

# Guidelines for Emigration Clearance System



- i. Emigration clearance sticker shall be pasted by the Protector of Emigrants (POEs) office only if the individual having an Emigration Check Required (ECR) Passport, approaches POE's office himself or through a Recruiting Agent (RA). ECR endorsements on the Passports are stamped by the Regional Passport Officers.
- ii. In case of unskilled worker, farm worker and women emigrant, Employment Agreement/Contract attested by Indian Mission/Post is mandatory.
- iii. The RA seeking emigration clearance would have to give an Affidavit confirming the following:-
  - a) That Employment Visa(s) attached/endorsed on the Passports of the workers, issued by respective Foreign Mission/Competent Authority in respect of Foreign Employer as per the details given against each name is/are genuine and valid for the period mentioned.
  - b) Details of workers.
  - c) That the workers have been recruited by the RA on receipt of Demand Letter and Power of Attorney from the Foreign Employer and the same are being submitted.
  - d) That the worker will be deployed to the same Foreign Employer for whom he is recruited and that he will be received by the Foreign Employer on reaching the country of employment.
  - e) That the worker has been trade tested and found fit for the job for which he is being employed.
  - f) That the worker will be paid minimum salary and shall be governed by minimum standard of condition of employment as specified in the specimen Employment Contract whose copy is enclosed.

- g) That the worker will be deployed on the same job for which he has been recruited.
  - h) That the female worker will not be deployed as maid servant/domestic worker, unless and until additional safety measures are followed viz. Bank Guarantee of \$2500 as security from Foreign Employer, Visa attestation etc. by Mission.
  - i) That the RA shall be responsible if persons sent by him are found to be unfit on reaching the country of employment. The cost of repatriation in such case(s) will be borne by him.
  - j) That the RA is maintaining a register for the above mentioned details of the workers.
  - k) That all the workers mentioned in point (ii) above are actually skilled and semi skilled and none of them is unskilled worker, agricultural labour, farm worker or housemaid, etc. It is further certified that the cook(s) included in the above list are not going for domestic employment.
  - l) That the RA has gone through the provisions of sub-Section (1) and (2) of Section 37 of the Emigration Act, 1983 and provisions of Section 193 of the Indian Penal Code, 1860 (45 of 1860) relating to punishment for false evidence and have understood the contents thereof and undertake that in event of any of the documents filed along with or referred to in this Affidavit being found to be false, incorrect, fabricated, tampered with or changed, he/she shall be liable under Section 37 of the Emigration Act and Section 193 of the Indian Penal Code (IPC).
  - m) That the intending emigrants have been apprised of the ground realities of the country of emigration. The problems they are likely to face, the lifestyle, customs, religion, practices, do's and don'ts in the country of emigration have been communicated to the intending emigrants.
  - n) That the RA undertakes to arrange thorough medical check up of all workers being deployed abroad before their travel from India.
  - o) That the worker has signed the Employment Contract, which contains the seal and signature of the Foreign Employer in his presence and that the same Employment Contract has been countersigned by him with the seal of the RA and same has been handed to worker and receipt obtained.
- iv The emigration clearance of female workers for overseas employment in 18 ECR countries is initially permitted only through State run recruiting agencies

namely (a) NORKA Roots (Kerala), (b) ODEPC (Kerala), (c) OMCL (Tamil Nadu), (d) UPFC (Uttar Pradesh), (e) OMCAP (Andhra Pradesh) and (f) TOMCOM (Telangana). No female below the age of 30 years and above the age of 50 years shall be granted emigration clearance going for domestic work in any of the 18 ECR countries.

- v. No clearance may be given for Iraq, Libya and Yemen at present.

**Note:** Emigration Clearance for a particular country shall be granted in accordance with the policy/orders of Government of India, as in force from time to time.

- vi. The Protector of Emigrants may reject an application for emigration on the following grounds:

- a) That the terms and conditions of employment which the applicant proposes to take up are discriminatory or exploitative.
- b) That the employment which the applicant proposes to take up involves work of nature which is unlawful according to the laws of India or offends the public policy of India or violates the norms of human dignity and decency.
- c) That the applicant is likely to work or live in sub-standard working or living conditions.
- d) Keeping in mind the prevailing circumstances in the country where the applicant proposes to take up employment, would not be in the interest of the applicant to emigrate.
- e) That no provision has been made for meeting the expenses which may occur in case it becomes necessary to arrange for the repatriation of the applicant to India, or that the arrangements made in this regard are not sufficient for the purpose.
- f) Orders rejecting any application for emigration clearance shall set out clearly the grounds on which the order has been made and the fact or circumstances on which such grounds are based.

- vii. Emigration clearance is required in the following cases:

- a) All persons, having ECR endorsed passports and going to any of the 18 ECR countries for taking up employment, require emigration clearance.

- b) A person could take up employment in a foreign country either through a registered Recruiting Agent or directly through a Foreign Employer or a Project Exporter. The Protector of Emigrants, after satisfying himself about the accuracy of the particulars mentioned in the application and other documents submitted along with the application, grants emigration clearance in the prescribed manner and form. In case there is any deficiency, the POE intimates the same by an order in writing to the applicant or, as the case may be, the Recruiting Agent or employer, through whom the applications have been made.
- viii. Information about the registered as well as active Recruiting Agents (RA) is available at the Ministry's website: [www.emigrate.gov.in](http://www.emigrate.gov.in)
- ix. Documents required for skilled/semi-skilled workers (individuals): Semi-skilled individuals who seek emigration clearance directly from the Protectors of Emigrants (and not through Recruiting Agents) are required to produce the following documents in original for scrutiny and return.
- a) Passport valid for a minimum period of six months with valid visa.
  - b) Employment Contract from foreign employer.
  - c) Challan towards deposit of prescribed fee.
  - d) Insurance policy- Pravasi Bhartiya Bima Yojana (PBBY).
- x. Documents required for un-skilled/women workers (individuals): Unskilled workers and women (not below 30 years of age and not above the age of 50 years) seeking employment abroad shall continue to furnish (in original) the following documents at the time of obtaining emigration clearance:
- a) Passport valid for a minimum period of six months with valid visa.
  - b) Employment Contract from Foreign Employer duly attested by Indian Mission/Post or permission letter from the concern Indian Mission/Post.
  - c) Challan towards deposit of prescribed fee.
  - d) Insurance policy under Pravasi Bhartiya Bima Yojana (PBBY).
- xi. Documents required for skilled/semi-skilled workers (through Recruiting Agents): Recruiting Agents who seek emigration clearance for skilled/semi-skilled workers are required to produce:

- a) Passport of the worker valid for a minimum period of 6 months with valid visa.
  - b) Original Employment Contract, Demand Letter and Power of Attorney from the Foreign Employer.
  - c) Challan towards deposit of prescribed fee.
  - d) Insurance Policy under Pravasi Bharatiya Bima Yojana (PBBY).
- xii. Documents required for Unskilled/Women Workers (through Recruiting Agents)
- a) In addition to the requirements for skilled/semi-skilled workers, all employment documents mentioned in (xi) above have to be duly attested by the Indian Mission/Post.
  - b) The specimen Employment Contract lays down the basic terms and conditions of employment including salary, accommodation, medical cover, transport, etc.
- xiii. Emigration clearance to all Indian female workers going abroad for Overseas Employment holding ECR Passports.
- a) On the recommendations of the National Commission for Women, a ban was imposed on grant of emigration clearance to females below the age of thirty (30) years for all kind of employment in any of the 18 Emigration Check Required countries.
  - b) Such women who have come on leave to India and wish to go back to the same Foreign Employer are not subject to the said ban and the POEs have been empowered to grant a 'No Objection Certificate' to such women applicants to facilitate clearance by Immigration Authorities at the International Airports in India.
  - c) The said ban is not applicable to (i) women holding Passports without ECR (Emigration Check Required) endorsement; and (ii) women going to any of the Emigration Check Not Required countries.
  - d) Receipt of US Dollar 2,500 deposited by the Foreign Employer in the concerned Indian Mission/Post.
  - e) Attestation of Visa, Employment Contract & Demand letter of Foreign Employer by the concerned Mission also pre-requisite for grant of Emigration Clearance.

\*\*\*\*\*