

Directive (With First amendment, 2067), 2066 for sending Nepalese Technical Interns to Japan

This directive has been prepared under the provision of Article 45 of Governance Act, 2064.

(1) Brief Name, Extension, Beginning

- (1) Name of this directive will be remain", Directive 2066, to send Nepalese ✦ Technical Interns (TI) in Japan.
- (2) This directive will be applicable to all Nepalese within or out side Nepal if people go against this directive.
- (3) This directive will be effective from the date of approval by the Government of Nepal.

(2) Definition: Unless the subject or the contexts otherwise requires in this directive

- (A) **Act Refers:** to Foreign Employment Act, 2064 (2007)
- (B) **Regulation Refers:** to Foreign employment Regulation, 2064 (2007)
- (C) **Contract Refers:** to contract in between ✦ Technical Interns and license holder agencies or institutions.
- (D) **Agency Refers:** to agencies approved and authorized under Article 11 of Foreign Employment Act, 2064 and enlisted in this program.
- (E) **Institutions Refers:** to Federation of Nepal Chamber of Commerce and Industries (FNCCI).
- (F) **JITCO Refers:** to Japan International Training Corporation Organization.
- (G) ✕
- (H) **TIP Refers:** to Technical Internship Program.

(3) Agency/ institution Enlisting process to send ✦ Technical Interns in Japan under JITCO; The foreign employment agencies/institution must be enlisted in the Ministry of Labor and Transport Management to send ✦ Technical Interns in Japan under JITCO.

(4) Process to send the Intern under JITCO

- (1) **Pre- approval:** The enlisted sending agencies should submit application to Department of Foreign Employment (DoFE) for the pre - approval to send ✦ Technical Interns in Japan under JITCO. It should full fill the following procedures for pre-approval:-
 - (a) The demand of ✦ Interns received from supervising organization must be attested by the Nepalese Embassy of Nepal in Japan.
 - (b) The copy of 'agreement' in between the agency of Nepal and Japan supervising organization of Japan concerned to ✦ Technical Interns.
 - (c) ✕
 - (d) The bond as per this directive.

✦ Added by first amendment.

✕ Omitted by first amendment.

- (e) The name, address, phone number, E-mail and website of the ✨ supervising organization.
 - (f) Type and duration of training for ✨ Technical Interns
 - (g) Facility of lodging and food to the ✨ Technical Interns.
 - (h) Salary, allowance and provision of leave to the ✨ Technical Interns
 - (i) Insurance and other facility to the ✨ Technical Interns
 - (j) Medical facility for the ✨ Technical Interns
 - (k) Statement of the total expenditure to send ✨ Technical Interns in Japan.
- (2) **Permission for Advertisement:** Department of Foreign Employment (DOFE) will issue permission to advertise to the ✨ TI sending agency which has fulfilled the requirements mentioned in the clause (1) within three days from the date of application submitted in the Department.
- (3) **Subjects to be Mentioned in the Notice :** The sending agencies as per the clause (2) should publish a 15 days notice to send ✨ TI in the national daily news paper with following details:-
- i. Date and reference number of pre-approval from the department
 - ii. Name, address and license number along with date of the sending agency.
 - iii. Name, address, phone number, E - mail and website of the ✨ supervising organization.
 - iv. Post of the ✨ Technical Interns
 - v. Number of the demand for the ✨ Technical Interns
 - vi. Description of training to be taken by the Technical Interns
 - vii. Minimum qualification and work experience of the ✨ Technical Interns
 - viii. Provision of the lodging and food for ✨ Technical Interns
 - ix. Monthly salary and allowance for ✨ Technical Interns.
 - x. Daily/weekly training schedule for ✨ Technical Interns.
 - xi. Required documents to be submitted with the application.
 - xii. Place and last date of submission of the application.
 - xiii. Insurance and medical facilities for the ✨ Technical Interns.
 - xiv. The total expenditure to be paid by the ✨ Technical Interns for service charge, transportation, visa and other promotional charges.
 - xv. Date, place and selection process of the ✨ Technical Interns,
 - xvi. Reserved seats allocated for women, marginalized, indigenous, victim of disaster and backward etc. by the Government of Nepal as mentioned in Article (9) of the Foreign Employment Act.
 - xvii. Other requirements determined by the DOFE.
- (4) **Minimum qualification for the potential ✨ Technical Interns to participate in the Japan International Training Cooperation (JITCO) program**
- The ✨ Technical Interns with following qualification can apply for JITCO program.
- (a) ✨ TI must be a Nepalese citizen,

- (b) One must be in between 18 to 40 years of age,
- (c) One must have working experience in the registered industries under the Ministry of Industry, industrial institution, industrial business, factories, agriculture, cooperatives, social organizations, hotel, tourism industry sector etc. The above mentioned organizations must be in operation and have been registered for at least 3 years,
- (d) The agricultural Interns must have the work experience of 2 years in the concerned area under registered institution in the Industry, Cooperative or Community based organization,
- (e) The ✦ Technical Interns must be working in same industry, enterprise, and institution of Nepal relevant to the intended field of the training in Japan.
- (f) The ✦ Technical Interns must have training on Japanese language and culture,
- (g) The recommendation and the promissory letter to deploy returnee ✦TI must be submitted from the working organization.

(5) Arrangement for Foreign Employment Permit Sticker (FEPS)

- 1 The sending organization (SO), after the fulfillment of the above mentioned selection process must submit the application for obtaining FEPS with the following details in the Foreign Employment Department-
 - a. Pre - approval letter of the Foreign Employment Department,
 - b. Contract or agreement in between ✦ Technical Interns and the sending agencies.
 - c. Contract or agreement paper in between ✦ Technical Interns and the receiving organization,
 - d. copy of the bond of the Interns to come back to Nepal after the contract period,
 - e. Certificates of trainings on Japanese language and culture as well as pre-departure orientation training,
 - f. Copy of health certificate,
 - g. Copy of Insurance as per the Article 19, Sub Article 1(c) of Foreign Employment Act, 2064.
 - h. Receipt of the welfare fund fee deposited,
 - i. Copy of receipt of the promotion fee paid to the sending agency by the interns.
 - j. ✦ Receipt of the amount paid by Technical Interns to the sending agency.
- 2 The DOFE should send the list of the approved ✦ Technical Interns to the Nepalese Embassy, Japan as per the annex -1.

✦ Added by first amendment.

⊗ Omitted by first amendment.

(6) **Responsibilities of Sending Organization (SO).**

- (1) Selection should be made for the Technical Interns through advertisement based on the demand of JITCO from the demand of Receiving Organization (RO).
- (2) ✦ Technical Interns interested to go under JITCO for training or Internship course in Japan should apply with the qualifications mentioned in the Article (5) and 4(3), and the advertisement of sending organization and the recommendation letter as per Article (8) from working organization must be submitted as mentioned in the Foreign Employment Act, 2064.
- (3) The sending organization must have promissory letter from the ✦ Technical Interns that they will return back to Nepal after the contract period of training or Internship in Japan.
- (4) The working organization must assure job to the returnee Interns after Internship in Japan.
- (5) The ✦ Technical Interns must come back to the country after Internship. If not returned, the Sending Organization (SO) should inform to the Nepalese Embassy in Japan or in DOFE in Nepal. The MoLTM, Government of Nepal will cancel the certificate of the SO for JITCO program if the SO did not follow the rules.
- (6) ⊗
- (7) The sending organization must have contact person or office in Japan by the approval of MOLTM in order to facilitate the ✦ Technical Interns in Japan. The contact person or office will be monitored by the Nepalese Embassy in Japan and the person is not allowed to work other than the assigned job.

(7) **Responsibilities of Industrial Institutions and Organization.** The following requirements must be followed by the agencies to send the Technical Interns in Japan through JITCO -

- (1) Recommend the ✦ Technical Interns who have been working from last two years to the enlisted agencies. The description of the ✦ Technical Interns should be sent to the DOFE.
- (2) In the recommendation the industry should mention the name, address, age, post and working period of the Interns.
- (c) The industry must provide employment to the recommended Interns after the completion of training.
- (d) Failure to comply with article 7 (c) will lead to the legal action against the concerned industry by DOFE as well as it will also charge the total expenses of the concerned ✦ Technical Interns in case of wrong recommendation and failure to provide employment. The DOFE will take legal action if the industries recommend the wrong candidate.

(8) **Responsibilities of the ✦ Technical Interns: -**

- (1) False description should not be submitted by the applicants. If the trainees are selected on the false documents, they will be called back from Japan. The cost incurred will be charged from the ✦ Technical Interns and legal action will be taken from the DOFE. These recalled will have no right to claim fee paid by him.
- (2) The ✦ Technical Interns should return back compulsorily after they finish their training in Japan under JITCO. If not return back the legal action will be taken against the ✦ Technical Interns as per Foreign Employment Act and regulation of the Government of Nepal.
- (3) The industrial ✦ Technical Interns must be well disciplined at work while living in Japan and should work honestly and sincerely.
- (4) ✦ During the training period the ✦ Technical Interns should follow the existing rules and the regulation of Japan in addition to the followings:-
 - ✦ a) Follow the immigration rules of Japanese Government.
 - ✦ b) Should not join the company or organization other than assigned company.
 - ✦ c) Should not work in extra time in any company other than assigned company.
 - ✦ d) Should not work against technical Internship Training Program guideline issued by JITCO.
- (5) The Interns must have good conduct, moral and should honor the Nepalese and Japanese culture as well.
- (6) ⊗.....
- (7) One should work compulsorily in the same industry after they return back from Japan.
- (8) ✦ One should have training on Japanese language and culture from the authorized training institutes.
- (9) The ✦ Technical Interns should not leave the assigned work and are not allowed to work in another company. If they do so, they have to pay back the incurred expenses and will be penalized according to the Foreign Employment Act as well.
- (10) The ✦ Technical Interns should be in regular contact with the Embassy of Nepal in Japan and sending agency.

(9) **The Role of Nepalese Embassy in Japan:**

- 1 The Embassy will coordinate and facilitate with JITCO & supervising organizations in Japan.
- 2 Sending agency should certify their demand letter under JITCO from the Embassy of Nepal in Japan.
- 3 ⊗
- 4 The Embassy will report to the Ministry of Foreign Affairs and MoLTM after monitoring the trainees at work.

✦ Added by first amendment.

⊗ Omitted by first amendment.

- 5 The Embassy will undertake special efforts for the protection and solution of the Technical Interns.
- 6 The Embassy will provide information on existing legal provision, about labor, employment immigration and visa provision of Japan to the MoLTM and Ministry of Foreign Affairs about the Technical Interns.
- 7 The Embassy will inform about the visa fee of the Technical Interns to the MoLTM.
- 8 The Nepalese Embassy will be in contact and coordinate with JITCO and the concerned authorities of Nepal and Japan to insure return of Interns incase they left assigned place or not returned after the completion of contract period.

(10) **The Role of the Supervising Organization (SO):**

- a. They will report to the Embassy of Nepal in Japan after the Technical Interns join the organization.
- b. They will provide half yearly report of the Technical Interns to the Nepalese Embassy.
- c. They will arrange to receive the Technical Interns in the airport.
- d. They will report to the Nepalese Embassy incase the Technical Interns left the working place, is on leave or intended to return Nepal.
- e.

(11) **Promotion Charge:**

- (1) Sending organizations can charge up to NRs 50,000/ - as a promotion charge. It includes fee for health check up, orientation training, casual expenses, monitoring and managerial expenses.
- (2) Financial transaction and income & expenditure of sending agency (including amount from receiving organization) must be transparent, fair and well managed as per the Nepalese rules and regulation.

(12)

(13)

14 **Representatives:** The enlisted sending agency for JITCO should appoint the representative in Japan with the approval of the MoLTM to take care of trainee, to monitor, to manage & to promote the labor market. The ministry will decide the number of the representatives as per the location and number of Technical Interns. The representatives will have following duties under the supervision of the Embassy-

- (a) To facilitate the Technical Interns,
- (b) To help to solve if any problem arises,
- (c) If the Technical Interns violated the contract and left the assigned job and worked out side, he will inform to JITCO and the Nepalese Embassy in Japan and the Government of Nepal through concerned agencies.
- (d) To help the Interns to return back Nepal after the completion of the contract period.

(e) To promote the market for ✦ Technical Interns in Japan.

(15) **Pre - departure Training:**

- ✦ 1. Enlisted agencies should obtain prior approval from the Department of Foreign Employment to send technical Interns under Japan International Technical Cooperation Organization (JITCO) and publish notice in this regard. It should conduct primary selection from among applications submitted within the stipulated time period.
- ✦ 2. Language test of the primarily selected applicants should be done by the JICA ALUMNI ASSOCIATION OF NEPAL (JAAN). Sending organizations should submit the list of the primarily selected applicants to the Department of Foreign Employment.
- ✦ 3. Department of Foreign Employment should make arrangement for conducting Japanese language and culture test after getting list of the primarily selected applicants from the sending organizations.
- ✦ 4. Sending organizations should invite representative from the receiving organization to conduct final selection from among successful applicants in JAAN test in the presence of the representative from the Department of the Foreign Employment (DOFE).

(16) **Renewal of the Enlisted Agencies:**

- 1. Followings are the criteria for the renewal of the authorized agencies or institutions:
 - a. Sample of certificate of the enlisted agencies or institutions authorized to send Nepalese technical Interns under JITCO will be as mentioned in the annex-2.
 - ✦ b. Sending agency should renew the enlisted certificate within January of every year from the Department of Foreign employment. If failure to do this will automatically lead to their removal from the list.
 - c. Agencies or institutions fulfilling the criteria for the renewal should pay ✦ NRS 10,000 annually to the Foreign Employment Promotion Board (FEPB) .
 - d. Federation of Nepal Chamber of Commerce and Industries (FNCCI) should renew its Memorandum of Understanding (MOU) with the Ministry of Labor and Transport Management (MoLTM) annually.
 - e. The MOU entered between MoLTM and FNCCI before the promulgation of this directive will be recognized as the authority certificate as per this directive and it should be renewed annually within

✦ Added by first amendment.

⊗ Omitted by first amendment.

July 16 (at the end of Srawan) for every year beginning from fiscal year 2067/68 (2010/11).

- ✦ f. If any agency or institution fails to send technical Interns to Japan under JITCO within 6 months of collecting fee from the technical Interns or within 3 months of obtaining labor permission, it will be removed from the sending list and it will have to pay compensation to the technical Interns as per the Foreign Employment Act 2064 (2007). If the concerned agency or institution fails to provide the compensation to the technical Interns, Department of Foreign Employment will provide compensation from its collateral or bank guarantee.

- ✦ 2. **Enlistment Management**:- Department of Foreign Employment will publish public notice to enlist the interested agencies authorized to conduct foreign employment business as per the Article 11 of Foreign Employment Act 2064 and eligible as per the Foreign Employment Regulation 2064 on January of every year. Among the applicants the Department can select and enlist the agencies as per the existing rules. Within the valid period of renewal, once enlisted agencies will not require to renew its certificate.

- ✦ 3. Institutions interested to be enlisted as per this directive will have to pay NRS 20,000 to the FEPB and should submit application with required documents.

(17) **Monitoring**

A high level official monitoring committee will be formed as mentioned below to send ✦ Technical Interns under JITCO-

- (a) Minister: Ministry of Labor,
Transport, and Management - Coordinator
- (b) Secretary – Ministry of Home Affair - member
- (c) Secretary – Ministry of Foreign Affair - member
- (d) Secretary – Ministry of Industry - member
- (e) Secretary – Ministry of Agriculture and Cooperatives - member
- (f) Representative, Foreign Employment Agencies/
Organizations (one from each) - member
- (g) Secretary Ministry of Labor, Transportation,
and Management - member secretary.

2 **The Duties, Responsibilities & Rights of Monitoring Committee**

- (a) The committee will monitor the activities concerned with the ✦ Technical Interns, receive report & give direction to reform. It will also give direction to create conducive environment and proper management of the program in a transparent manner.
- (b) It will advise the MoLTM to overcome the hurdles and ambiguity in the proper implementation of this directive. .

- (18). **Action Against the Irregularities and Corruption.**
- (i) Action will be taken against the sending agencies for illegal & irregular activities and not sending trainees on time as per the Foreign Employment Act and Regulation, 2064.
 - (ii) Legal action will be taken against both parties involved in charging & paying service charges in excess of what has been stipulated in this directive as a matter of corruption.
- (19) **Miscellaneous**
- Miscellaneous activities not mentioned in the directive will be done as per the Foreign Employment Act & Regulation 2064 and the agreement between MoLTM & JITCO.
- (20) **Rights to Resolve the Hurdles**
- The right to resolve the hurdles & confusion will remain with the MoLTM.
- (21) **Amendment and Cancellation:**
- The right of amendment and cancellation of the directive will remain with MoLTM.

Annexes

1. List of ✦ Technical Interns sending agencies under JITCO
2. Format for individual description of ✦ Technical Interns for ITP and TIP program under JITCO.
3. Format for Authority Certificate for sending ✦ Technical Interns to Japan under JITCO.
4. Possible training areas of ✦ Technical Interns ship under JITCO.