

Recruiting Agents



Guidelines for Registration as Recruiting Agents

- i. The Emigration Act, 1983 (Section 10) requires that any person intending to engage in India in the business of overseas recruitment for an employer may make an application for registration as Recruiting Agent with the Registering Authority in prescribed Form. The application referred above shall be accompanied with a fee of Rupees Twenty Five Thousand. Initially, the Registration Certificate (RC) is valid for a period of five years.
 - ii. The form, instructions, videos for training for applying for registration as Recruiting Agent are available online at www.emigrate.gov.in/
 - iii. The applicant is required to deposit Bank Guarantee of Rs. 50 lakh.
 - iv. To improve and streamline the procedure for processing of fresh applications for registration as Recruiting Agent under the Emigration Act, it has been decided that with effect from 1st April, 2007, the fresh applications for registration as Recruiting Agent will be submitted to the respective Protector of Emigrants as per their territorial jurisdictions, who will do the initial scrutiny to verify the completeness of the applications and forward the same to the Ministry along with all the documents including:
 - a. The POE Inspection Report of the premises of the proposed office of the RA; and
 - b. The Character Verification Report (CVR) on verification of character and antecedents of the applicant from the local police.
- In cases where validity of an existing RC has already expired and could not be renewed for any reason, the RA concerned can seek fresh registration if he or she wants to continue the recruitment business. In such cases of re-registration, no

inspection of premises or verification of antecedents is insisted on if there is no change in the address or ownership, if the time gap is not much.

Guidelines for Recruiting Agents (RAs)

- i. The holder of the Registration Certificate shall conduct business under signatures and seal of the director/partners/proprietor and the Certificate shall not be transferrable.
- ii. A photocopy of this Registration Certificate shall be prominently displayed at a conspicuous place in the premises of the business. Also a copy attested by the registering authority with an endorsement of having authorized the recruiting agent to carry on the business at additional premises, if any, shall be displayed at conspicuous place in the business premises of such Branch Office. Original Certificate shall be produced on demand by the emigration authorities/law-enforcing authorities and employer.
- iii. The holder of the Certificate shall conduct the business from the place indicated in the application for registration. For opening a Recruitment Center at a place other than the place indicated in the application, the holder of the certificate has to obtain the prior approval of the Registering Authority.
- iv. The holder of the Certificate shall not employ sub-Agents for the purpose of conducting or carrying on his business.
- v. The holder of the Certificate shall not charge more than the prescribed fee from the emigrants and also adhere to prescribed standard wages.
- vi. The holder of the Certificate shall maintain the following permanent records at his place of business:
 - a) A Register of receipt of charges from emigrants recruited, in the form of an original, Acquittance Roll containing the signature of each emigrant from whom the charge has been received. Each such Register shall be maintained, with reference to a demand for recruitment.
 - b) A Register and record of the amounts and pre-paid Ticket Advices, along with their photocopies received from the employers, identified demand-wise, should be maintained.
 - c) A Register containing details of expenses incurred on recruitment of emigrants demand-wise supported by documents should also be maintained.
 - d) Individual folders for each employer whose demands of labour, the holder of the Certificate has processed, proposes to process or is processing.
 - e) Bio-data (giving full particulars including name, address, age, skill, experience and name, also name and address of next of kin) of each emigrant recruited by the holder of the Certificate.

- f) Copies of Employment Contracts of each emigrant as authenticated by the Protector of Emigrants.
 - g) Original Demand Letter, Power of Attorneys and correspondences with the employers.
 - h) All documents relating to recruitment of emigrant including office copies of all advertisements issued, letters to interviews and correspondence with the applicant's original award sheets leading to the selection, names and address of persons involved in the selection process, copies of letters of appointments, trade-testing particulars, etc.
 - i) A Register of visas received from the employers, giving separate account of block and individual visas.
 - j) A Register of claims for all compensation, including injury or death, made by the emigrant or their dependents, recruited by the holder of the Certificate giving the name, address of the emigrant, emigration number, country of employment, nature of compensation for injury or death, name and address of the recipients, name and address of the employer, and the receipt in original in token of having made the payment of compensation.
 - k) Such other records as may be required to be maintained by the Registering Authority.
- vii. That the holder of the Certificate shall furnish Return of the preceding month in Form IV by the 10th of the succeeding month.
- viii. That copies of advertisements for recruitments of the emigrants shall be endorsed to the respective Protector of Emigrants.
- ix. That Recruiting Agent shall not charge the repatriation expenses from the emigrant.
- x. The holder of the Certificate shall:
- a) Provide details of employment, including contact conditions, to the intending emigrants before recruitment.
 - b) Endeavor to ensure proper reception of the emigrant by the employer in the country of employment.
 - c) Endeavor to ensure that subsequent to the employment, the employer shall not alter the terms of the employment contract.
 - d) Endeavour to ensure that the employer takes timely action for renewal of documents authorizing the stay of the emigrant in the country of employment.
 - e) Facilitate amicable settlement of disputes between the employer and the emigrant.
 - f) Issue receipt for the payments received from the emigrant.
 - g) Issue only such advertisements that are genuine and factually correct and shall refrain from any inducement or misrepresentation in this regard.

- h) Ensure that the employer observes the terms and conditions of the Employment Contract.

xi. The holder of the Certificate shall maintain:

- a) Office premises of not less than fifty square meters of built-up area, having a waiting hall for at least thirty persons, a room for the purpose of conducting interview and office space equipped with furniture, photocopier, telephone with subscribers trunk dialling (STD) and international dialling (ISD) facility, fax, computers and other office amenities as may be specified by the Registering Authority by order in writing.
- b) Work stations for the office personnel.
- c) Internet facility, email accounts and a web portal containing detailed information about the Recruiting Agent, the validity status of the Registration Certificate, the services offered, the cost of services, the mode of payment of service charges, the remedies available to emigrants for redressal of grievances, vacancies available along with the details of the jobs, the employers and the contract conditions as well as the recruitments made in the past with such particulars as the Registering Authority may specify by order in writing.
- d) Adequate and duly trained staff.
- e) A signboard, to be displayed in front of the business premises or so fixed that it is conspicuously visible to the public from outside the office premises indicating the name and the registration number of the Recruiting Agent and the year of registration.
- f) Arrangements for skill testing for the trades for which he recruits the intending emigrants.

xii. Service Charges Payable to Recruiting Agents

The charges which the Recruiting Agent may recover from an emigrant in respect of services rendered, shall not exceed equivalent to wages for 45 days as per the Employment Contract subject to maximum Rs.20,000/-. The Recruiting Agent shall issue a receipt to that worker for the amount collected by him in this regard.

xiii. Active RAs

For knowing whether a Recruitment Agent (RA) is registered with this Ministry or not; or whether the RA is active or not, please follow these simple steps: Go to the list of Recruiting Agents in the website www.emigrate.gov.in.

xiv. Guidelines for Renewal of Registration Certificates

The forms, instructions, procedure, videos for training for applying for renewal of Registration Certificate are available online at www.emigrate.gov.in.

xv. Issuance of Emigration Clearance Book (EC Book)

- a. Emigration Clearance (EC) Books will be issued to the Recruiting Agents through the Offices of the Protector of Emigrants.
- b. The RAs may therefore apply to the POE concerned for issuance of additional EC Books.
- c. On receipt of request from the RAs, POE will issue additional EC Books (after the original has been exhausted) and duplicate EC Books (in case of loss of the original EC Book). In the case of issue of duplicate EC Book, a copy of the FIR lodged by the RA about the loss of the original EC Book may be obtained, where after a duplicate EC Book will be issued to the RA.
- d. The original EC Book will be deposited by the Recruiting Agent, which will be kept in the relevant file for record.

xvi. Guidelines for Changes in Registration Certificates

- a. Applications for opening of branch office, change/shifting of office, change of Managing Director/Managing Partner, enhancement of capacity of Registration Certificate under the Emigration Act will henceforth be submitted by the Recruiting Agents to the respective office of the POE on-line, with complete documents/information in the prescribed format. If the application is complete in all respects, the POE will forward the application to the Office of Protector General Emigrants for further processing. Where the application is for capacity enhancement, the POE will write to the Bank concerned for confirmation about issuance of the Bank Guarantee (BG) by them. On receipt of the BG confirmation letter from the Bank, the POE will forward the application along with the BG and the BG confirmation letter to the Office of PGE for further processing. In case of change of RC holder, if the proposed Managing Partner/Managing Director is not already a Partner/Director, then verification of his/her antecedents would be done through the police authorities concerned. On receipt of the report from the police authorities, the application along with the police verification report will be forwarded to the Office of the PGE for further processing/approval.
