

Outline of the Amendment Act (Establishment of Employment-for-Skill-Development (ESD) Program)

In light of the circumstances surrounding the technical intern training program and specified skilled worker system, this Amendment Act introduces a new status of residence of employment for skill development, aimed at developing and securing human resources through employment, and establishes systems for accrediting an employment-for-skill-development plan (ESD plan) and licensing a person that plans to provide supervision and support, and establishes an employment-for-skill-development organization (ESDO) which conducts the administrative work related to these matters, as well as takes measures such as imposing limits on entrustment of support for specified skilled workers (I) and clarifying the requirements for obtaining permission for permanent residence. (This Act will come into effect within three years from the date of promulgation in principle. (Note 1)) Note 1: Provisions on the preparations come into effect on the date of promulgation.

Immigration Control and Refugee Recognition Act

1. Introduction of a new status of residence

- The status of residence of technical intern training is abolished. To replace it, **a status of residence named "employment for skill development" is introduced**, covering activities such as work that requires technical skills in the **"employment-for-skill-development industrial fields"** (i.e., certain appropriate fields that enable employees to acquire skills through employment among specified industrial fields). (Note 2)

2. Optimization of specified skilled worker system

- Only a registered support organization is to be allowed to be outsourced if an organization of affiliation of the specified skilled workers (accepting organization) outsources to somebody support for specified skilled workers (I).

3. Toughening penalties for charge of encouraging illegal work

- Penalties for charge of facilitating illegal employment are raised such as having foreign nationals engage in illegal work.
(Imprisonment for not more than three years or a fine of not exceeding three million yen → -Imprisonment for not more than five years or a fine not exceeding five million yen *Cumulative imposition possible.)

4. Optimization of the system related to permission for permanent residence

- The requirements for permission for permanent residence are to be defined more clearly, and grounds are added for revocation of permission for permanent residence applicable to cases where a resident no longer meets the criteria; provided, however, that unless special circumstances exist, their status of residence will be changed to other status and they are allowed to continue residing in Japan.

Note 2: In addition, a new status of residence named "intra-company transferee (II)" is introduced to allow an employee of a foreign office of an enterprise that meets certain criteria to acquire technical skills and knowledge.

4. Other matters

- In fields with seasonal works, employment for skill development is allowed in the form of dispatching employment.
- Competent ministries and agencies for the program may establish a regional council to hold consultations regarding the initiatives based on the current circumstances in a respective region.
- For a foreign national who has entered Japan as a technical intern trainee before the new program is implemented, the transition from their current status to the next (e.g., from Technical Intern Training (I) to (II) or from (II) to (III)) is allowed to a certain degree.

Act on Employment for Skill Development (Fundamental Amendment of the Technical Intern Training Act)

1. Purpose and basic policy of the Employment-for-Skill-Development Program

- The title of the Act is revised to "Act on Proper Implementation of Employment for Skill Development and Protection of Skill Development Employees" (**Act on Employment for Skill Development**).
- Employment-for-Skill-Development Program aims to **develop human resources with technical skills and knowledge that meet the standards for specified skilled workers (I)** in the ESD industrial fields and **secure human resources in these fields**.
- The government prescribes the basic policy and field-specific operation policies as well as specify an expected number of foreign workers to be accepted for each field in the implementation policies.

2. Accrediting system for Employment-for-Skill-Development Plan

- In accrediting Employment-for-Skill-Development Plan, requirements are defined as follows: three year-or-less period for Employment for Skill Development (Note 3), work category, skills, Japanese proficiency level, and other goals, contents, as well as the structural plan for the accepting organization, the amount of expense paid by foreign workers to the sending organization, under the criteria etc. (Note 4).
- To change employers, new employers are to be accredited for the new employment-for-skill-development plan for the worker, which may be granted 1) **when there are unavoidable circumstances** or 2) **when the new employer falls within the same job category, and specific requirements (Note 5), including an employment period** (prescribed for by order of the competent ministry based on the work description and other facts within the range from one to two years), standards of technical skills etc., and suitability of the new employer, are met (change of employers by choice).

3. Related organizations

- **A "supervising and support organization"** to replace an existing supervising organization, will be required to hire an external auditor. The supervising and support organization may not allow an officer or employee closely related to an accepting organization to carry out work for the accepting organization.
- **"Employment-for-Skill-Development Organization (ESDO)"** is to be established to replace the existing organization for Technical Intern Training. The scope of its work is expanded to include providing support for skill development employees to change employers as well as providing advice and support for specified skilled workers (I).

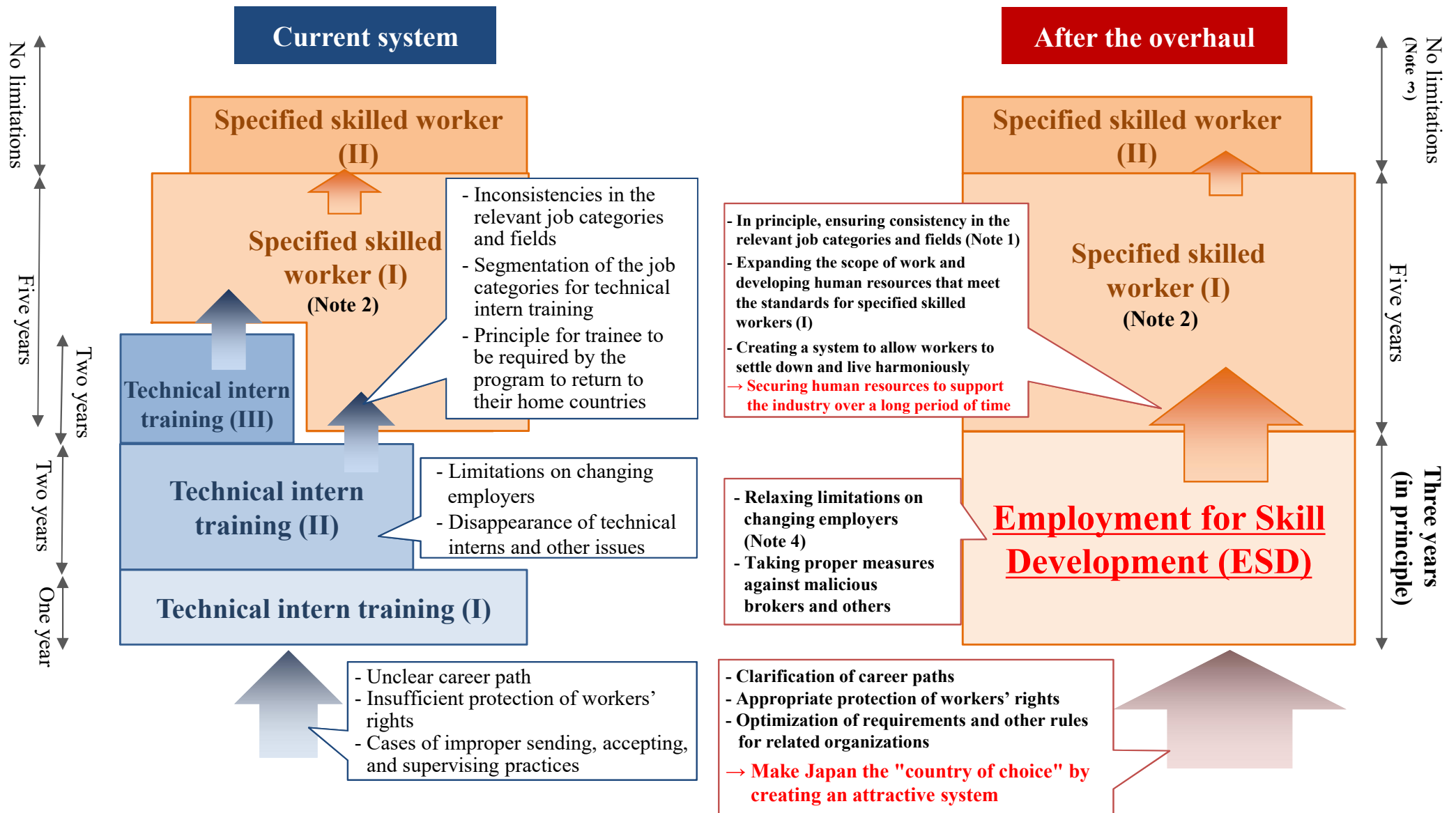
Note 3: If there is a justifiable reason to extend that period as prescribed by order of the competent ministry (i.e., failure to pass the skill test), the period may be extended by up to one year.

Note 4: The details of the requirements are specified by order of the competent ministry.

Note 5: The details of the requirements are specified by order of the competent ministry, namely:

- The employment period at the same organization must be within a range from one to two years, depending on a field.
- The standards for technical skills and Japanese proficiency require successfully passing a trade skills test (basic grade) and a Japanese-language proficiency test equivalent to the prepared range of the level for each field from A2 to A1.
- The requirements are expected to include compliance by the new employer with the criteria to conduct employment for skill development properly.

Diagram of the System Overhaul



Note 1: Although the targeted fields of accepting foreign workers under ESD Program is matched up with the specified industrial fields in principle, any fields that are not suitable for skill development in Japan are excluded from the scope of ESD.

Note 2: Specified skilled worker (I) may also obtain the status of residence by passing a test.

Note 3: Since some workers may obtain permission for permanent residence, the requirements for obtaining the permission are to be defined more clearly and new grounds are added on the revocation of permission for permanent residence, such as the case where a resident no longer meeting those requirements.

Note 4: Details on the relaxation of limitations on changing employers

- The scope is expanded and clarified for a worker to change employers "due to unavoidable circumstances", and the related procedures are made more flexible.
- Workers may change employers at their will within the same job category as long as they meet the following requirements.
 - They have worked for the same employer for more than one or two years (specified depending on each field).
 - They have successfully passed a trade skills test (basic grade) and a Japanese-language proficiency test at a certain level or higher.
 - The new employer meets certain suitable requirements.

改正法の概要（育成就労制度の創設等）

技能実習制度及び特定技能制度をめぐる状況に鑑み、就労を通じた人材育成及び人材確保を目的とする新たな在留資格として育成就労の在留資格を創設し、育成就労計画の認定及び監理支援を行おうとする者の許可の制度並びにこれらに関する事務を行う外国人育成就労機構を設けるほか、1号特定技能外国人支援に係る委託の制限、永住許可の要件の明確化等の措置を講ずる。（公布の日から原則3年以内に施行（注1））

（注1）準備行為に係る規定は公布即施行

入管法

1. 新たな在留資格創設

- 技能実習の在留資格を廃止。「**育成就労産業分野**」(特定産業分野のうち就労を通じて技能を修得させることが相当なもの)に属する技能を要する業務に従事すること等を内容とする「**育成就労**」の在留資格を創設（注2）。

2. 特定技能の適正化

- 特定技能所属機関（受入れ機関）が1号特定技能外国人の支援を外部委託する場合の委託先を、登録支援機関に限るものとする。

3. 不法就労助長罪の厳罰化

- 外国人に不法就労活動をさせる等の不法就労助長罪の罰則を引上げ。（拘禁刑3年以下又は罰金300万円以下→5年以下又は500万円以下 ※併科可）

4. 永住許可制度の適正化

- 永住許可の要件を一層明確化し、その基準を満たさなくなった場合等の取消事由を追加。ただし、特段の事情がない限り、在留資格を変更して引き続き在留を許可。

（注2）さらに、一定基準に適合する企業の外国事業所の職員が技能等を修得するための「企業内転勤2号」の在留資格を創設。

4. その他

- 季節性のある分野において、派遣形態による育成就労の実施を認める。
- 制度所管省庁が地域協議会を組織することができるものとし、地域の実情を踏まえた取組について協議を行うものとする。
- 施行までに技能実習生として入国した者は、施行後、現段階から次の段階までの資格変更（例：1号→2号、2号→3号）を一定の範囲で認める。

育成就労法（技能実習法の抜本改正）

1. 育成就労制度の目的・基本方針

- 法律名を「外国人の育成就労の適正な実施及び育成就労外国人の保護に関する法律」(**育成就労法**)に改める。
- 育成就労制度は、育成就労産業分野において、**特定技能1号水準の技能を有する人材を育成**するとともに、**当該分野における人材を確保**することを目的とする。
- 政府は基本方針及び分野別運用方針を定めるものとし、分野別運用方針において、各分野の受入れ見込数を設定するものとする。

2. 育成就労計画の認定制度

- 育成就労計画の認定に当たって、育成就労の期間が3年以内（注3）であること、業務、技能、日本語能力その他の目標や内容、受入れ機関の体制、外国人が送出機関に支払った費用額等が基準（注4）に適合していることといった要件を設ける。
- 転籍の際には、転籍先において新たな育成就労計画の認定を受けるものとし、当該認定は、①やむを得ない事情がある場合や、②同一業務区分内であること、就労期間（1～2年の範囲で業務の内容等を勘案して主務省令で規定）・技能等の水準・転籍先の適正性に係る一定の要件（注5）を満たす場合（**本人意向の転籍**）に行う。

3. 関係機関の在り方

- 監理団体に代わる「**監理支援機関**」については、外部監査人の設置を許可要件とする。監理支援機関は、受入れ機関と密接な関係を有する役職員を当該受入れ機関に対する業務に関わらせてはならないものとする。
- 外国人技能実習機構に代わる「**外国人育成就労機構**」を設立。育成就労外国人の転籍支援や、1号特定技能外国人に対する相談援助業務を追加。

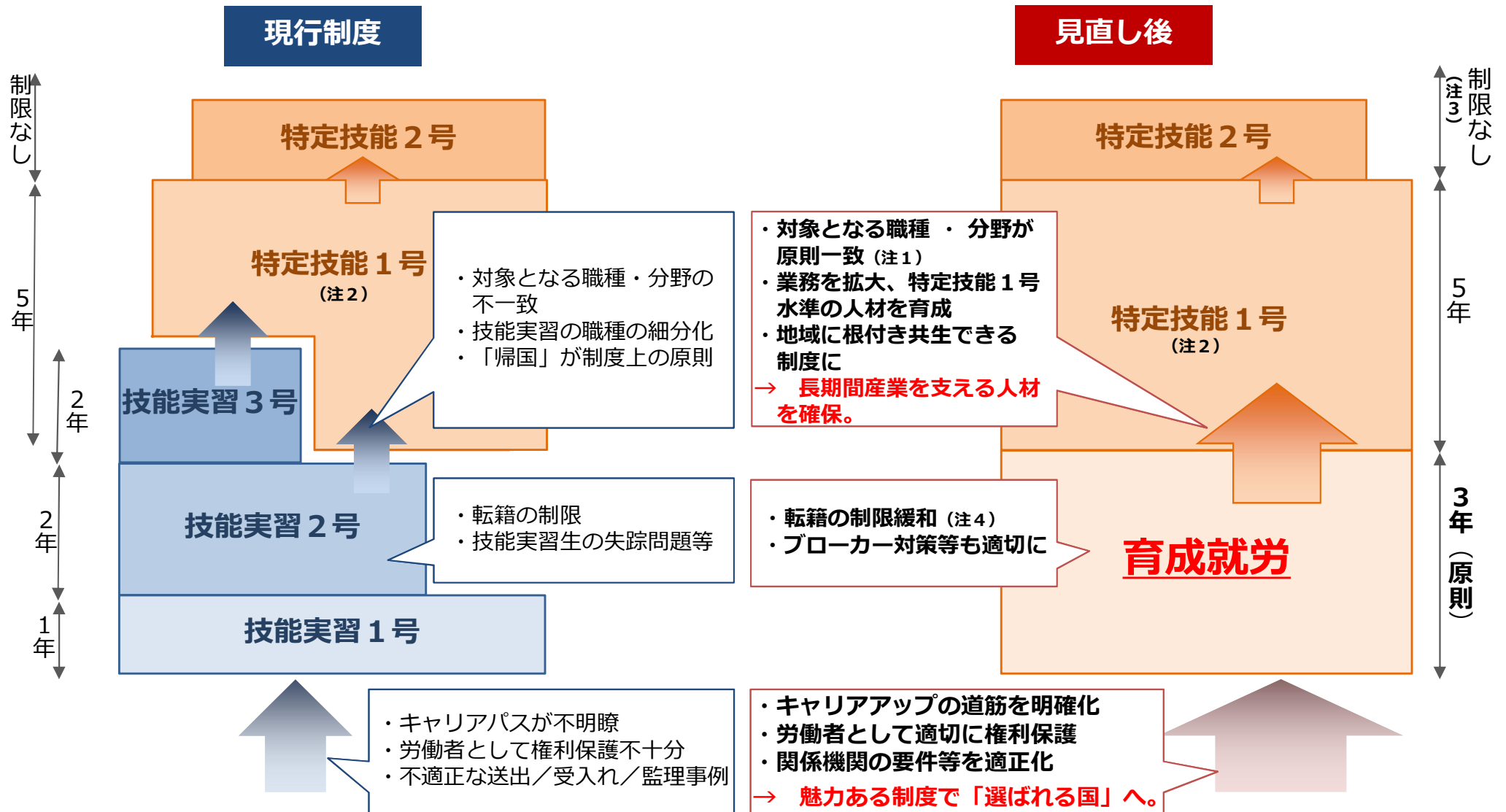
（注3）主務省令で定める相当の理由（試験不合格）がある場合は、最大で1年の延長可。

（注4）詳細な要件は、主務省令で定める。

（注5）詳細な要件は、主務省令で定める。具体的には、

- ・ 同一機関での就労期間については分野ごとに1年から2年の範囲で設定すること
- ・ 技能等の水準については、技能検定試験基礎級等及び分野ごとに設定するA1～A2相当の日本語能力に係る試験への合格
- ・ 転籍先が、育成就労を適正に実施する基準を満たしていることを要件とすることを予定している。

制度見直しのイメージ図



(注1) 育成就労制度の受入れ対象分野は特定産業分野と原則一致させるが、国内での育成になじまない分野は育成就労の対象外。

(注2) 特定技能 1号については、「試験ルート」での在留資格取得も可能。

(注3) 永住許可につながる場合があるところ、永住許可の要件を一層明確化し、当該要件を満たさなくなった場合等を永住の在留資格取消事由として追加する。

(注4) 転籍の制限緩和の内容

- 「やむを得ない事情がある場合」の転籍の範囲を拡大・明確化するとともに、手続を柔軟化。
- 以下を要件に、同一業務区分内での本人意向による転籍を認める。
 - ・ 同一機関での就労が1～2年(分野ごとに設定)を超えている
 - ・ 技能検定試験基礎級等及び一定水準以上の日本語能力に係る試験への合格
 - ・ 転籍先が、適切と認められる一定の要件を満たす