

## **Emigration abroad for employment**

ECR/ECNR Status o Emigration Act, 1983 provides that no citizen of India shall migrate unless he obtains emigration clearance from Protector of Emigrants. Similarly, it has been recognized that certain countries (currently 18) do not have strict laws regulating the entry and employment of foreign nationals. They also do not provide avenues for grievance redressal. Thus these have been categorized as Emigration Check Required (ECR) countries. Hence, all persons, having ECR endorsed Passports and going to any of the 18 ECR countries for taking up employment require emigration clearance. However, ECR passport holders going to any ECR country for purposes other than employment do not require emigration clearance. No specific mention of ECNR is made on the Passports and the ones not endorsed as ECR, automatically belong to ECNR category.

Offices of the Protectors of Emigrants under the Ministry of External Affairs, grant emigration clearance to the persons who are holding ECR Passports and are going to any of the notified 18 ECR countries on Employment Visa, for Overseas Employment. ECR Passport holders going to any of the notified 18 ECR Countries on any visa other than Employment Visa, are allowed to travel on production of following documents at the Airport: (1) Valid Passport, (2) Valid visit/residence/study visa etc. and (3) return ticket.

### **Guidelines for Prospective Emigrants**

i. Be sure of your Recruiting Agent. Ask him to show his original Registration Certificate (RC) issued by the Protector General of Emigrants, Government of India. Do not deal with him unless he

is registered and the registration is valid and is not suspended or cancelled. In case of doubt, check with any of the offices of the Protectors of Emigrants (POEs) or the Protector General of Emigrants (PGE). List of Recruiting Agents (RAs) is available at [www.emigrate.gov.in](http://www.emigrate.gov.in).

ii. DO NOT deal with sub-Agents as they are not permitted under the Emigration Act, 1983 and Rules.

iii. While taking employment in Foreign Country, the employment should be taken up as per the travel advisories issued by Ministry of External Affairs, from time to time.

iv. Ask the Recruiting Agent to show you the Demand Letter and Power of Attorney from the Foreign Employer.

v. Also carefully go through the Employment Contract detailing the salary/wage levels and other service conditions.

vi. DO NOT pay more than the equivalent of wages for forty five days as offered under the Employment Contract, subject to maximum of Rupees Thirty Thousand in respect of services provided and take a receipt of this payment.

vii. Pay by Demand Draft or Cheque or any electronic mode and obtain a receipt. Complaints of overcharging or cheating can be lodged with the concerned POE or with the Protector General of Emigrants (PGE) or at PBSK (Toll free No. 1800- 11-3090) or on website [www.emigrate.gov.in](http://www.emigrate.gov.in).

Check before departure:

i. Ensure you have a valid Passport at least for six months. A valid visa must be either stamped on or accompany your Passport.

Also ensure invariably that your visa is for the same category for which you have been recruited. Always keep a photocopy of your Passport and Visa.

ii. You must possess a copy of the Employment Contract signed by you and your Foreign Employer duly attested by the registered Recruiting Agent.

iii. Insist on a copy of Employment Contract in English duly authenticated by the Recruiting Agent.

iv. Open a Saving Bank Non-Resident External (NRE) Account in one of the Banks in India to enable you to send your remittances from abroad.

v. Acquaint yourself with local labour laws, working and living conditions of the country of employment. Keep with you complete address, phone, fax and mobile, email of the Indian Mission/Post in the country which you are visiting.

In the country of your employment:

i. Obtain a Resident Permit or Identity Card, Labour Card or IQAMA.

ii. DO NOT part with your Passport and copy of Employment Contract signed by you in India, at any cost.

iii. DO NOT sign any other Employment Contract or any blank paper.

iv. DO NOT participate in strike or resort to agitations. In many countries these are illegal under local labour laws. You could be arrested, imprisoned and also deported.

v. DO NOT carry with you any edible items, this may land you in jail, if any banned substance found in such edible items.

vi. DO NOT carry any medicines without accompanying the prescriptions from a Doctor.

vii. AVOID all contacts that may result in AIDS – a dreaded disease. viii. Keep in touch with the nearest Indian Mission/Post and report any complaints about non-payment or delayed payment of wages or compensations or any other problem to the Indian Mission/Post.

### Customs Formalities

i. Personal baggage – Customs checking is VERY STRICT. Kindly co-operate with the Customs staff at the International Airport.

ii. Ensure that you do not carry any narcotics or alcoholic drinks. Alcohol is strictly prohibited. Its consumption is a serious offence attracting severe punishment.

iii. DO NOT accept any unchecked parcel from any one. If you have to take a parcel for someone, check thoroughly that it does not contain alcohol or narcotics. Otherwise, it may land you in serious difficulties on arrival in the country of employment, including imprisonment.

### Precautions

i. You must make and keep a photocopy of all the pages of your Passport. DO NOT lose your Passport or its photocopy.

ii. By chance if you misplace your Passport, inform the nearest Indian Mission/Post immediately giving them details, i.e. Passport

number, date and place of issue, your name and date of your entry in the country of employment. You can give these details only if you keep a photocopy of your Passport.

iii. DO NOT lose your copy of Employment Contract. Make photocopies and keep them with you always. iv a) You must have a full name, address, telephone/fax number of your Foreign Employer, before you leave India. b) Please ensure you carry the 'Emigration Card' with you always and do not keep it along with Passport.

iv. If you have difficulty in locating your Foreign Employer, contact the nearest Indian Mission/Post immediately.

v. DO NOT accept temporary or permanent employment with another person or establishment other than that the sponsoring company/ establishment/person. Employment with persons other than your original Sponsor is strictly prohibited and attracts severe punishment.

vi. Before the Visa or Employment Contract expires, get them renewed. If you are returning to India for a short while during the tenure of your Employment Contract abroad, ensure that the validity period of Visa does not expire before you return to the country of employment.

vii. Also ensure that your Passport is valid. At least two months before it is about to expire, get it revalidated from the concerned Indian Mission/Post abroad or from the Regional Passport Office (RPO) in India.

Persons on whose Passports ECR stamp would not be affixed [as per MEA (CPV Division) – Guidelines] i. All holders of Diplomatic

/Official Passports. ii. All Gazetted Government servants. iii. All Income-tax payers (including Agricultural Income-tax payees) in their individual capacity. iv. All professional degree holders, such as Doctors holding M.B.B.S. degrees or Degrees in Ayurved or Homoeopathy; Accredited Journalists; Engineers; Chartered Accountants; Lecturers; Teachers; Scientists; Advocates etc. v. Spouses and dependent children of category of persons listed at (i) to (iv) above. vi. All persons having educational qualification of Matriculation and above. vii. Seamen who are in possession of CDC or Sea Cadets, Desk Cadets (a) who have passed final examination of three year B.Sc. Nautical Sciences Courses at T.S. Chanakya, Mumbai and (b) who have undergone three months pre-sea training at any of the Government approved Training Institutes such as T.S. Chanakya, T.S. Rehman, T.S. Jawahar, MTI (SCI) and NIPM, Chennai, after production of identity cards issued by the Shipping Master, Mumbai/Calcutta/Chennai. viii. Persons holding permanent immigration visas, such as the visas of UK, USA and Australia. ix. Persons possessing two years' Diploma from any institute recognized by the National Council for Vocational Training (NCVT) or State Council of Vocational Training (SCVT) or persons holding three years' Diploma/equivalent Degree from institutions like Polytechnics recognised by Central/State Governments. x. Nurses possessing qualification recognised under the Indian Nursing Council Act, 1947. xi. All persons above the age of 50 years. xii. All persons who have been staying abroad for more than three years (the period of three years could be either in one stretch or broken) and their spouses. xiii. All children upto the age of 18 years of age. (At the time of re-issue at the age of 18 years, ECR stamping shall be done, if applicable).

List of the 18 countries where Emigration Check is required: (i) Afghanistan, (ii) Bahrain, (iii) Indonesia, (iv) Iraq, (v) Jordan, (vi) Kingdom of Saudi Arabia, (vii) Kuwait, (viii) Lebanon, (ix) Libya, (x) Malaysia, (xi) Oman, (xii) Qatar, (xiii) South Sudan, (xiv) Sudan, (xv) Syria, (xvi) Thailand, (xvii) United Arab Emirates, and (xviii) Yemen.