Interpretations Pertaining to the "Project to Accept Foreigners for Agricultural Support in National Strategic Special Zones" Prescribed in Article 16-5 of the National Strategic Special Zone Act

February 6, 2018

Cabinet Office
Ministry of Justice
Ministry of Health, Labour and Welfare
Ministry of Agriculture, Forestry and Fisheries

With regard to the Project to Accept Foreigners for Agricultural Support in National Strategic Special Zones (hereinafter referred to as the "Project") prescribed in Article 16-5, paragraph (1) of the National Strategic Special Zone Act (Act No. 107 of 2013; hereinafter referred to as the "Act"), the contents of agricultural support activities are specified by said paragraph and Cabinet Order, and the requirements for foreign nationals engaging in agricultural support activities and the standards for public and private organizations in Japan that accept said foreign nationals (hereinafter referred to as "specified organizations") are specified by Cabinet Order. In addition, as one of the standards to be fulfilled by specified organizations under paragraph (3) of said Article, the guidelines that provide for measures to be taken by specified organizations and other persons concerned (hereinafter referred to as the "Guidelines") are set in relation to the provision of training and information, etc. to said foreign nationals.

Interpretations concerning the aforementioned Act, Cabinet Order, and Guidelines are as follows.

No. 1 Contents and Scope of Agricultural Support Activities (Relating to Article 16-5, paragraph (1) of the Act and Article 19 of the Order)

1. Farming (relating to Article 16-5, paragraph (1) of the Act)

"Farming" means all kinds of farming conducted by agricultural management bodies receiving dispatch and includes farming conducted by receiving a commission from a person engaging in agricultural business in an implementation zone (excluding agricultural management bodies receiving dispatch; the same applies hereinafter).

Incidentally, a commission contract is to be concluded in writing. In addition, it is necessary to take notice of the point that a commission is likely to fall under the labor supply businesses that are prohibited in Article 44 of the Employment Security Act (Act No. 141 of 1947) in the case where a person who commissions and a foreigner for agricultural support are in a superior-subordinate
relationship. Hereinafter the same applies in 2, 3, and 4.

2. Manufacturing or processing works using farm and livestock products as raw materials or materials (relating to Article 16-5, paragraph (1) of the Act)

These works mean those mentioned in (i) and (ii) below:

(i) manufacturing or processing works using farm and livestock products produced by an agricultural management body receiving dispatch as part of raw materials or materials (including those conducted by receiving a commission from a person other than the agricultural management body receiving dispatch); and

(ii) manufacturing or processing works using farm and livestock products produced by a person engaging in agricultural business in an implementation zone as part of raw materials or materials, and which are conducted by receiving a commission from said person.

3. Manufacturing or processing works using by-products associated with production of farm and livestock products as raw materials or materials (relating to Article 19, item (i) of the Order)

These works mean those mentioned in (i) and (ii) below:

(i) manufacturing or processing works using by-products associated with production of farm and livestock products by an agricultural management body receiving dispatch as part of raw materials or materials (including those conducted by receiving a commission from a person other than the agricultural management body receiving dispatch); and

(ii) manufacturing or processing works using by-products associated with production of farm and livestock products by a person engaging in agricultural business in an implementation zone as part of raw materials or materials, and which are conducted by receiving a commission from said person; incidentally, by-products associated with production of farm and livestock products include rice straw and excrement of livestock; the same applies in 4.

4. Transporting, displaying or selling works for farm and livestock products or products manufactured or produced by using farm and livestock products or by-products as raw materials or materials (relating to Article 19, item (ii) of the Order)

These works mean those mentioned in (i) to (vi) below:

(Transporting, displaying or selling works for farm and livestock products)

(i) transporting, displaying or selling works for farm and livestock products produced by an agricultural management body receiving dispatch;

(ii) transporting, displaying or selling works for farm and livestock products produced by a person engaging in agricultural business in an implementation zone, and which are conducted by receiving a commission from said person;

(Transporting, displaying or selling works for products manufactured or processed by using farm and livestock products as raw materials or materials)

(iii) transporting, displaying or selling works for products manufactured or produced by using farm
and livestock products produced by an agricultural management body receiving dispatch as part of raw materials or materials (including those for products manufactured or processed by receiving a commission from a person other than the agricultural management body receiving dispatch, and which are conducted by receiving a commission from said person);

(iv) transporting, displaying or selling works for products manufactured or produced by using farm and livestock products produced by a person engaging in agricultural business in an implementation zone as part of raw materials or materials, and which are conducted by receiving a commission from said person;

(Transporting, displaying or selling works for products manufactured or produced by using by-products as raw materials or materials)

(v) transporting, displaying or selling works for products manufactured or processed by using by-products associated with production of farm and livestock products by an agricultural management body receiving dispatch as part of raw materials or materials (including those for products manufactured or processed by receiving a commission from a person other than the agricultural management body receiving dispatch, and which are conducted by receiving a commission from said person);

(vi) transporting, displaying or selling works for products manufactured or processed by using by-products associated with production of farm and livestock products by a person engaging in agricultural business in an implementation zone as part of raw materials or materials, and which are conducted by receiving a commission from said person.

Incidentally, manufactured or processed products include feed as well as manure and other fertilizers.

No. 2 Requirements to Be Fulfilled by Foreigners for Agricultural Support (Relating to Article 20 of the Order)

1. A person who has one year or more work experience in farming (relating to Article 20, item (ii) of the Order)

Such person means a person whose one year or more work experience in farming (including the period during which he/she engaged in technical intern training in the agricultural field and the period during which he/she made a special study of an agriculture-related class at a university or an organization that provides the same or higher level of education, or a training institute of farmers of a prefectural farmer's academy, etc. in Japan) can be confirmed by a document certifying his/her career (including a document issued by an employer or a resume in addition to a document issued by a public organization) (a place where he/she engaged in farming is not limited to a country where he/she has a citizenship or domicile (hereinafter referred to as the "country of origin, etc.").)

2. A person who has knowledge and skills necessary for appropriately engaging in agricultural support activities (relating to Article 20, item (ii) of the Order)

Such person means a person who thinks of work procedure according to the situation of the site by
him/herself and conducts works, such as cultivation management, including fertilizer application and pesticide application, feeding and management, including feeding and water supply, harvesting, and shipping adjustment, within the discretion given by an agricultural management body receiving dispatch, and can also give advice to temporary employees as needed. The following persons fall under such person in the Project:

(In the case of engaging in crop cultivation agriculture)

- a person who falls under (i) or (ii) below:
  (i) a person who has engaged in technical intern training for crop cultivation agriculture for two years and 10 months or longer;
  (ii) a person who has passed a test for crop cultivation agriculture in general (cultivation management, farm machinery, agricultural materials, etc.) conducted by a private body that has expert knowledge in the agricultural field;

(In the case of engaging in livestock agriculture)

- a person who falls under (iii) or (iv) below:
  (iii) a person who has engaged in technical intern training for livestock agriculture for two years and 10 months or longer;
  (iv) a person who has passed a test for livestock agriculture in general (feeding and management, farm machinery, agricultural materials, etc.) conducted by a private body that has expert knowledge in the agricultural field.

Incidentally, it is also permitted for a foreigner for agricultural support who has yet to pass the test mentioned in (ii) or (iv) to take said test during the period of his/her employment by a specified organization.

3. Japanese language skills necessary for engaging in agricultural support activities (relating to Article 20, item (iii) of the Order)

Japanese language skills necessary for engaging in agricultural support activities are at the level sufficient to accurately understand the content of instructions of an agricultural management body receiving dispatch and communicate with Japanese workers jointly engaged in farming. In the Project, those who fall under 2(i) to (iv) fall under those who have Japanese language skills necessary for engaging in agricultural support activities.

No. 3 Standards to Be Fulfilled by Specified Organizations (Relating to Article 21 of the Order)

1. Taking necessary measures in light of the Guidelines (relating to Article 21, item (i) of the Order)
   (1) Location of the head office or directly-managed place of business (relating to No. 5, paragraph 1 of the Guidelines)

   The head office or directly-managed place of business needs to be located "within an implementation zone or a zone of a municipality adjacent thereto." In this case, the 23 wards of Tokyo are handled as one "city."
(2) Head office or directly-managed place of business that engages in worker dispatch undertakings (relating to No. 5, paragraph 1 of the Guidelines)

Each head office or directly-managed place of business that engages in worker dispatch undertakings must be one that received a permission of the Minister of Health, Labour and Welfare referred to in Article 5, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatch Undertakings and Protecting Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatch Act") (including those that engage in worker dispatch undertakings pursuant to the provisions of Article 6, paragraph (1) of the Supplementary Provisions of the Act Partially Amending the Act for Securing the Proper Operation of Worker Dispatch Undertakings and Protecting Dispatched Workers, etc. (Act No. 73 of 2015)).

(3) Full-time employment (relating to No. 5, paragraph 1 of the Guidelines)

"Full-time employment" means employment on the working condition that the number of prescribed working days per week is five days or more and the prescribed working hours per week are 30 hours or more (including the traveling time to the agricultural management body receiving dispatch).

(4) Job content (relating to No. 5, paragraph 1 of the Guidelines)

When concluding an employment contract between a specified organization and a foreigner for agricultural support, the content of duties shall be specified in accordance with the work experience and the content of knowledge and skills of said foreigner for agricultural support.

(5) Remuneration in the case where a Japanese national engages in equivalent agricultural support activities (relating to No. 5, paragraph 3 of the Guidelines)

This remuneration means a remuneration for a Japanese worker employed full-time who has the same level of expertise as that of a foreigner for agricultural support and engages in agricultural support activities equivalent to those in which the foreigner for agricultural support engages (hereinafter referred to as a "Japanese national engaging in equivalent activities") and who is dispatched from a specified organization to the same agricultural management body receiving dispatch as the one to which the foreigner for agricultural support is dispatched. However, if there is no such person, said remuneration shall be a remuneration for a Japanese national engaging in equivalent activities who is employed by said agricultural management body receiving dispatch. If there is no Japanese national engaging in equivalent activities who is employed by said agricultural management body receiving dispatch, said remuneration shall be determined in consideration of remunerations for Japanese nationals engaging in equivalent activities within an implementation zone, etc.

In addition, even in the case where a remuneration is determined in consideration of remunerations for Japanese nationals engaging in equivalent activities within an implementation zone, etc., where a Japanese national engaging in equivalent activities is newly dispatched from the specified organization to the same agricultural management body receiving dispatch as the one to which the foreigner for agricultural support is dispatched, or where said agricultural management body receiving dispatch newly employs a Japanese national engaging in equivalent activities, said
remuneration shall be a remuneration for said Japanese national engaging in equivalent activities.

(6) The period for which a foreigner for agricultural support can engage in agricultural support activities is up to three years in total (relating to No. 5, paragraph 4 of the Guidelines)

This means that the period which a foreigner for agricultural support can engage in agricultural support activities in Japan is up to three years in total, and does not mean that a foreigner for agricultural support must stay in Japan for three consecutive years. For example, it is permitted to adopt a form of staying in Japan and engaging in agricultural support activities only during busy farming seasons and leaving Japan during agricultural off-seasons. Incidentally, in this case, the period for which a foreigner for agricultural support engages in agricultural support activities refers to the period for which he/she actually stays in Japan and is calculated in months. A person for whom one year has yet to pass since the date on which he/she returned to the country of origin, etc. after engaging in technical intern training for crop cultivation agriculture or livestock agriculture cannot be employed as a foreigner for agricultural support.

(7) Confirmation of another organization that gets involved in acceptance (relating to No. 5, paragraph 6 of the Guidelines)

In confirming another organization that gets involved in acceptance, said other organization shall be confirmed in terms of the point that it has neither collected a deposit, nor managed property, nor concluded a contract, as provided in No. 5, paragraph 5 of the Guidelines in relation to a foreigner for agricultural support, etc. within the past five years and regarding the point that it has not committed any of the acts set forth in Article 25, item (viii)(a) and (b) of the Regulation for Enforcement of the Act on the Appropriate Implementation of Technical Intern Training for Foreign Nationals and Protection of Technical Intern Trainees (Order of the Ministry of Justice/Ministry of Health, Labour and Welfare No. 3 of 2016). Any organization that has been confirmed to have committed any of these acts cannot be allowed to be involved in acceptance.

(8) "Training" provided by a specified organization to a foreigner for agricultural support (relating to No. 5, paragraph 9 of the Guidelines)

A specified organization must provide training with the following content before the first dispatch of a foreigner for agricultural support to an agricultural management body receiving dispatch and must also devise measures to provide appropriate training, including provision of training with education and training provided in Article 30-2 of the Worker Dispatch Act, after dispatch.

(A) "Education and training on agricultural support activities"

A specified organization provides training on basic knowledge about agriculture within an implementation zone, knowledge about the structure and operation of machines, etc.

(B) "Japanese language skills necessary for daily life and agricultural support activities"

A specified organization provides necessary training in relation to Japanese language used in shopping, using means of transportation, communicating with neighbors, dealing with trouble with the agricultural management body receiving dispatch, etc., taking measures to protect him/herself, calling the police or fire department, and coping with other emergencies.

A specified organization provides necessary training for the Japanese language ability that is
necessary to engage in agricultural support activities in an effective and safe manner, such as acquisition of technical terms for farm machinery, agricultural materials, etc. that are assumed to be used within an implementation zone.

(C) "Related laws and regulations that a foreigner for agricultural support should understand in terms of staying in Japan"

A specified organization gives explanations about precautions concerning procedures for residence card, re-entry permission procedure, procedure for extension of the period of stay, grounds for deportation, etc.

<Reference>
○ Guidance on various procedures
○ Immigration Bureau's brochure (immigration control leaflet)
http://www.immi-moj.go.jp/seisaku/index.html#sec_03

(D) "Related laws and regulations which a foreigner for agricultural support should understand in terms of working"

A specified organization gives explanations about the working conditions and matters concerning a labor contract, etc.

<Reference>
○ Useful labor laws—basic knowledge necessary for working
○ Is this legal?—useful labor laws Q&A in cartoon

(E) "Complaint handling and consultation services"

A specified organization gives explanations about places where they provide complaint handling and consultation services concerning working and living (including consultation service pertaining to job change).

(9) Support necessary to go about daily life at ease (relating to No. 5, paragraph 10 of the Guidelines)

This support includes provision of various kinds of information about medical institutions, administrative organs, financial institutions, etc. around the residence and escort service when utilizing services at such organizations, etc.

(10) Involuntary departure from a job at a specified organization (relating to No. 5, paragraph 11 of the Guidelines)

Where a person intending to accept a foreigner for agricultural support as a specified organization causes 30 or more persons engaging in operations, in which he/she has accepted foreigners for agricultural support engage, to involuntarily leave the job at one place of business during a period of one month within the past three years, he/she shall not fulfill this requirement.

(11) The requirement that "agricultural support activities must principally involve farming" (relating to No. 7, paragraph 2 of the Guidelines)

This means that in the case of seeing agricultural support activities provided based on a worker
dispatch contract during the period of dispatch on the whole, the time to engage in farming is more than half of the total except in the case of climate instability, natural disaster (wind and flood damage, drought injury, cool-weather damage, snows injury, earthquake, eruption, etc.), fire, disease and insect damage, bird and animal damage, and epizootics, and other unavoidable cases due to a cause that was unpredictable at the time of concluding the worker dispatch contract. The fulfillment of this requirement shall be determined by considering the entire period of dispatch.

2. The economic basis necessary to perform the Project (relating to Article 21, item (ii) of the Order)

The necessary economic basis means having been registered as a corporation and fulfilling the asset requirements under the standards for permission of worker dispatch undertakings, and that sales, profits, etc. for the past three years are sound as reflected in financial statements, such as a statement of profit and loss and a balance sheet.

Incidentally, for corporations for which three years have yet to pass since their management body, the fulfillment of this requirement shall be individually determined based on their business plans, etc.

3. The ability necessary to perform the Project in an appropriate and assured manner in light of the actual business performance or personnel composition (relating to Article 21, item (iii) of the Order)

(1) Actual business performance

This means having a record of actually dispatching a worker to an agricultural management body with a license for worker dispatch undertakings under the Worker Dispatch Act.

(2) Personnel composition

This means having a system for understanding the actual conditions of agricultural sites (for example, a person having engaged in agricultural business or farming for one year or more, a person having experience of working at a related body in the agricultural field, a person having administrative experience in the agricultural field, and a person with relevant knowledge and experience in the agricultural field work as the officers of the specified organization or the employees of the agricultural department thereof, or it is provided in an operational method statement, etc. that such persons shall get engaged in the management of operations in the agricultural field of the specified organization by giving guidance and advice, etc.).

4. A wrongful or extremely unjust act committed by a specified organization (relating to Article 18, item (iv)(f) and (i) of the Order as provided in Article 21, items (i) and (iv) of the Order)

(1) Where a specified organization is a person having committed any of the following acts (including the case where an officer of the specified organization committed said act), it may not accept a foreigner for agricultural support until five years pass from the date on which said act is terminated (where the specified organization was sentenced to punishment, the date on which it finished serving the sentence or ceased to be subject to its enforcement) in light of the standards provided in Article 18, item (iv)(f) and (i) of the Order:

(i) the act of assaulting, intimidating or confining an employed foreigner for agricultural support at the
specified organization;

(ii) the act of confiscating the passport or residence card of an employed foreigner for agricultural support at the specified organization;

(iii) the act of not paying the whole or part of allowance or remuneration to be paid to an employed foreigner for agricultural support at the specified organization;

(iv) beyond what is set forth in (i) to (iii), the act of extremely infringing the human rights of an employed foreigner for agricultural support at the specified organization;

(v) the act of having an employed agricultural support worker engage in operations beyond the scope of agricultural support activities provided in Article 16-5, paragraph (1) of the Act and Article 19 of the Order at the specified organization;

(vi) the act of exercising or providing a forged or altered document or picture or a false document or picture at the specified organization for the purpose of hiding a fact relating to a wrongful act pertaining to specified agricultural support activities set forth in (i) to (v) or (vii) to (xii);

(vii) the act of collecting a deposit from a foreigner for agricultural support or a person who is closely connected thereto (irrespective of the pretext) and concluding a contract providing for a penalty pertaining to a failure to perform a labor contract (irrespective of the pretext) or any other contract predicting unjust transfer of money or other property (excluding the acts that fall under (iii) or (iv)) at the specified organization;

(viii) the act of making an arrangement, of which content differs from the content of the application referred to in Article 6, paragraph (2), Article 7-2, paragraph (1), Article 20, paragraph (2) or Article 21, paragraph (2) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as the "Immigration Control Act"), with a foreigner for agricultural support in relation to the allowance or remuneration or implementation hours pertaining to specified agricultural support activities by an employed foreigner for agricultural support at the specified organization (excluding the acts that fall under (v));

(ix) the act of having another organization that differs from the content of the application referred to in Article 6, paragraph (2), Article 7-2, paragraph (1), Article 20, paragraph (2) or Article 21, paragraph (2) of the Immigration Control Act engage in specified agricultural support activities at the specified organization or the act of conducting specified agricultural support activities (excluding acts that fall under (v); incidentally, not including the case where a foreigner for agricultural support obtained a permission to change the specified organization by which he/she is accepted according to the procedures for change of the status of residence provided in Article 20 of the Immigration Control Act) at said other organization; and

(x) the fact that the specified organization falls under A or B in relation to employed foreigners for agricultural support who are missing (excluding the case where there is no reason attributable to the specified organization):

A. where the specified organization caused more foreigners for agricultural support than the number of persons set forth in the right-hand column of the following table (where there is a fractional number less than one, it is rounded up; hereinafter the same applies in B) to become missing based
on the total number of accepted foreigners for agricultural support set forth in the left-side column of said table (meaning the total number of foreigners for agricultural support employed by said organization; hereinafter the same applies in B) within the previous one year:

<table>
<thead>
<tr>
<th>Total number of accepted foreigners for agricultural support</th>
<th>Number of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or more</td>
<td>Three-twentieths of the total number of accepted foreigners for agricultural support</td>
</tr>
<tr>
<td>20 or more but 49 or less</td>
<td>8</td>
</tr>
<tr>
<td>19 or less</td>
<td>Three-eighths of the total number of accepted foreigners for agricultural support</td>
</tr>
</tbody>
</table>

B. where the specified organization caused more foreigners for agricultural support than the number of persons set forth in the right-hand column of the following table to become missing based on the total number of accepted foreigners for agricultural support set forth in the left-hand column of said table within the previous six months:

<table>
<thead>
<tr>
<th>Total number of accepted foreigners for agricultural support</th>
<th>Number of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 or more</td>
<td>Nine-eightieths of the total number of accepted foreigners for agricultural support</td>
</tr>
<tr>
<td>20 or more but 49 or less</td>
<td>6</td>
</tr>
<tr>
<td>19 or less</td>
<td>Nine-thirty-seconds of the total number of accepted foreigners for agricultural support</td>
</tr>
</tbody>
</table>

(xi) the act of committing any of the acts set forth in Article 24, item (iii)-4(a) to (c) of the Immigration Control Act against a foreign national or inciting or aiding another to commit it at the specified organization;

(xii) the act of violating the provisions of the Labor Standards Act, the Industrial Safety and Health Act (Act No. 57 of 1972) or the Worker Dispatch Act or any other law or regulation similar thereto at the specified organization in relation to specified agricultural support activities (excluding acts that fall under (i), (iii) or (iv)).

(2) Where a specified organization is a person for whom five years have yet to pass since the date on which any of the following acts is terminated (including the case where an officer of a specified organization committed said act), it is deemed not to fall under the standard "taking necessary measures in light of the guidelines" as referred to in Article 21, item (i) of the Order and is unable to accept foreigners for agricultural support:

(xiii) the act of receiving a confirmation of the Appropriate Acceptance Management Council referred to in No. 3, paragraph 3(1) of the Guidelines by a wrongful means at the specified organization and the act of employing a foreigner for agricultural support without receiving said confirmation or after receiving a notice to the effect that it does not comply with the standards provided in Article 21 of the Order at the specified organization;

(xiv) the act of failing to make a report to the Appropriate Acceptance Management Council under No.
9, paragraph 3(3) of the Guidelines at the specified organization in the case where it falls under No. 9, paragraph 3(2) of the Guidelines on the grounds of having committed a wrongful act pertaining to specified agricultural support activities of a foreign national set forth in (1) or the case where a ground on which it becomes unable to continue specified agricultural support activities occurred;
(xv) beyond what is set forth in (xiv), the act of failing to make a report to the Appropriate Acceptance Management Council referred to in No. 9, No. 10, paragraph 5, and No. 11, paragraph 2 of the Guidelines at the specified organization;
(xvi) the act of not providing any service referred to in No. 12 of the Guidelines or failing to handle complaints and provide consultation service at the specified organization; and
(xvii) the act of exercising or providing a forged or altered document or picture or a false document or picture at the specified organization for the purpose of hiding a fact relating to a wrongful act pertaining to specified agricultural support activities set forth in (xiii) to (xvi).

No. 4 Requirements for Agricultural Management bodies Receiving Dispatch (Relating to No. 7, paragraph 1 of the Guidelines)

1. Having experience of employment or taking a course (relating to No. 7, paragraph 1(1) of the Guidelines)

(1) Experience of employing a worker longer than a certain period of time
This means experience of employing a worker for at least six consecutive months.

(2) Course for responsible persons acting for agricultural management bodies receiving dispatch or any other course equivalent thereto
In addition to the course for responsible persons acting for agricultural management bodies receiving dispatch under the Worker Dispatch Act, etc. (for example, a course for agricultural management bodies receiving dispatch that is provided by the prefectural labor bureau) fall under such course. Incidentally, even where an agricultural management body receiving dispatch is not required to appoint its responsible person under Article 41 of the Worker Dispatch Act, if it has a "person who has taken the course for responsible persons acting for agricultural management bodies receiving dispatch or any other course equivalent thereto" engage in the operations as a responsible person acting for an agricultural management body receiving dispatch, it is permitted to consider that the requirement referred to in No. 7, paragraph 1(1) of the Guidelines is fulfilled.

2. The provisions of laws on immigration or labor (relating to No. 7, paragraph 1(2)(ii) of the Guidelines)
These provisions mean the provisions of laws provided in the items of the Regulation for Enforcement of the National Strategic Special Zone Act Relating to the Ministry of Justice and the Ministry of Health, Labour and Welfare (Order of the Ministry of Justice/Ministry of Health, Labour
3. A wrongful or extremely unjust act committed by an agricultural management body receiving dispatch (relating to No. 7, paragraph 1(2)(viii), (ix), and (xii) of the Guidelines)

(1) Where an agricultural management body receiving dispatch is a person having committed any of the following acts (where the agricultural management body receiving dispatch is a corporation, including the case where its officer committed said act), a specified organization must not conclude a worker dispatch contract pertaining to a foreigner for agricultural support with said agricultural management body receiving dispatch until five years pass from the date on which said act is terminated (where the agricultural management body receiving dispatch was sentenced to punishment, the date on which it finished serving the sentence or ceased to be subject to its enforcement) in light of the requirements provided in No. 7, paragraph 1(2)(viii) and (xii) of the Guidelines:

(i) a wrongful act set forth in item (xviii) in the right-hand column under "Activities listed in item (i), sub-item (a) of the right-hand column under 'Technical Intern Training' of Appended Table I(2) of the Act" (hereinafter referred to as "item (i), sub-item (a) under 'Technical Intern Training'") in the Ministerial Order to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act (Ministry of Justice Order No. 16 of 1990) prior to amendment by the provisions of Article 3 of the Ministerial Order to Partially Amend the Regulation for Enforcement of the Immigration Control and Refugee Recognition Act, etc. (Ministry of Justice Order No. 19 of 2017) and a wrongful act set forth in item (xvi) in the right-hand column under "Activities listed in item (i), sub-item (b) of the right-hand column under 'Technical Intern Training' of Appended Table I(2) of the Act"; provided, however, that this does not apply if said wrongful act does not preclude the appropriate implementation of technical intern training;

(ii) the act provided in item (xxi)-2 in the right-hand column of item (i), sub-item (a) under "Technical Intern Training";

(iii) the act of assaulting, intimidating or confining a dispatched foreigner for agricultural support at the agricultural management body receiving dispatch;

(iv) the act of confiscating the passport or residence card of a dispatched foreigner for agricultural support at the agricultural management body receiving dispatch;

(v) beyond what is set forth in (iii) and (iv), the act of infringing the human rights of a dispatched foreigner for agricultural support at the agricultural management body receiving dispatch to an extreme degree;

(vi) the act of having a dispatched agricultural support worker engage in operations beyond the scope of agricultural support activities provided in Article 16-5, paragraph (1) of the Act and Article 19 of the Order at the agricultural management body receiving dispatch;

(vii) the act of exercising or providing a forged or altered document or picture or a false document or picture at the agricultural management body receiving dispatch for the purpose of hiding a fact relating to a wrongful act pertaining to specified agricultural support activities set forth in (i) to (vi)
or (viii) to (xiii);
(viii) the act of collecting a deposit from a foreigner for agricultural support or a person who is closely connected thereto (irrespective of the pretext) and concluding a contract providing for a penalty pertaining to a failure to perform in relation to agricultural support activities (irrespective of the pretext) or any other contract predicting unjust transfer of money or other property (excluding acts that fall under (v)) at the agricultural management body receiving dispatch;
(ix) the act of making an arrangement, of which content differs from the content of a worker dispatch contract concluded with the specified organization, with a foreigner for agricultural support in relation to the allowance or remuneration or implementation hours pertaining to specified agricultural support activities by a foreigner for agricultural support at the agricultural management body receiving dispatch (excluding acts that fall under (vi));
(x) the act of providing another organization with specified agricultural support activities or receiving provision of specified agricultural support activities from said other organization at the agricultural management body receiving dispatch (excluding acts that fall under (vi));
(xi) the fact that the agricultural management body receiving dispatch falls under A or B in relation to accepted foreigners for agricultural support who are missing (excluding the case where there is no reason attributable to the agricultural management body receiving dispatch):
A. where the agricultural management body receiving dispatch caused more foreigners for agricultural support than the number of persons set forth in the right-hand column of the following table (where there is a fractional number less than one, it is rounded up; hereinafter the same applies in B) to become missing based on the total number of accepted foreigners for agricultural support set forth in the left-hand column of said table (meaning the total number of foreigners for agricultural support who had been accepted by said agricultural management body receiving dispatch; hereinafter the same applies in B) within the previous one year:

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B. where the agricultural management body receiving dispatch caused more foreigners for agricultural support than the number of persons set forth in the right-hand column of the following table to become missing based on the total number of accepted foreigners for agricultural support set forth in the left-hand column of said table within the previous six months:

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<tr>
<td>50 or more</td>
<td>Nine-eightieths of the total number of accepted foreigners for agricultural support</td>
</tr>
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(xii) the act of committing any of the acts set forth in Article 24, item (iii)-4(a) to (c) of the Immigration Control Act against a foreign national or inciting or aiding another to commit it at the agricultural management body receiving dispatch;

(xiii) the act of violating the provisions of the Labor Standards Act, the Industrial Safety and Health Act or the Worker Dispatch Act or any other law or regulation similar thereto in relation to specified agricultural support activities at the agricultural management body receiving dispatch (excluding acts that fall under (iii) or (v)).

(2) Where the agricultural management body receiving dispatch is a person for whom five years have yet to pass since the date on which any of the following acts is terminated (where the agricultural management body receiving dispatch is a corporation, including the case where its officer committed said act), the specified organization must not conclude a worker dispatch contract pertaining to a foreigner for agricultural support with said agricultural management body receiving dispatch in light of the requirements provided in No. 7, paragraph 1(2)(ix) and (xii) of the Guidelines:

(xiv) the act of receiving provision of worker dispatch service pertaining to a foreigner for agricultural support from an specified organization at the agricultural management body receiving dispatch, knowing that said specified organization is a specified organization which has received a confirmation of the Appropriate Acceptance Management Council referred to in No. 3, paragraph 3(1) of the Guidelines by a wrongful means, a specified organization which has not received said confirmation, or a specified organization which has received a notice to the effect that it does not comply with the standards provided in Article 21 of the Order;

(xv) the act of failing to make a report to the specified organization under No. 8, paragraph 2(2) of the Guidelines at the agricultural management body receiving dispatch in the case where it falls under No. 8, paragraph 2(1) of the Guidelines on the grounds of having committed a wrongful act pertaining to the specified agricultural support activities of a foreign national set forth in (ii) or the case where a ground on which it becomes difficult to continue the worker dispatch contract concluded with the specified organization occurred;

(xvi) beyond what is set forth in (xv), the act of failing to make a report to the specified organization referred to in No. 8 of the Guidelines or making a false report at the agricultural management body receiving dispatch; and

(xii) the act of exercising or providing a forged or altered document or picture or a false document or picture at the agricultural management body receiving dispatch for the purpose of hiding a fact relating to a wrongful act pertaining to specified agricultural support activities set forth in (xiv) to (xvi).
4. Involuntary departure from the job at an agricultural management body receiving dispatch (relating to No. 7, paragraph 1(3) of the Guidelines)

Where an agricultural management body receiving dispatch causes the situation regarding persons engaging in the operations in which foreigners for agricultural support are engaged that those who involuntarily leave the job account for 20% or more of those who leave the job during the period of one month within the past three years, it does not fulfill this requirement. Incidentally, this does not apply where the agricultural management body receiving dispatch dismissed such persons due to an unavoidable reason, such as climate instability.

5. Working hours of foreigners for agricultural support (relating to No. 7, paragraph 1(4) of the Guidelines)

Agriculture is excluded from the application of the provisions on working hours of the Labor Standards Act. However, working hours must be appropriately managed in light of the intent of foreigners for agricultural support and in reference to the standards under the Labor Standards Act to prevent excessively long working hours for the purpose of ensuring that foreigners for agricultural support go about their healthy and civilized life and maintain efficiency at working places for a long period of time.

In addition, pay attention to the points that where an agricultural management body receiving dispatch engages in business other than agriculture, such as manufacturing and processing, in addition to agriculture, the business type of said agricultural management body receiving dispatch is determined for each place of business based on the principal operation conducted at the place of business and that where the business type of a place of business is determined to be other than agriculture, the place of business is not excluded from the application of the provisions on working hours of the Labor Standards Act.

6. Breaks and holidays of foreigners for agricultural support (relating to No. 7, paragraph 1(4) of the Guidelines)

Agriculture is excluded from the application of the provisions on breaks and holidays of the Labor Standards Act. However, breaks and holidays must be appropriately set in light of the intent of foreigners for agricultural support and in reference to the standards under the Labor Standards Act to prevent excessively long working hours for the purpose of ensuring that foreigners for agricultural support go about their healthy and civilized life and maintain efficiency at working places for a long period of time.

In addition, pay attention to the points that where an agricultural management body receiving dispatch engages in business other than agriculture, such as manufacturing and processing, in addition to agriculture, the business type of said agricultural management body receiving dispatch is determined for each place of business based on the principal operation conducted at the place of business and that where the business type of a place of business is determined to be other than agriculture, the place of business is not excluded from the application of the provisions on breaks and holidays of the Labor Standards Act.
7. "Giving appropriate consideration to the living environment" in a residence possessed by an agricultural management body receiving dispatch (relating to No. 7, paragraph 1(5) of the Guidelines)

This means creating a living environment that is equivalent to or better than that of a Japanese employee living in a residence possessed by the agricultural management body receiving dispatch.