

EMIGRATION

AND

YOU

**Ministry of Overseas Indian Affairs
(Emigration Policy Division)
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INTRODUCTION

The work relating to emigration of Indian citizens from India to other countries for employment and the return of emigrants is the responsibility of the Ministry of Overseas Indian Affairs (MOIA). The provisions of the Emigration Act, 1983 (hereinafter referred to as the "Act") govern emigration from India. The Emigration Act, 1983 provides the regulatory framework for emigration of Indian workers for contractual overseas employment and seeks to safeguard their interests and ensure their welfare. The Act makes it mandatory for registration of Recruiting Agents with the Protector General of Emigrants.

What is Emigration ?

Emigration means the departure of any person from India for employment (whether or not under an agreement, with or without the assistance of a registered Recruiting Agent or employer) in any country or place outside India.

The Indian Emigrant

Emigration of Indian workers to other countries has been an ongoing process since time immemorial. Always a source of new talent and endeavor, the Indian worker has contributed to the economic development of both his home country as also the country where he works.

The Rising Numbers

Globalization has accelerated emigration of Indian workers to other countries. The number of emigrants who are ECR passport holders **to ECR countries** has increased progressively over the years as can be seen from the figures below:

Year	No.of Emigration Clearances granted
2000:	2.43 Lakh
2001:	2.79 Lakh
2002:	3.68 Lakh
2003:	4.66 Lakh
2004:	4.75 Lakh
2005:	5.49 Lakh
2006	6.77 Lakh

Spanning the Globe

While the oil boom of the 1970s saw Indian emigrants mainly going to the Gulf countries, they have also moved to developed nations like the US, UK, Germany and Canada as also to the developing economies of South-East Asia And Australia. However, the Gulf region continues to account for the bulk of the Indian emigrants – about 4.5 million workers currently work there.

Remittances

That the Indian emigrants have become major economic players in their own right is clearly evident from the Global Development Finance report released by the World Bank. The report says that India is expected to be the top remittance recipient country in 2007–08 with the estimated inward remittance amounting to US\$ 27 Billion. This amount is 11 per cent of the US\$ 240 billion that is flowing into all developing countries in 2007. The inward remittance constituted 2.9 % of the Indian GDP in 2006.

There has been a steady increase in the remittances from Rs. 53,280 crores in 1999–2000 to Rs. 106860 crores in 2005–2006. The unskilled and semi-skilled migrant Indian workers contribute a major proportion of these remittances.

Data regarding private transfer of foreign exchange gathered from the Reserve Bank of India for the period 1999–2000 to 2004–2005 is given below:

<u>Year</u>	<u>in US \$ Billion</u>	<u>In Rs. Crore</u>
1999-2000	12.29	53280
2000-2001	12.87	58756
2001-2002	12.12	57821
2002-2003	14.80	71642
2003-2004	18.88	86764
2004-2005	14.49	66861
2005-06	24.10	106860

Statutory Framework

Genesis of the Law

To regulate, assist and guide the workers proceeding abroad for employment on contractual basis, the Government of India enacted the Emigration Act, 1983. The Act had its genesis in a judgement of the Hon'ble Supreme Court Judgement (Kanga and Others vs. Union of India, dated 20.3.1979), wherein the Apex Court ruled that emigration should be regulated on the basis of guidelines enumerated in its aforesaid order. Since the Act was enacted, the protection of emigrants and their interest has become the duty of the Office of the Protector General of Emigrants (PGE), now in the Ministry of Overseas Indian Affairs, Government of India.

The Emigration Act, 1983

In order to safeguard the interests of Indian nationals working abroad, the Emigration Act, 1983 requires all workers seeking contractual employment abroad to obtain emigration clearance from any of the eight Offices of the Protectors of Emigrants (POE's). The Act also mandates that no agency/establishment can undertake recruitment of Indians for employment abroad without obtaining registration from the Protector General of Emigrants, Ministry of Overseas Indian Affairs, Government of India.

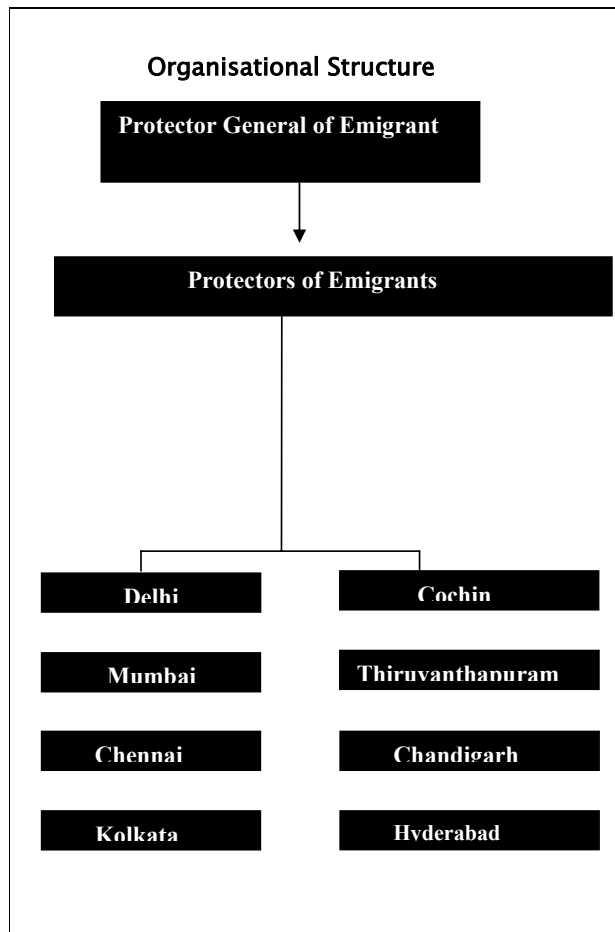
Salient Features of the Act

- Any Indian national can be recruited for a job abroad either through a Recruiting Agent registered under the Act or by an employer with a valid Permit issued by the Protector General of Emigrants.
- No Indian citizen (unless exempted) can emigrate without obtaining emigration clearance from the concerned Protector of Emigrants.

Organizational Structure

Ministry of Overseas Indian Affairs administers the Emigration Act, 1983. The Act is enforced by the Protector General of Emigrants(PGE). The eight offices of

Protector of Emigrants function under the supervision and control of the PGE. The 8 offices of the Protectors of Emigrants have been established at – Delhi, Mumbai, Kolkata, Chennai, Hyderabad, Chandigarh, Cochin and Thiruvananthapuram. Any applicant seeking employment abroad and possessing a passport with 'Emigration Check Required', endorsement can obtain emigration clearance from any of these eight offices on submission of other documents as prescribed. Persons holding ECNR passport **or unstamped passports** are not required to obtain emigration clearance.



Emigration Procedures

Emigration Check Required (ECR) Category

Categories of persons whose passports have been endorsed as "Emigration Check Required" (ECR), are required to obtain emigration clearance from the POE office before traveling abroad for taking up an overseas employment.

Earlier they were required to obtain 'suspension' of emigration check in order to travel abroad for purposes other than employment. From 1st October, 2007 the requirement of obtaining 'Suspension' has been done away with. ~~Emigration Check Not Required (ECNR)~~

Category

Section 22 of the Emigration Act, 1983 provides that no citizen of India shall emigrate unless he obtains emigration clearance from the concerned Protector of Emigrants (POE). However, with a view to facilitate the movement of the people, 13 categories of persons (listed later in this chapter) have been exempted from this requirement and have been placed under 'Emigration Check Not Required' (ECNR) category. As such they are entitled to ECNR endorsement on their passports from the Regional Passport Offices. Such persons are not required to obtain any emigration clearance from the Offices of POEs before seeking employment abroad.

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When Emigration Clearance is Not Required

- Persons traveling on ECNR passport / **unstamped passport** (See list);
- Persons traveling to any of the ECNR countries (See list);
- The pilgrims going for Haj and Umrah to Saudi Arabia and those pilgrims travelling with the declared purpose of performing Ziarat to Saudi Arabia, Syria, Iran, Iraq, Jordan, Egypt and Yemen.

**LIST OF PERSONS/CATEGORIES OF WORKERS
IN WHOSE CASE EMIGRATION CHECK IS NOT
REQUIRED / ELIGIBLE FOR UNSTAMPED
PASSPORT**

1. All holders of Diplomatic/Official Passports.
2. All Gazetted Government Servants.
3. All income-tax payers (including Agricultural Income Tax payees) in their individual capacity.
4. All professional degree holders, such as Doctors holding MBBS degrees or Degrees in Ayurved or Homoeopathy; Accredited Journalists; Engineers; Chartered Accountants; Lecturers; Teachers; Scientists; Advocates etc.
5. Spouses and dependent children of category of persons listed from (2) to (4).
6. Persons holding class 10 or higher qualification.
7. Seamen who are in possession of CDC or Sea Cadets, Desk Cadets (i) who have passed final examination of three year B.SC Nautical Science Courses at T.S. Chanakya, Mumbai; and (ii) 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.
8. Persons holding permanent immigration Visas, such as the visas of UK, USA and Australia.
9. 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 recognized by Central/State Governments.
10. Nurses possessing qualification recognized under the Indian Nursing Council Act, 1947.
11. All persons above the age of 50 years.
12. 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.

13. Children below 18 years of age.

LIST OF COUNTRIES FOR WHICH EMIGRATION CHECK IS NOT REQUIRED IS GIVEN AT APPENDIX-I

LIST OF COUNTRIES FOR WHICH EMIGRATION CHECK IS REQUIRED IS GIVEN AT APPENDIX-II

Delegation of Power to Immigration Officers

The Immigration Officers posted at International Airports have been given powers to allow the following categories of persons with 'ECR' endorsement on their passports to board the aircraft for proceeding abroad under emergent circumstances:

- (i) VIPs like Central and State Ministers, MPs, MLAs etc. and their family members accompanying them.
- (ii) Central and State Government Officers travelling on diplomatic/official passport or passports with ECNR endorsement and their family members accompanying them.
- (iii) Students going abroad for higher studies provided they furnish documentary proof in support of their admission in the foreign country.
- (iv) Persons going abroad due to sudden demise of any of their relatives in a foreign country.
- (v) Persons going abroad for medical treatment of any injury due to accident or any acute health problem of self or any of their relatives in a foreign country.
- (vi) Sports persons representing the country in International competitions/training/coaching programmes provided their foreign visit is duly approved by the Ministry of Youth Affairs and Sports.

Guidelines for Emigration Clearance

The procedure for emigration clearance has been simplified. Emigration clearance to individuals is

granted on the same day on which the application is made at any of the offices of the Protectors of Emigrants (POE).

Even where the clearance is required for groups, it is given on the same day at all POE offices.

Procedure for Emigration Clearance

1. In cases where the profession indicated in visa does not tally with the profession indicated in the **Employment contract**, affidavit may be obtained from the Recruiting Agent.
2. Where the visa is stamped on arrival in the country of employment, Emigration Clearance may be granted on the basis of a 'No Objection Certificate' issued by foreign Embassy concerned.
3. The Recruiting Agent is required to furnish an affidavit confirming the following:
 - (i) that employment visa(s) attached/endorsed on the passport(s) of the worker(s) 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;
 - (ii) that the workers have been recruited by the Recruiting Agent and demand received from the foreign employer (where applicable);
 - (iii) that the worker will be deployed with the same foreign employer for whom he is being recruited and that he will be received by the foreign employer on reaching the country of employer;
 - (iv) that the worker has been trade tested and found fit for the job for which he is being deployed;
 - (v) that the worker will be paid the minimum required salary and shall be governed by minimum standards for conditions of employment as may be required in the country of employment;
 - (vi) that the worker will be deployed on the same job for which he has been recruited;
 - (vii) that the female worker will not be deployed as maid servant/domestic servant (where applicable);

(viii) that the Recruiting Agent is maintaining a register containing the above mentioned details of the workers.

4. No clearance is given for Iraq because the Government has temporarily banned emigration to Iraq.
5. No emigration clearance is granted for recruiting Indian nationals for any blacklisted Foreign Employer.

Applying for Emigration Clearance

The application for emigration clearance should be made in the prescribed form by the applicant directly or through a Recruiting Agent or through the **skilled** employer concerned.

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:

- (i) Passport valid for a minimum period of six months with valid visa.
- (ii) Employment Contract from foreign employer.
- (iii) Challan towards deposit of prescribed fee.
- (iv) Insurance policy – Pravasi Bhartiya Bima Yojana

Documents Required for Unskilled Workers (individuals)

Unskilled workers and women (not below 30 years of age) seeking employment abroad as housemaids/domestic workers shall continue to furnish (in original) the following documents at the time of obtaining emigration clearance:

- (i) Passport valid for a minimum period of six months with valid Visa.
- (ii) **Employment contract** from the foreign employer duly attested by the Indian Mission or Permission letter from the concerned Indian Mission/Post.
- (iii) Challan towards deposit of prescribed fee.
- (iv) Insurance policy (from any company registered with IRDA).

Documents required for skilled/semi-skilled workers(Through Recruiting Agents)

Recruiting agents who seek emigration clearance for skilled /semiskilled workers are required to produce:

- (i) Passport of the worker valid for a minimum period of 6 months with valid visa.
- (ii) Original Employment contract, demand letter and power of attorney from the foreign employer.
- (iii) Challan towards deposit of prescribed fee.
- (iv) Insurance Policy–Pravasi Bharatiya Bima Yojana applicable from December, 25, 2003.

Documents required for unskilled workers (Through Recruiting Agents)

In addition to the requirements for Skilled/semiskilled workers, all employment documents mentioned in (ii) above have to be duly attested by the Indian Mission.

The Protector of Emigrants, after satisfying himself about the accuracy of the particulars mentioned in the application and in the 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.

Rejection of Application

The Protector of Emigrants may reject an application for emigration clearance on any one or more of 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 a nature which is unlawful according to the laws of India or offends against the public policy of India or is violative of norms of human dignity and decency;
- (c) that the applicant will have to work or live in sub-standard working or living conditions;
- (d) that having regard to the prevailing circumstances in the country or place where the applicant proposes to take up employment or the antecedents of the employer under whom the applicant proposes to take up employment or any other relevant circumstances, it would not be in the interest of the applicant to emigrate;
- (e) that no provision or arrangement has been made for meeting the expenses which may be incurred in case it becomes necessary to arrange for the repatriation to India of the applicant, or that the provisions or arrangements made in this behalf are not adequate for the purpose.

Recruitment Procedures

Recruiting Agents

To streamline recruitment and to safeguard the interests of the emigrants, the Emigration Act 1983 stipulates that only Recruiting Agents possessing registration certificate from the PGE can recruit for overseas employment. The PGE has issued registration certificates to State Manpower Export Corporations in Uttar Pradesh, Andhra Pradesh, Kerala, Punjab, Tamil Nadu, Karnataka, Himachal Pradesh, Haryana and Delhi apart from about 1800 private agencies to recruit workers for overseas employment. The complete list of registered Recruiting Agents can be viewed online at www.moia.gov.in. Most of the Recruiting Agents are based in Mumbai, Delhi, Chennai and Thiruvananthapuram.

The registration certificate is issued after detailed screening by the Protector General's Office. Veracity of a recruiting agent can be ascertained by emigrants from the office of PGE and POE.

Direct Recruitment

Direct recruitment is permitted in the case of foreign employers who obtain a permit from the Protector General of Emigrants.

Service Charges

Recognizing that the Recruiting Agents are providing a service to prospective emigrants, the Government has allowed them to levy service charges. However, in a bid to prevent any misuse or exorbitant levies, the Government has limited the maximum service charges that such agents can charge each worker. The following are the rates of service charges category-wise in force at present. These service charges are subject to change from time to time:

Unskilled Workers	Rs. 2,000
Semi-Skilled Workers	Rs. 3,000

Skilled Workers	Rs. 5,000
Others	Rs. 10,000

Job Advertisement by Recruiting Agents

It is mandatory on the part of the Recruiting Agents to quote the Registration Certificate number while advertising for overseas job. Before issue of the advertisement the Recruiting Agent must obtain three employment documents – Demand Letter, Specimen Contract and Power of Attorney – from the foreign employer. The emigrant can confirm the genuineness of the agent from the nearest Protector of Emigrant's office located in Mumbai, Delhi, Chennai, Thiruvananthapuram, Cochin, Kolkata, Hyderabad and Chandigarh or from the official website of the Ministry (<http://www.moia.gov.in>). He can also ask the Recruiting Agent to show the registration certificate and the three documents mentioned above.

MANDATORY ATTESTATION OF EMPLOYMENT DOCUMENTS

Keeping in view reports about submission of fake/forged documents by some unscrupulous Recruiting Agents to the Protector of Emigrants, it was decided to introduce mandatory attestation of employment in case of **“unskilled workers”** and **“house maids”**. In addition, attested employment documents are required to be submitted for all categories of workers if the recruitment is for **Yemen, Lebanon, Libya, Jordan, Kuwait, Sudan and Brunei**.

RESTRICTION/BAN ON RECRUITMENT OF WORKERS FOR IRAQ

In view of the security problems in Iraq the Government has imposed temporarily a complete ban on grant of emigration clearance to Iraq with effect from 15.04.2004. The Protectors of Emigrants put a **‘NOT VALID FOR TRAVEL TO IRAQ’** stamp on passports while granting emigration clearance/suspension for any of the Gulf countries with effect from 09.08.2005.

INSURANCE POLICY

(PRAVASI BHARATIYA BIMA YOJANA)

In an effort to safeguard the interests of the emigrant workers, the Government of India had initially introduced the "Pravasi Bharatiya Bima Yojana, 2003", an insurance scheme compulsory for those emigrants who need Emigration Clearance from POEs. After considering the effectiveness of the scheme, the Pravasi Bharatiya Bima Yojana 2006 has been notified on 25th Jan. 2006 with a view to provide broader and higher coverage to the workers.

Salient Features

The salient features of this revised scheme are:

- (a) The insurance policy shall be valid for a minimum period of two years or the actual period of employment contract, whichever is longer.
- (b) The insured person shall be covered for a minimum sum of five lakh rupees in the event of death or permanent disability leading to loss of employment while in employment abroad.
- (c) In case of death, besides the cost of transporting the dead body, the cost incurred on economy class return airfare for one attendant shall also be re-imbursed by the insurance company. The claim for re-imbursement shall be filed with the insurance company within ninety days of completion of the journey.
- (d) In the event of death or permanent disability due to any accident/physical injury sustained while in employment abroad, the Insurance company shall re-imburse the sum assured even after expiry of the Insurance policy provided the accident occurred during currency of the Insurance cover and claim in this regard, is filed within 12 calendar months from the date of accident.
- (e) The insurance company shall provide medical insurance cover of a minimum of Rupees fifty thousand only in case of hospitalization of the insured worker in an emergency on grounds of accidental injuries and/or

sickness/ailments/diseases occurring during the period of Insurance whether in India or in the country of his employment.

(e) The insurance company shall provide medical insurance cover of a minimum of Rupees fifty thousand only in case of hospitalization of the insured worker in an emergency on grounds of accidental injuries and/or sickness/ailments/diseases occurring during the period of insurance whether in India or in the country of his employment.

(f) The insurance company shall either provide cash-less hospitalization and/or re-imburse the actual medical expenses in the event of (e) above provided the medical treatment is taken in India.

(g) If the insured person falls sick or is declared medically unfit to commence or continue or resume working and the service contract is terminated by the foreign employer within the first twelve months of taking the insurance cover, the actual one-way Economy Class airfare shall be re-imbursed by the insurance company provided the grounds for repatriation are certified by the concerned Indian Mission/Post and the Air-tickets are submitted in original.

(h) On arrival at his work place or destination abroad, if the emigrant worker is not received by the employer or if there is any substantive change in the job/Employment Contract/Agreement to the disadvantage of the insured person, or if the employment is prematurely terminated within the period of employment for no fault of the emigrant, the Insurance Company shall re-imburse one-way Economy Class airfare provided the grounds for repatriation are certified by the concerned Indian Mission/Post and the Air-tickets are submitted in original.

(i) In cases where the repatriation is arranged by the Indian Mission/Post, the Insurance Company shall re-imburse the actual expenses to the concerned Indian Mission/Post.

(j) The Insurance under this policy shall also provide maternity benefits to women emigrants subject to a minimum cover of twenty thousand rupees. In case of medical treatment in the country of employment, the

maternity benefits would be provided only if the requisite documents are certified by the concerned Indian Mission/Post. The re-imbursement shall be restricted to actuals.

(k) The family of the emigrant worker in India consisting of spouse and two dependent children upto twenty one years of age shall be entitled to hospitalization cover in the event of death or permanent disability of the insured person for an amount not exceeding twenty five thousand rupees per annum.

(l) An insured person shall be covered for a minimum sum of twenty-five thousand rupees in connection with the legal expenses incurred by him in any litigation relating to his /her employment, provided the necessity of filing such case is certified by appropriate Ministry of that country. The actual expenses incurred will be certified by the concerned Indian Mission/Post.

(m) The insurance companies shall charge fair and reasonable premium. Service tax will be charge as applicable.

Fair Premium

Further, the Government has stipulated that an emigrant can select a company of his choice while seeking the insurance cover, having fixed the premium for the scheme at a fair and market determined price.

Airfare Deposit Withdrawn

After introduction of the compulsory Pravasi Bhartiya Bima Yojna in 2003, the Government has withdrawn the requirement to deposit one-way economy class airfare for any individual emigrant.

Withdrawal of deposits by returnee emigrants

Before 25-12-2003, every individual going abroad for employment was required to deposit one-way air fare as security. Such emigrant is entitled to withdraw the security deposit after lapse of a period of three years and for withdrawal of deposit, he/she is required to personally present his passport and used ticket alongwith the Bank Receipt to the POE concerned. The deposit could be withdrawn from the Bank after taking approval

from the POE. The requirement of deposit of security has been withdrawn w.e.f 25-11-2003, i.e. after the introduction of the Pravasi Bhartiya Bima Yojana.

Induction Course for prospective emigrant workers to be employed in Malaysia

- Indian workers going to Malaysia for employment purposes are required to attend a mandatory induction course of two weeks duration and pass an objective test.
- The course is conducted by agencies approved by the Malaysian Government.

Redressal of Grievances

The number of persons going abroad for employment has increased rapidly over last few years. However, complaints received from emigrants about malpractices by employers and intermediaries.

Nature of Complaints

- The contracts was unilaterally modified or substituted to the disadvantage of the worker after his arrival in the host country.
- The worker was put on a job different from the one for which he was recruited in India.
- The worker was not given any employment at all by the sponsor. Instead he/she is required to look for a job himself/herself and in return he/she is forced to pay a part of his/her salary to the sponsor.
- The registered Recruiting Agents charged much higher fees than prescribed by the government for the emigrant workers.
- The employer did not pay wages in time and terminated the employment contract prematurely.
- In some cases, workers complain of unsatisfactory living and working conditions, harassment, and denial of death and disability compensations etc, ill-treatment and physical abuse.

Complaints against Recruiting Agents

The complaints made by the emigrants/intending emigrants are thoroughly examined and if necessary, in consultation with the concerned Indian Mission abroad. Action is taken, as appropriate in each case in accordance with the provisions of the Emigration Act, 1983 and Rules framed thereunder.

Section 10 of the Emigration Act, 1983 provides for compulsory registration of Recruiting Agents with the Registering Authority, i.e, Protector General of Emigrants, Government of India for carrying on the business of recruitment for employment abroad. Contravention of provisions of Section 10 is a cognizable offence and

Section 24 of the Act prescribes penalties for those who commit or attempt to commit such offences. All unregistered Recruiting Agents are proceeded against under this provision. Complaints against them are referred to the concerned police authorities for investigation and filing F.I.R. State Governments have been also requested to advise the District Authorities, in particular the Police Authorities, to ensure that preventive, strict and exemplary action is taken against illegal recruiting agents.

As regards registered Recruiting Agents, action is taken by PGE against erring agents by way of suspension and cancellation of Registration Certificate. In cases where the conduct of the Recruiting Agent is found to be dubious he is placed in the **internal Watch List**. Whenever major error is committed by any agents, the Bank Guarantees submitted by the Recruiting Agents are forfeited apart from cancellation of their Registration Certificate.

Complaints against foreign employers are taken up with the Indian Mission abroad. Complaints mostly relate to change of employment contract, non-payment and deduction of salaries, unhygienic working conditions, etc. As and when the foreign companies are found involved in breach of contract and non-payment of salaries etc, the same companies are placed in the Blacklist.

Public Hearings

The Protector General of Emigrants holds public hearings on every Tuesday at the office of POE, Delhi from 11.30 AM to 12.30 PM. An aggrieved person can meet the PGE during a public hearing for redressal of their grievances without any prior appointment.

Special Measures

Bilateral Cooperation

The Ministry of Overseas Indian Affairs has recently signed Memorandum of Understanding with the United Arab Emirates and Kuwait and is pursuing similar MOUs with Bahrain, Oman, Saudi Arabia, Yemen, Jordan and Malaysia to provide a framework for bilateral cooperation for promotion of overseas employment of Indian workers and their protection and welfare. These MOUs provide for a Joint Committee for looking into the problems of Indian workers through regular meetings.

Women emigrants

To prevent women emigrants from being exploited, women younger than 30 years holding ECR passports and seeking overseas employment are not granted emigration clearance. Special measures are being taken for on-site welfare of women emigrants with the help of Indian missions.

Sending of Remittances from Abroad

For sending remittances, emigrant workers who are going abroad for employment for more than 6 months can open a saving bank account viz. **“NRI Saving Account”**. If the emigrant worker is going abroad for employment for less than 6 months, he/she can open **“NRI Saving Accounts**. The workers may also ascertain from the concerned bank as to whether that particular bank has their branch in the place where he/she would be working before opening an account. The emigrant workers are advised to avoid sending of remittance through Hawala. An emigrant-friendly e-remittance facility has been started with the help of UTI Bank.

Computerized Operations

The Government is implementing comprehensive e-governance in emigration to make the process simple, transparent, fast and emigrant-friendly. All stakeholders will be linked to a common platform for greater

accountability and data control. Process of granting Emigration clearance through computer has already been completed in POE, Delhi, Hyderabad, Mumbai, Kolkata, Chandigarh and Thiruvananthpuram. The POE offices in Cochin and Chennai are also going to be computerized shortly.

Protection and welfare measures

- To mitigate the inconvenience caused to Indian Citizens going abroad and for removing a major source of corruption in the system, Emigration Clearance Required Suspension (ECRS) has been abolished from 1st October, 2007.
- A nationwide information campaign has been started with a view to create awareness among the masses about the emigration procedure and to protect the emigrants from exploitation.
- An Orientation-cum-Skill upgradation training programme has been started by the Ministry in partnership with the State Governments and Industrial Associations to impart skill upgradation to the potential overseas workers.
- A 24x7 helpline is expected to be launched in January, 2008.

Do's and Don'ts for Indian Emigrants

Do's:

- Do ensure that you have a valid passport. The passport should preferably be valid at least for the next six months so that no immediate inconvenience is caused to you on your reaching the country of employment.
- Do ensure that you are recruited through an authorized Recruiting Agent. Insist on seeing his registration certificate issued by the Protector-General of Emigrants at Delhi. In case of doubt, contact the nearest Protector of Emigrants' Office.
- Do ensure that your recruiting agent has the original of the following document:
 - (i) The Power of Attorney duly executed by the Foreign Employer authorizing the agent to recruit workers on his behalf;
 - (ii) The Demand letter indicating the type of workers required by him and salaries/perquisites offered by him to the workers;
 - (iii) The specimen copy of the employment agreement proposed to be executed; and
 - (iv) Visa issued in your name/favour by the foreign Government.
- Do ensure that the employment documents are attested by the Indian Mission in the country of employment, if you are going as an unskilled worker/Household Service Worker.
- Do ensure that you have with you a copy of the employment agreement signed between you and your foreign employer or his agent.
- Do ensure that the employment agreement clearly specifies the name and complete postal address of your employer, salaries per month in foreign currency, duration of contract/agreement, facility for free/subsidized housing, messing or allowances in lieu thereof, to and fro passage, medical facility, etc.

- Do ensure that in case of employment in the Gulf countries, the employment agreement is both in English and Arabic.
- Do ensure that you have opened a Savings Bank Account in one of the banks in India before departure in order to ensure smooth inflow of remittances for your dependents in India.
- Do ensure that you have a proper ticket and a valid visa stamped on your passport before you emplane.
- Do ensure that you are familiar with the provisions of the local labour laws. You may either request your agent or contact the nearest Protector of Emigrants for this purpose.
- Do ensure that you have been briefed by your Recruiting Agent about the working/living conditions in the country of employment.
- Do ensure that after your arrival in the country of employment you have obtained resident permit/identity card.
- Do ensure that you have obtained a copy of the contract.
- In case of any difficulty, do contact the Indian Mission in the country of employment.
- Do note that before final departure for India on termination of contract, you contact the Indian Mission in respective countries for latest customs and baggage regulations etc.
- Do ensure that a copy of your passport is available with you and your family back home.

DON'TS

- Do not pay any money to your agent without obtaining a valid receipt.
- Do not sign the employment agreement unless you have read it or it has been read out to you and you have understood all the clauses in it.
- Do not sign any blank paper on your arrival in the country of employment or allow the employer to execute any agreement other than the one signed by you in India and registered with the Protector of Emigrants.

- Do not leave India unless you are satisfied that your employer knows the exact date and time of your arrival so that you are not stranded there.
- Do not indulge in any collective industrial action like strikes, go-slow and mass demonstrations etc. while in employment abroad as they are illegal and strictly banned. Your involvement in any such activities may result in your imprisonment or deportation back to India.
- Do not change your sponsor/employer in the foreign country during the period of agreement. Otherwise, you are liable to fine and other action under the local labour laws.
- Do not indulge in non-Islamic religious practices during your stay in those countries like eating, drinking, or smoking in public places during the month of Ramzan.
- Do not keep in your possession or consume alcoholic drinks during your stay in the Gulf countries as it is strictly prohibited by the respective Governments.
- Do not part with your passport and other documents during your stay abroad.
- Do not move away from the work site without valid identity card issued by your employer.
- Do not fall prey to touts/sub-agents who may exploit you.

The Ministry of Overseas Indian Affairs recognizes that people are an important resource of our country and continues to make efforts to promote and facilitate emigration of people for employment abroad. For promoting, protecting and preserving the health, safety and welfare of Indian nationals abroad we welcome your further suggestions.

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Appendix-I

List of 174 countries which do not require Emigration Clearance (ECNR Countries)

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cote d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria,

Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Vanuatu, Venezuela, Viet Nam, Zambia, Zimbabwe and Vatican City.

Appendix-II

LIST OF COUNTRIES WHERE EMIGRATION CLEARANCE IS REQUIRED (ECR Countries)

1. UNITED ARAB EMIRATES (UAE)
2. THE KINGDOM OF SAUDI ARABIA (KSA)
3. QATAR
4. OMAN
5. KUWAIT
6. BAHRAIN
7. MALAYSIA
8. LIBYA
9. JORDAN
10. YEMEN
11. SUDAN
12. BRUNEI
13. AFGHANISTAN
14. INDONESIA
15. SYRIA
16. LEBANON
17. THAILAND
18. IRAQ (EMIGRATION BANNED)

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Government of India
Ministry of Overseas Indian Affairs
(Emigration Policy Division)

Dated: 7.2.2008

Subject: Distribution of the Handbook Emigration & You.

The latest edition of the Handbook 'Emigration and You' has been released by the PM during the PBD – 08.

Initially Ministry has printed 2000 copies of the handbook for distribution during the PBD-08. Around 800 copies have been distributed during PBD, rest of the 1200 copies of the handbook are forwarded herewith for distribution through the POE's offices.

It is also requested that any further requirement for the handbook may please be indicated directly to the General Administration Section.

Nitin Kumar
Under Secretary(EP-II)

Shri R.C. Meena
Under Secretary(ES-II)