the same applies in Article 111,

item (v)) of a technical intern trainee.

- (2) Persons associated with technical intern training must not improperly restrict the freedom of the technical intern trainees to go out, or otherwise impose unfair restrictions on their freedom in their personal lives.

(Reporting to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare)

Article 49 (1) If an implementing organization, supervising organization, or officers or employees thereof (referred to as "implementing organization, etc." in the following paragraph) is in violation of the provisions of this Act or any order based thereon, the technical intern trainee may report that fact to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

- (2) The implementing organization, etc. must not suspend the technical intern training for the technical intern trainee or subject that trainee to other disadvantageous treatment, due to the technical intern trainee having given the report provided for in the preceding paragraph.

#### **Section 4 Auxiliary Provisions**

(Guidance and Advice)

Article 50 (1) If it is found necessary for the enforcement of the provisions of this Chapter, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may provide the implementing organization with the necessary guidance or advice to secure the proper implementation of technical intern training and protection of the technical intern trainees, and the competent minister may provide the supervising organization with the necessary guidance or advice to secure the proper implementation of technical intern training and protection of the technical intern trainees

- (2) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare must provide the necessary information, advice, or other assistance in response to a consultation from a technical intern trainee for the purpose of the proper implementation of technical intern training and protection of the technical intern trainees.

(Communication and Coordination)

Article 51 (1) If an implementing organization or supervising organization intends to file a notification under Article 19, paragraph (1) or Article 33, paragraph(1), a notice under Article 19, paragraph (2), or a notification of discontinuation or suspension of business under Article 34, paragraph(1), it



must communicate and coordinate with other implementing organizations, supervising organizations, or other relevant persons and must take other necessary measures to ensure that the technical intern trainees relevant to the implementing organization or supervising organization who wish to continue with the technical intern training are able to do so.

- (2) If it is found necessary for implementation of the measures prescribed in the provisions of the preceding paragraph or for any other purpose, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may give the necessary guidance and advice to the persons provided for in item (i), and the competent minister may give the necessary advice and guidance to the persons provided for in item (ii):
- (i) implementing organizations and other relevant persons (except for supervising organizations); or
  - (ii) supervising organizations, persons relevant to those organizations, and other relevant persons (except for the persons given in the preceding item).

(Technical Intern Training Evaluation Examination)

Article 52 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare must endeavor to promote technical intern training evaluation examinations, in order to ensure the smooth evaluation of skills, etc., by implementing organizations.

- (2) The competent ministers must establish the standards for technical intern training evaluation examinations by order of the competent ministry, in order to ensure that fair technical intern training evaluation examinations are conducted.

(Requests to the Minister with Jurisdiction over the Business)

Article 53 If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find it to be necessary for the proper implementation of technical intern training and protection of technical intern trainees, they may request necessary cooperation in relation to the technical intern training regarding the business in the specific industry from the minister who has jurisdiction over that industry (referred to as "minister with jurisdiction over the business" in paragraph (1) of the following Article).

(Business Council)

Article 54 (1) The minister with jurisdiction over the business may organize a council composed of that minister and implementing organizations or supervising organizations related to the specific industries under the jurisdiction of the minister (hereinafter referred to as "business council" in this Article).

- (2) The business council may add the OTIT or other persons as members if the business council finds this necessary.
- (3) The business council is to share useful information for the purpose of proper implementation of technical intern training and protection of technical intern trainees, through mutual communication among its members, in order to work towards close cooperation among its members; and is to discuss initiatives to contribute to the proper implementation of technical intern training and protection of the technical intern trainees in light of the actual conditions of the business.
- (4) Any person who performs or previously performed the administrative affairs of the business council must not divulge or misappropriate any confidential information which they came to know of in connection with those administrative affairs, without reasonable grounds.
- (5) Beyond what is provided for in the preceding items, any other necessary matters in relation to the organization and management of the business council are established by the business council.

(Requests Related to Implementation of Measures Based on the Provisions of Other Laws)

- Article 55 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare found it to be necessary for the purpose of the proper implementation of technical intern training and protection of the technical intern trainees, they may provide information to the heads of the relevant administrative organs to contribute to the proper implementation of technical intern training and protection of the technical intern trainees.
- (2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that there are measures based on the provisions of other laws that may be used for the proper implementation of technical intern training and protection of the technical intern trainees, and that measures should be implemented promptly for the purpose of the proper implementation of technical intern training and protection of the technical intern trainees, they may make a request to the minister with jurisdiction over the administrative affairs for prompt implementation of those measures.
  - (3) If, as provided for in the preceding paragraph, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have made a request for the prompt implementation of measures set forth under the same paragraph, they may make a request to the relevant minister set forth in the same paragraph for a report on the status of implementation of those measures.

(Regional Council)

Article 56 (1) National government agencies with jurisdiction over the administrative affairs relating to technical intern training within a region may organize a council made up of those agencies, local government agencies, and other relevant agencies (hereinafter referred to as a "regional council" in this Article).

(2) A regional council may add the OTIT or other persons as members if the regional council finds this necessary.

(3) A regional council is to share useful information for the purpose of the proper implementation of technical intern training and protection of the technical intern trainees, through mutual communication among its members, in order to work toward close cooperation among its members; and is to discuss initiatives to contribute to the proper implementation of technical intern training and protection of the technical intern trainees in light of the actual conditions of the region.

(4) Any person who performs or previously performed administrative affairs of a regional council must not divulge or misappropriate any confidential information which they came to know of in connection with the administrative affairs, without reasonable grounds.

(5) Beyond what is provided for in the preceding items, any other necessary matters for organization and management of the regional council are established by the regional council.

### **Chapter III Organization for Technical Intern Training**

#### **Section 1 General Provisions**

(Purpose of the OTIT)

Article 57 The purpose of the Organization for Technical Intern Training (hereinafter referred to as the "OTIT") is to ensure the proper implementation of technical intern training and protection of the technical intern trainees in relation to the acquisition of skills, etc. by foreign nationals, thereby promoting international cooperation through the transfer of skills, etc. to developing regions and elsewhere through human resources development.

(Legal Personality)

Article 58 The OTIT is a corporation.

(Number)

Article 59 Only one OTIT is to be established.

(Capital)

Article 60 (1) The stated capital of the OTIT is to be the total amount contributed by the government and non-governmental persons for its incorporation.

(2) The OTIT may increase its stated capital, if necessary, with the authorization of the competent ministers.

(Name)

Article 61 (1) The OTIT must use the words "外国人技能実習機構" (pronounced "Gaikokujin Ginojissu Kiko", meaning "Organization for Technical Intern Training") in its name.

(2) No person other than the OTIT must not use the words "外国人技能実習機構" (pronounced "Gaikokujin Ginojissu Kiko", meaning "Organization for Technical Intern Training") in its name.

(Registration)

Article 62 (1) The OTIT must be registered pursuant to Cabinet Order.

(2) The matters required to be registered pursuant to the provisions of the preceding paragraph may not be duly asserted against a third party before they have been registered.

(The Act on General Incorporated Associations and General Incorporated Foundations as Applied Mutatis Mutandis)

Article 63 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the OTIT.

## **Section 2 Incorporation**

(Incorporators)

Article 64 Three or more incorporators with specialized knowledge and experience on technical intern training are required in order to incorporate the OTIT.

(Preparation of Articles of Incorporation)

Article 65 (1) Incorporators must promptly prepare articles of incorporation for the OTIT, and must solicit capital contributions for the OTIT from non-governmental persons.

(2) The articles of incorporation referred to in the preceding paragraph must include the following:

- (i) purpose;
- (ii) name;

- (iii) location of offices;
- (iv) matters relating to stated capital and capital contribution;
- (v) matters relating to officers;
- (vi) matters relating to the board of councilors;
- (vii) matters relating to operations and their execution;
- (viii) matters related to finance and accounting;
- (ix) matters relating to amendment of the articles of incorporation; and
- (x) method of giving public notices.

(Authorization for Incorporation)

Article 66 (1) Upon the completion of the solicitation under paragraph (1) of the preceding Article, incorporators must promptly submit the articles of incorporation to the competent ministers and apply for authorization for incorporation.

(2) The competent ministers nominate a person to be the president and persons to be inspectors of the OTIT.

(3) The person nominated to be the president and the inspectors of the OTIT pursuant to the provisions of the preceding paragraph are considered to have been respectively appointed as president and inspectors at the time of the establishment of the OTIT pursuant to the provisions of Article 71, paragraph (1).

(Transfer of Administrative Affairs)

Article 67 (1) Upon obtaining the authorization set forth under paragraph (1) of the preceding Article, the incorporators must, without delay, transfer their administrative affairs to the person nominated to be the president of the OTIT pursuant to paragraph (2) of the same Article.

(2) When the person nominated pursuant to paragraph (2) of the preceding Article to be the president of the OTIT has taken over the administrative affairs pursuant to the preceding paragraph, that person must request the payment of capital contributions, without delay, from the National Government and from persons other than the National Government that have responded to the solicitation of capital contributions.

(Registration of Incorporation)

Article 68 (1) If capital contributions have been paid pursuant to the provisions of paragraph (2) of the preceding Article, the person nominated pursuant to the provisions of Article 66, paragraph (2) to be the president of the OTIT must, without delay, register the incorporation of the OTIT pursuant to Cabinet Order.

(2) The OTIT is to be established upon the registration of its incorporation.

### **Section 3 Officers**

#### **(Officers)**

Article 69 The OTIT is to have one president, no more than three directors, and no more than two inspectors as its officers.

#### **(Duties and Authority of the Officers)**

Article 70 (1) The president represents the OTIT and presides over its operations.

(2) The directors, as determined by the president, represent the OTIT, assist the president in administering the operations of the OTIT, act on behalf of the president if the president is unavailable, and perform the duties of the president if the post is vacant.

(3) The inspectors inspect the OTIT's operations.

(4) The inspectors may submit their opinions to the president or the competent minister if they find it necessary based on the results of an inspection.

#### **(Appointment of Officers)**

Article 71 (1) The president and the inspectors are to be appointed by the competent ministers.

(2) The directors are to be appointed by the president with the authorization of the competent ministers.

#### **(Term of Office of Officers)**

Article 72 (1) The term of office of officers is to be two years; provided, however, that the term of office of an officer who is appointed to fill a vacancy is to be the remaining term of office of that officer's predecessor.

(2) An officer may be reappointed.

#### **(Officer Disqualification Clause)**

Article 73 An employee of the government or local government (except a part-time employee) is ineligible for the position of an officer.

#### **(Dismissal of Officers)**

Article 74 (1) The competent minister or the president must dismiss an officer whom they have appointed, if that officer comes to fall under the preceding Article.

(2) In accordance with the rules under the provisions of Article 71, the competent ministers or the president may dismiss an officer whom they have appointed, if that officer comes to fall under any of the following items, or if the competent

ministers or the president finds that it is inappropriate for that officer to remain an officer:

- (i) the officer has been issued an order to commence bankruptcy proceedings;
- (ii) the officer has been sentenced to imprisonment without work or a heavier punishment;
- (iii) the officer has been found incapable of performing their duties due to a mental or physical disorder; or
- (iv) the officer has breached an obligation in the course of their duties.

(Prohibition of Officers Concurrently Holding Offices)

Article 75 Officers of the OTIT (not including officers in part-time positions) must not become an officer of a for-profit organization, and must not themselves engage in a profit-making business; provided, however, that this does not apply if the officer obtains the approval of the competent ministers.

(Prohibition of Inspectors Concurrently Holding Offices)

Article 76 An inspector must not concurrently hold the position of the president, director, councilor, or employee of the OTIT.

(Restrictions on the Right to Representation)

Article 77 The president and directors do not have the right to representation with respect to a matter involving a conflict of interest between the president or any director and the OTIT. In such a case, the inspectors represent the OTIT.

(Appointment of Agents)

Article 78 The president may appoint, from among the employees of the OTIT, an agent with the authority to undertake all acts in or out of court involving part of the OTIT's business.

(Appointment of Employees)

Article 79 The OTIT's employees are appointed by the president.

(Duty of Confidentiality of Officers and Employees)

Article 80 No officer or employee of the OTIT, or person who has held any of those positions may divulge or misappropriate any confidential information that they came to know of in the course of their duties, without justifiable reason.

(Status of Officers and Employees)

Article 81 With respect to the application of the Penal Code and any other penal

provisions, the OTIT's officers and employees are deemed to be employees engaged in public service under the laws and regulations.

#### **Section 4 Board of Councilors**

##### **(Establishment)**

Article 82 (1) The OTIT has a board of councilors in order to ensure smooth management of the operations specified in Article 87 (excluding the operations set forth in item (i) of the same Article and other operations incidental thereto; the same applies hereinafter in this Article).

(2) The board of councilors deliberates on important matters relating to the management of the operations specified in Article 87.

(3) In addition to those matters provided for in the preceding paragraph, the board of councilors may submit its opinion on important matters related to the management of the operations specified in Article 87, in response to a consultation by the president, and may make a proposal on matters considered necessary to the president.

##### **(Organization)**

Article 83 The board of councilors consists of up to 15 councilors.

##### **(Councilors)**

Article 84 (1) The councilors are appointed by the president with the authorization of the competent ministers from among persons representing the workers, persons representing the employers, and persons with specialized knowledge and experience relating to technical intern training.

(2) The numbers of the councilors representing workers and employers are to be the same.

(3) The term of office of councilors is four years; provided, however, that the term of office of a councilor who is appointed to fill a vacancy is the remaining term of office of their predecessor.

(4) A councilor may be reappointed.

##### **(Dismissal of Councilors)**

Article 85 The president may dismiss a councilor in accordance with the rules under the provisions of paragraph (1) of the preceding Article, if the councilor comes to fall under any item of paragraph (2) of Article 74.

##### **(Duty of Confidentiality of Councilors)**

Article 86 The provisions of Article 80 and Article 81 apply mutatis mutandis to the councilors.



## Section 5 Operations

(Scope of Operations)

Article 87 The OTIT conducts the following operations in order to achieve the purposes specified in Article 57:

- (i) the following operations conducted in relation to the technical intern training:
  - (a) perform the administrative affairs for accreditation pursuant to the provisions of Article 12, paragraph (1);
  - (b) request reports or submission or presentation of books and documents pursuant to the provisions of Article 14, paragraph (1), or have its employee ask a question or conduct an inspection;
  - (c) accept notifications, reports, audit reports or business reports pursuant to the provisions of Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 19, paragraph (3), Article 21, paragraph (2), Article 27, paragraph (3), Article 32, paragraph (7), Article 33, paragraph (2), Article 34, paragraph (2), and Article 42, paragraph (3));
  - (d) conduct investigations into the facts pursuant to the provisions of Article 24, paragraph (1) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) and Article 32, paragraph (2));
  - (e) accept written applications pursuant to the provisions of Article 24, paragraph (3) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) and Article 32, paragraph (2)); and
  - (f) perform the administrative affairs for issuing or reissuing the certificates pursuant to the provisions of Article 29, paragraph (4) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) and Article 32, paragraph (2));
- (ii) the administrative affairs to provide a technical intern trainee with the necessary information, advice and other assistance in response to a consultation from the technical intern trainee in order to ensure the proper implementation of technical intern training and protection of technical intern trainees (excluding administrative affairs falling under the following item);
- (iii) the operations to provide the necessary information, advice and other assistance to a technical intern trainee who faces difficulty in engaging in technical intern training and wish to continue receiving the technical intern training, in response to a consultation from the technical intern trainee, and to provide the necessary guidance and advice to implementing organizations, supervising organizations and other relevant persons, so that the relevant technical intern trainee can continue receiving it;

- (iv) the operations to conduct studies and research relating to technical intern training;
- (v) other operations relating to the proper implementation of technical intern training and protection of the technical intern trainees;
- (vi) the operations to collect fees for the operations provided for in each of the preceding items (including operations incidental thereto, but excluding the operations provided for in order of the competent ministry); and
- (vii) the operations incidental to each of the preceding items.

#### (Entrustment of Operations)

- Article 88 (1) The OTIT may entrust part of the operations set forth in the preceding Article (excluding the operations set forth in item (i) of the same Article, and operations incidental thereto) with the authorization of the competent ministers.
- (2) The provisions of Article 80 and Article 81 apply mutatis mutandis to a person entrusted with the operations under the preceding paragraph (or their officers, if that person is a corporation), the relevant person's employees, and other persons engaging in the entrusted operations.

#### (Statement of Operation Procedures)

- Article 89 (1) When the OTIT commences its operations, it must prepare a statement of operation procedures and obtain the authorization of the competent minister. The same applies if the OTIT intends to modify that statement of operation procedures.
- (2) The statement of operation procedures set forth under the preceding paragraph must include the matters prescribed by order of the competent ministry.

#### (Request for Delivery of Materials)

- Article 90 (1) If the OTIT finds it to be particularly necessary in conducting its operations and makes a request, the National Government or a local government may deliver the necessary materials to the OTIT or make them available for viewing by the OTIT.
- (2) If the OTIT finds it necessary in conducting its operations, it may request the head of a national administrative organ, the head of a local government, or other executive agencies to provide materials, present opinions, give explanations or otherwise cooperate as necessary.

## **Section 6 Finance and Accounting**

#### (Fiscal Year)

Article 91 The fiscal year of the OTIT commences on April 1 of each year and ends on March 31 of the following year.

(Authorization of Budgets)

Article 92 (1) The OTIT must prepare a budget and business plan for each fiscal year, and obtain the authorization of the competent ministers prior to the commencement of that fiscal year. The same applies if the OTIT intends to modify that budget and business plan.

(2) If the competent ministers intend to give the authorization set forth under the preceding paragraph, the competent ministers must consult the Minister of Finance in advance.

(Financial Statements, Etc.)

Article 93 (1) The OTIT must prepare a balance sheet, profit and loss statement, other documents specified by Order of the competent ministry, and the annexed detailed statements thereof (hereinafter referred to in this Article as "financial statements") for each business year, and must submit them to the competent ministers within three months of the end of that fiscal year and receive their approval.

(2) If the OTIT submits the financial statements to the competent ministers pursuant to the provisions of the preceding paragraph, it must attach thereto a business report for that fiscal year, a report of its accounts based on its budget classification, and the inspectors' written opinion on the financial statements and report of its accounts.

(3) If the OTIT receives the approval of the competent ministers pursuant to the provisions of paragraph (1), it must give public notice of the financial statements in the Official Gazette without delay, and must keep the financial statements, business report, report of its accounts, and the inspectors' written opinion set forth under the preceding paragraph (hereinafter referred to in this Article as "financial statements, etc.") at each office, and must make them available for public inspection for a period of time prescribed by order of the competent ministry.

(4) Financial statements, etc., may be prepared in the form of an electronic or magnetic record (meaning a record in the electronic form, magnetic form or any other form not recognizable to human perception to be used in information processing by computers, as specified by Order of the competent ministry; the same applies hereinafter).

(5) If the financial statements, etc., are prepared in the form of an electronic or magnetic record, the OTIT may take the measures specified by order of the competent ministry as measures enabling information recorded in that electronic or magnetic record available to the general public by electronic or

magnetic means (meaning means specified by order of the competent ministry using an electronic data processing system or other information and communication technology), at its office. In that case, the financial statements, etc., are deemed to have been kept and made available for public inspection pursuant to the provisions of paragraph (3).

(Handling of Profits and Losses)

Article 94 (1) If a profit arises in the calculation of profits and losses for a fiscal year, the OTIT must thereby offset any loss carried over from the previous fiscal year, and any surplus that may remain even after offsetting the loss must be kept as reserve funds.

(2) If a loss is incurred based on the calculation of profits and losses for a fiscal year, the OTIT must account for the loss by reducing the amount of the reserve funds prescribed under the preceding paragraph, and if there is any deficit remaining thereafter, the OTIT must account for the amount of deficit as a loss carried forward.

(3) The OTIT may allocate the reserve funds specified in the provisions of paragraph (1) to expenses required for the operations set forth in Article 87, within the limits of the amount specified in the budget.

(Borrowing of Funds)

Article 95 (1) The OTIT may make short-term borrowings with the authorization of the competent ministers if it is necessary to allocate funds to expenses required for its operations.

(2) The short-term borrowings under the preceding paragraph must be reimbursed within the fiscal year concerned; provided, however, that if the short-term borrowings cannot be reimbursed due to a lack of funds, only the amount that cannot be reimbursed may be refinanced with the authorization of the competent ministers.

(3) The short-term borrowings that have been refinanced pursuant to the provisions of the proviso to the preceding paragraph must be reimbursed within one year.

(4) If the competent ministers intend to give the authorization set forth under the provisions of paragraph (1) and paragraph (2), the competent ministers must consult with the Minister of Finance in advance.

(5) The OTIT may neither make long-term borrowings nor issue bonds.

(Grants)

Article 96 The government is to grant the OTIT the amount of money equivalent to the expenses required for its business, within the limits of the budget.

(Investment of Surplus Funds)

Article 97 The OTIT must not invest any surplus funds arising in the course of its operations other than through the following means:

- (i) holding of government bonds and other securities designated by the competent ministers;
- (ii) depositing of surplus funds in a financial institution designated by the competent ministers; and
- (iii) other means prescribed by Order of the competent ministry.

(Delegation to Order of the Competent Ministry)

Article 98 Beyond what is provided for in this Act, the necessary matters for the enforcement of the provisions of this Section are provided for by order of the competent ministry.

## **Section 7 Supervision**

(Supervision)

Article 99 (1) The OTIT is supervised by the competent minister.

(2) If the competent minister finds it necessary for the enforcement of this Act, they may issue an order as necessary for the supervision of the OTIT's operations.

(Reports and Inspections)

Article 100 (1) If the competent minister finds it necessary for the enforcement of this Act, they may order the OTIT to submit a report on its operations, or may have officials enter the OTIT's offices to inspect the OTIT's books, documents and other items.

(2) The provisions of Article 13, paragraph (2) apply mutatis mutandis to the on-site inspection under the preceding paragraph, and the provisions of Article 13, paragraph (3) apply mutatis mutandis to the authority under the preceding paragraph.

## **Section 8 Auxiliary Provisions**

(Changes to the Articles of Incorporation)

Article 101 Changes to the OTIT's articles of incorporation do not come into effect without the authorization of the competent ministers.

(Dissolution)

Article 102 (1) If the OTIT is dissolved and there are residual assets even after it has paid its debts, the OTIT must distribute them to each contributor in

amounts proportionate to the amount of each capital contribution.

- (2) Beyond what is provided for in the preceding paragraph, matters concerning the dissolution of the OTIT are provided for separately by law.

#### **Chapter IV Miscellaneous Provisions**

(Competent Minister)

Article 103 (1) The competent ministers referred to in this Act are the Minister of Justice and the Minister of Health, Labour and Welfare.

- (2) The order of the competent ministry referred to in this Act is an order issued by the competent ministers.

(Delegation of Authority)

Article 104 (1) Pursuant to the provisions of Cabinet Order, the competent ministers may delegate, to the Minister of Land, Infrastructure, Transport and Tourism, part of their authority over the collection of reports, the order to submit or present books and records, the order to appear, the questioning, or the on-site inspection under Article 35, paragraph (1) (limited to those conducted for the enforcement of the provisions of Article 40, paragraphs (3) through (5)) (hereinafter referred to as the "collection of reports, etc." in the following paragraph and in the following Article).

- (2) If the Minister of Land, Infrastructure, Transport and Tourism performs the collection of reports, etc. under the authority delegated to the Minister pursuant to the provisions of the preceding paragraph, the Minister is to report the results to the competent ministers promptly.
- (3) The Minister of Land, Infrastructure, Transport and Tourism may delegate the authority which has been delegated to the Minister pursuant to the provisions of paragraph (1), to the director of the regional transport bureau (including the chief of the maritime traffic control division; the same applies in the following paragraph) pursuant to Cabinet Order.
- (4) The authority delegated to the director of the regional transport bureau pursuant to the provisions of the preceding paragraph may be delegated to the director of the transport bureau branch, or the head of the office of the regional transport bureau, transport control division or transport bureau branch, pursuant to Cabinet Order.
- (5) The authority of the Minister of Justice provided for in this Act (excluding those under Article 7, paragraphs (1) and paragraphs (3) through (5), and that delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1)) may be delegated to the Commissioner of the Immigration Services Agency pursuant to Cabinet Order.
- (6) The authority of the Commissioner of the Immigration Services Agency

provided for in this Act (including that delegated to the Commissioner of the Immigration Services Agency pursuant to the provisions of the preceding paragraph) and the authority of the Minister of Health, Labour and Welfare (excluding those under Article 7, paragraph (1) and paragraphs (3) through (5), and that delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1)) may be delegated to the head of a local branch office pursuant to Order of the competent ministry.

(Exercising Authority)

Article 105 (1) The competent ministers may have a labor standard inspector perform what is under the authority of the officials of the competent ministers provided for in Article 35, paragraph (1), for the administrative affairs relating to the collection of reports, etc.

(2) If the authority of the competent minister is delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism may have an officer in charge of the labor affairs of mariners perform what is under the authority of the officials of the competent ministers provided for in Article 35, paragraph (1), for the administrative affairs relating to the collection of reports, etc.

(Coordination between the National Government and Others)

Article 106 (1) The national government, local governments and the OTIT is to endeavor to exchange the necessary information and to otherwise ensure close mutual coordination in order to ensure that the technical intern training is conducted smoothly.

(2) The OTIT must provide the competent ministers and the Commissioner of the Immigration Services Agency with necessary information relating to the exercise of authority by the competent ministers and the Commissioner of the Immigration Services Agency for the coordination provided for in the preceding paragraph.

(Delegation to Order of the Competent Ministry)

Article 107 Beyond what is provided for in this Act, the necessary matter for the enforcement of the provisions of this Act are specified by Order of the competent ministry.

## **Chapter V Penal Provisions**

Article 108 Any person who has violated the provisions of Article 46 is subject to imprisonment for not less than one year but not more than 10 years, or a fine

of not less than 200,000 yen but not more than 3,000,000 yen.

Article 109 Any person falling under any of the following items is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen:

- (i) a person who has conducted supervision in violation of Article 23, paragraph (1);
- (ii) a person who has, by deception or some other wrongful act, received the license provided for in Article 23, paragraph (1), renewal of the period of validity of the license provided for in Article 31, paragraph (2), or permission for a change provided for in Article 32, paragraph (1);
- (iii) an officer or employee of a supervising organization who has committed a violation in cases of violation of the order under Article 37, paragraph (3); or
- (iv) an officer or employee of a supervising organization who has committed a violation in cases of violation of the provisions of Article 38.

Article 110 Any person who has violated the provisions of Article 44, Article 54, paragraph (4), Article 56, paragraph (4), or Article 80 (including as applied mutatis mutandis pursuant to Article 86 and Article 88, paragraph (2)) is subject to imprisonment for not more than 1 year or a fine of not more than 500,000 yen.

Article 111 Any person falling under any of the following items is subject to imprisonment for not more than 6 months or a fine of not more than 300,000 yen:

- (i) a person who has violated the order under Article 15, paragraph (1);
- (ii) an officer or employee of a supervising organization who has committed a violation in cases of violation of the provisions of Article 28, paragraph (1);
- (iii) an officer or employee of a supervising organization who has committed a violation in cases of violation of the order under Article 36, paragraph (1);
- (iv) a person who has violated the provisions of Article 47;
- (v) a person who has kept the passport or residence card of a technical intern trainee against the wishes of the technical intern trainee in violation of Article 48, paragraph (1);
- (vi) a person who has, in violation of Article 48, paragraph (2), notified a technical intern to the effect that the trainee is prohibited from communicating with or meeting others or going outside during any hours other than their technical intern training hours, in whole or in part, through threatening them with dismissal or other disadvantages in the labor relationship, collection of a penalty, or other financial disadvantages; or
- (vii) a person who has violated the provisions of Article 49, paragraph (2).



Article 112 Any person falling under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has failed to give a report or to submit or present books and documents as provided for in Article 13, paragraph (1) or Article 35, paragraph (1); made a false report, or submitted or presented false books or documents; has refused to answer to questions under these provisions or given a false answer to them; or has refused, interfered with, or evaded an inspection under these provisions;
- (ii) a person who has not made the notification provided for in Article 17 or has made a false notification;
- (iii) a person who has not made the notification provided for in Article 19, paragraph (1) or has made a false notification;
- (iv) a person who has not given the notice provided for in Article 19, paragraph (2), or has given false notice;
- (v) a person who, in violation of Article 20, has not prepared books or documents or kept them at its place of business, or has prepared false books or documents;
- (vi) a person who has submitted the written application provided for in Article 23, paragraph (2) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) and Article 32, paragraph (2)) or the document provided for in Article 23, paragraph (3) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5) and Article 32, paragraph (2)) which contains a false statement;
- (vii) an officer or employee of a supervising organization who has committed a violation if the notification provided for in Article 32, paragraph (3) was not made, a false notification was made, or the document provided for in the same paragraph was submitted containing a false statement;
- (viii) an officer or employee of a supervising organization who has committed a violation if the notification provided for in Article 33, paragraph (1) was not made, or a false notification was made;
- (ix) an officer or employee of a supervising organization who has committed a violation if the supervision was discontinued or all or part of it was suspended without the notification provided for in Article 34, paragraph (1) or with a false notification;
- (x) an officer or employee of a supervising organization who has committed a violation in cases of violation of the provisions of Article 40, paragraph (1);
- (xi) an officer or employee of a supervising organization who has committed a violation if books or documents were not prepared or kept at the place of business in violation of Article 41, or false books or documents were prepared; or

(xii) the officer or employee of the OTIT who has committed the violation if the report provided for in Article 100, paragraph (1) was not made, a false report was made, or the inspection provided for in the same paragraph was refused, interfered with, or evaded.

Article 113 If the representative of a corporation, the agent or employee of a juridical or natural person, or any other person working for a juridical or natural person has committed a violation set forth under Article 108, Article 109, Article 110 (limited to the part pertaining to Article 44), Article 111 and the preceding Article (excluding item (xii)) in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to the fine set forth under the relevant Article.

Article 114 If coming under any of the following items, the officer of the OTIT who has committed the relevant violation is subject to a civil fine of not more than 200,000yen:

- (i) failure to receive authorization from or approval of the competent ministers if the authorization or approval is required pursuant to the provisions of Chapter III;
- (ii) failure to be registered in violation of Cabinet Order under Article 62, paragraph (1);
- (iii) engaging in business other than that provided for in Article 87;
- (iv) failure to keep documents or to make them available for public inspection in violation of Article 93, paragraph (3);
- (v) investing surplus funds from the business in violation of Article 97; or
- (vi) violation of the order of the competent ministers provided for in Article 99, paragraph (2).

Article 115 Any person who has violated the provisions of Article 61, paragraph (2) is subject to a civil fine of not more than 200,000 yen.