

កំណត់បង្ហាញលិខិតបង្គាប់

ក្រសួង-ស្ថាប័ន : ស្ថានទូតសាធារណរដ្ឋឥណ្ឌូប្រចាំកម្ពុជា លេខ PHN/P/១០៣/០៨/២០២២ ចុះថ្ងៃទី០៩ ខែឧសភា ឆ្នាំ២០២៤។

ចម្លងជូន : ក្រសួងមហាផ្ទៃ

ខ្លឹមសារសង្ខេប : ស្ថានទូតសាធារណរដ្ឋឥណ្ឌូប្រចាំកម្ពុជា សូមជម្រាបជូនថា ក្រសួងការងារ និងបណ្តុះបណ្តាល វិជ្ជាជីវៈកម្ពុជា និងភាគីឥណ្ឌា នឹងបង្កើតក្របខណ្ឌស្ថាប័ន ស្តីពីការធ្វើចំណាកស្រុក និងការចល័ត រវាងសាធារណរដ្ឋ ឥណ្ឌា និងព្រះរាជាណាចក្រកម្ពុជា ដើម្បីលើកកម្ពស់ការធ្វើចំណាកស្រុកប្រកបដោយសុវត្ថិភាព និងសណ្តាប់ធ្នាប់។

អាស្រ័យហេតុនេះ ស្ថានទូត សូមស្នើក្រសួងការងារ និងបណ្តុះបណ្តាលវិជ្ជាជីវៈ ផ្តល់យោបល់ និងឯកភាពលើកិច្ចព្រមព្រៀងភាពជាដៃគូការធ្វើចំណាកស្រុក និងការចល័តនេះរវាងឥណ្ឌា និងកម្ពុជា។

(សូមគោរពជូនភ្ជាប់ជាមួយនូវ កិច្ចព្រមព្រៀងភាពជាដៃគូការធ្វើចំណាកស្រុក និងការចល័ត

ចិត្តចម្លង ចំនួន ០១ច្បាប់)។

រាជធានីភ្នំពេញ ថ្ងៃទី១៣ ខែឧសភា ឆ្នាំ២០២៤


កោ ចក្រី

យោបល់ ឯកឧត្តម សន្តិបណ្ឌិត
រដ្ឋលេខាធិការប្រចាំការ

៧៦១

15.05.24


សន្តិបណ្ឌិត.ហ៊ែង ច័ន្ទធារ

យោបល់ នាយកដ្ឋាន

គោរពជូន ឯកឧត្តម អគ្គលេខាធិការ

- គួរគោរពជូន **ឯកឧត្តម សន្តិបណ្ឌិត រដ្ឋលេខាធិការប្រចាំការ** ដើម្បីជូនជ្រាបដ៏ខ្ពង់ខ្ពស់។
- គួរជូន **អគ្គលេខាធិការដ្ឋាន គ.ជ.ប.ជ** និងអគ្គនាយកដ្ឋានអន្តោប្រវេសន៍ ដើម្បីជូនជ្រាប។

ដោយសេចក្តីគោរព!

៥/ប្រធាននាយកដ្ឋាន
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13/05/2024

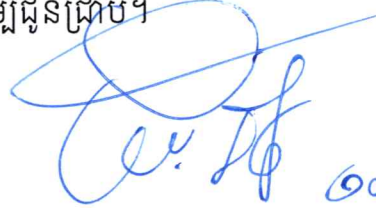
ឧត្តមសេនីយ៍ទោ សេង វ៉ិច្ចុទ្ធ

យោបល់ ឯកឧត្តមអភិសន្តិបណ្ឌិត
ឧបនាយករដ្ឋមន្ត្រី រដ្ឋមន្ត្រីក្រសួងមហាផ្ទៃ

យោបល់ ឯកឧត្តម អគ្គលេខាធិការ

- សូមគោរពជូន **ឯកឧត្តម សន្តិបណ្ឌិត រដ្ឋលេខាធិការប្រចាំការ** ដើម្បីជូនជ្រាបដ៏ខ្ពង់ខ្ពស់។
- គួរជូន **អគ្គលេខាធិការដ្ឋាន គ.ជ.ប.ជ** និងអគ្គនាយកដ្ឋានអន្តោប្រវេសន៍ ដើម្បីជូនជ្រាប។

ដោយសេចក្តីគោរព!



07/05/24

ឧត្តមសេនីយ៍ឯក ជាតិ-សុដ៌និត

នាយកដ្ឋានទំនាក់ទំនងអន្តរជាតិ	
ប្រ វ	លេខ: ៧១៦ ៩៩៤/២៤
	ថ្ងៃទី ១០ ខែ ៥ ២៤ ម៉ោង
	បញ្ជូន:



भारत का राजदूतावास, नोम पेन्ह
EMBASSY OF INDIA
PHNOM PENH

No. PHN/P/103/08/2022

09 May 2024

The Embassy of India, Phnom Penh presents its compliments to the Ministry of Labour and Vocational Training of the Kingdom of Cambodia and has the honour to refer to its earlier Note Verbale of even number dated 19 January 2023 (copy enclosed) regarding the intention of Indian side to establish an institutional framework on Migration and Mobility between India and Cambodia with a view to promote safe, orderly and regular migration.

In this connection, the Embassy of India in Phnom Penh would highly appreciate it if the esteemed Ministry may convey its comments/concurrence for the Migration and Mobility Partnership Agreement between India and Cambodia.

The Embassy of India in Phnom Penh avails itself of this opportunity to renew to the Ministry of Labour and Vocational Training, Kingdom of Cambodia, the assurances of its highest consideration.

**Ministry of Labour and Vocational Training
Kingdom of Cambodia
Phnom Penh**

Copy to:

**Ministry of the Interior
Kingdom of Cambodia
Phnom Penh**

**Ministry of Foreign Affairs & International Cooperation
General Department of Asia Pacific
Kingdom of Cambodia
Phnom Penh**





सत्यमेव जयते

भारत का राजदूतावास, नोय पेन्ह
EMBASSY OF INDIA
PHNOM PENH

No. PHN/P/103/08/2022

19 January, 2023

The Embassy of India, Phnom Penh presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia and has the honour to convey the intention of Indian side to establish an institutional framework on Migration and Mobility between India and Cambodia with a view to promote safe, orderly and regular migration.

In this connection, as the initial steps towards establishing an institutional framework for Migration and Mobility, the Embassy of India, Phnom Penh has the honour to enclose herewith (i) **Draft Declaration of Intent on Migration and Mobility between India and Cambodia** and (ii) **Template of Migration and Mobility partnership Agreement**. The Embassy of India, Phnom Penh would appreciate if the esteemed Ministry could kindly consider the drafts and convey its views.

The Embassy of India in Phnom Penh avails itself of this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation, Kingdom of Cambodia, the assurances of its highest consideration.

Ministry of Foreign Affairs & International Cooperation
General Department of Asia Pacific
Kingdom of Cambodia
Phnom Penh

Copy to:

Ministry of the Interior
Kingdom of Cambodia
Phnom Penh



Ministry of Labour and Vocational Training
Kingdom of Cambodia
Phnom Penh

Ministry of Foreign Affairs & International Cooperation
Kingdom of Cambodia
Phnom Penh

Declare their intent, as a joint effort, to:

1. Engage in technical and operational discussions at high administrative level on the establishment of a common framework of understanding and cooperation in the fields of migration and mobility, including both regular and irregular migration, which would outline ways to cooperate to:

- a) facilitate mobility of students, academics, researchers and business people;
- b) facilitate migration for professional and economic reasons;
- c) facilitate the return of citizens who do not have a lawful means to remain in each country; and
- d) prevent illegal migration, people smuggling and human trafficking.

3. In the context of paragraphs 1 above, the Participants hereby seek to establish regular contacts between their respective national authorities, including cooperation through diplomatic channels.

Signed at _____ on _____ 2022 in two originals in the English language

**On behalf of the Government of
the Republic of India**

**On behalf of the Royal
Government of the Kingdom of
Cambodia**

CHAPTER 1

Article-1 Scope of the Agreement

This Agreement aims to establish and develop co-operation between The Partner country and India in the following areas:

- i. the circulation of persons,
- ii. the facilitation of mobility of students, academics, and researchers migration for professional and economic reasons, abiding by equal treatment of nationals of both Parties in similar situation. The provisions of this Agreement will be without prejudice to the application of national laws on the stay of foreigners on all the points that are not dealt with in this Agreement.
- iii. the prevention of and the fight against irregular migration and the exploitation and trafficking in human beings in accordance with their laws and respective obligations.
- iv. The provisions of this Agreement shall not substitute deeper engagement of the Parties in respect of the temporary movement of natural persons for the purpose of providing services as a result of a free trade agreement binding the Parties. All actions undertaken by the Parties pursuant to this Agreement shall be consistent with the Parties' obligations under relevant international law including any obligation of the Parties under the WTO.

CHAPTER II

CIRCULATION OF PERSONS

Article-2 Short-stay, multiple-entry visas

2.1 In order to encourage movement between the two countries for regular short stays of persons who are actively and sustainably contributing to the vitality of bilateral relations, the Parties undertake, in compliance with their respective obligations, to facilitate the issuance of a short-stay, multiple-entry

4.1.3 The persons to whom the provisions of this Article apply shall benefit from equal treatment as accorded to host-State nationals in all matters relating to the enforcement of laws, regulations and customs governing working relations and conditions, social protection, health, hygiene and workplace safety. Their employer shall pay them a salary equivalent to the salary paid to host State nationals working under the same conditions.

4.2. Exchanges of young professionals and joint action in favour of such exchanges

4.2.1 Both Parties agree to develop between each other exchange of Partner Country or Indian young professionals aged between 18 and 35 already in employment or entering working life, who wish to visit the Partner Country or India to improve their career prospects through the experience of salaried work in a company registered as per host country laws.

(i) These young professionals shall be authorised to take up employment under the conditions set forth in this Article without consideration being given to the employment situation. Where regulated professions are concerned, the young professionals are subject to the criteria defined by the host State.

(ii) They must hold a diploma/degree which validates as far as possible at least three years' higher education corresponding to the qualification required for the employment on offer or have professional experience of comparable level in the sphere of activity concerned and be able to express themselves in language(s) of the host country.

(iii) The authorised work period varies from six to twelve months and may be extended to a maximum period of 24 months.

(iv) Young Partner Country or Indian professionals may not continue to reside in the host State after the authorised work period expires. Both Parties shall take measures to ensure that the young professionals concerned return to their home country.

Article 4.4. In-house training

4.4.1 Indian employees of Partner Country enterprises established in India or of Indian enterprises linked by a partnership to a Partner country enterprise who wish to come to the Partner Country in an enterprise of the same group or in a partner enterprise to accomplish a training course that includes a theoretical part provided by an authorised training organisation and a practical part in the host enterprise may receive from the competent Partner Country authorities a visa authorising a visit of more than three months but not more than eighteen months on presentation of a training agreement concluded between the concerned parties.

4.4.2 The training agreement shall define the contents of the training course the respective lengths of the theoretical and practical parts and the conditions of residence, accommodation and social and practical parts and the conditions of residence, accommodation and social protection in the Partner Country.

4.4.3 Reciprocally, Partner Country employees wishing to carry out a work placement in India for the same reasons as the Indian trainees mentioned in paragraph 4.4.1 of the present Article may receive from the Indian competent authorities a business visa leading to a temporary residence permit valid for up to eighteen months.

Article 4.5 Researchers and academics

4.5.1 Both Parties undertake to encourage the mobility of researchers and doctoral students with an appropriate contract between the two countries.

4.5.2 For Partner Country and Indian nationals wishing to carry out research or university level teaching in a public or private research or higher education institution in the other country under a hosting agreement, the Parties shall facilitate the issuance of a residence permit valid for the duration of their research or teaching activities under the conditions set forth in Partner Country or Indian laws.

It shall evaluate the implementation of the provisions set forth in the Agreement and frame all appropriate proposals to improve it, as necessary. The agenda and the composition of the Joint Working Group shall be set for each meeting by mutual consultation.

Article-8 Difficulties regarding the interpretation and application of the Agreement

Any difficulties relating to the interpretation or application of this Agreement shall be settled within the Joint Working Group referred to in Article 7 or otherwise through diplomatic channels.

Article 9 – Duration, Renewal, Termination and Amendment of the Agreement

The Agreement shall remain valid for a period of 7 years from the date of coming into force.

Unless terminated by any Party, this Agreement shall be automatically renewed for similar successive periods.

This Agreement may be terminated in writing by either Party subject to three months prior notice served through diplomatic channels.

Such termination of the Agreement shall not affect the Parties' rights and obligations resulting from the implementation of this Agreement, unless otherwise agreed by the Parties.

This Agreement may be amended by the mutual written consent of the Parties.

Article 10- Entry into Force