

Overview of work of Overseas Employment & Protector General of Emigrants (OE & PGE) Division

A. Broad functioning and responsibilities of Overseas Employment & Protector General of Emigrants (OE & PGE) Division

Every year, a large number of people from India go abroad for overseas employment purposes. Major outflow of emigrant workers from India in the last few years has been to the Gulf countries. A vast majority of migrants to the Middle East, including Gulf countries, are semi-skilled and unskilled workers and most of them are temporary migrants who return to India after expiry of their contractual employment. Emigration Check Required (ECR) passport holders require Emigration Clearance(EC) when going abroad for employment to the 18 designated ECR countries namely, Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Saudi Arabia, South Sudan, Sudan, Syria, Thailand, United Arab Emirates and Yemen. Currently, issue of EC for Libya and Yemen has been suspended due to prevailing conditions there.

2. The Process of emigration of Indian workers having Emigration Clearance Required (ECR) category passports, is regulated under the Emigration Act, 1983, which is administered by the Ministry of External Affairs(MEA) through Overseas Employment (OE) and Protector General of Emigrants (PGE) Division. Under Chapter III Section 10 of the Emigration Act 1983, no person/agencies to function as a Recruiting Agent without a valid certificate issued by the registering authority. Joint Secretary (OE) & PGE is the registering authority and responsible for enforcing the Act with the help of 15 offices of the Protector of Emigrants (POEs) located at Mumbai, Chennai, Delhi, Kolkata, Chandigarh, Hyderabad, Cochin, Thiruvananthapuram, Jaipur, Raebareli, Patna, Bengaluru, Guwahati, Ranchi & Bhubaneswar. To expand the PoE offices set up, Ministry has already approved establishment of PoE offices in Agartala. Establishment of another PoE office in Ahmedabad is being taken up with the State Government of Gujarat.

B. e-Governance in Emigration (e-Migrate) Project

3. e-Migrate project, launched in 2015, is designed to facilitate emigration of ECR category workers emigrating to notified countries for employment purposes. This Portal helps in making the recruitment of workers a smooth process and mitigates the scope of malpractices. This Portal provides for a contactless and paperless process for FEs (Foreign Employers) and RAs as a fully digitized B-2-B platform to conduct recruitment process.

4. The portal also provides a comprehensive and online database of emigrants to Missions, RAs, FEs and insurance agencies to make the whole emigration cycle faster, transparent and allows authentication/verification of credentials of all the stakeholders.

5. e-Migrate system has been integrated with Ministry's Passport Seva Project (PSP) for validation of passport details of the ECR category workers being registered. This integration helps in detecting fake passport cases and checking data entry error at registration stage itself. e-Migrate is also integrated with Bureau of Immigration (BoI) system of MHA, used at Immigration Check Post (ICP) and airports for online validation of the ECs granted by PoEs to ECR category of workers proceeding for employment purposes to ECR Countries.

6. This Portal is also integrated with insurance agencies providing PBBY (Pravasi Bharatiya Bima Yojna) so that the genuineness of the PBBY policy details being submitted at the time of seeking Emigration Clearance.

7. DG Shipping system is also integrated with eMigrate system since Aug 2017. The data of seafarers submitted by RPSL (Registration and Placement Service Licenses) to DG Shipping System is forwarded to eMigrate system through this integration and eMigrate portal forwards this data to BoI for facilitation of emigration through Immigration Check Posts (ICPs) / Indian Airports.

8. The portal also has a provision for registration of ECNR category Indian workers. Presently, registration of ECNR passport holding Indians going to the ECR countries for employment is open on voluntary basis in e-Migrate.

C. Pravasi Bharatiya Bima Yojana (PBBY)

9. Launched on the occasion of the Pravasi Bharatiya Divas in 2003, the PBBY is a mandatory insurance scheme for all ECR category Indian workers going to ECR countries for employment. The scheme provides an insurance cover of INR 10 Lakhs along with other benefits in case of death or permanent disability due to accident at a nominal insurance premium of INR 275/- (for two years) or INR 375/- (for three years).

10. The Scheme, initially launched in 2003, was subsequently amended in 2006, 2008 and 2017 with the overarching objective of expanding the benefits for emigrant workers. The revised PBBY scheme, operational w.e.f. 1 August 2017, has made settlement of claims simpler for the benefit of our workers and ensures expeditious settlement of claims. The coverage and benefits under the revised PBBY policy 2017 are as under:

- (i) Maximum sum for which insurance is made under the PBBY: INR 10 lakhs.
- (ii) Hospitalization (medical expenses) covering injuries/ sickness/ ailment/ diseases: INR 1,00,000/- (Rs.50,000/- per hospitalization) whether in India/third country or in the country of employment.
- (iii) Repatriation covers for medically unfit: Actual one way economy class airfare upto nearest international airport in India.
- (iv) Cost of transportation of mortal remains to India in case of death abroad.
- (v) Family hospitalization in India: INR 50,000/- per annum during policy period.
- (vi) Maternity: INR. 35,000 (normal delivery) or INR 50,000 (Caesarean Section Operation);
- (vii) Attendant: Actual one way economy class air fare upto nearest international airport in India; and
- (viii) Legal expenses: INR. 45,000.

D. Pravasi Bhartiya Sahayata Kendra (PBSK)

11. The Pravasi Bhartiya Sahayata Kendra (previously known as Overseas Workers Resource Centre – OWRC) was established in year 2008 with following objectives:

- Information dissemination on matters related to emigration.
- Registering, responding to, and monitoring complaints received from migrant workers, prospective emigrants or their family members/relatives/friends.
- Follow up for redressal of registered grievances with concerned stakeholders such as Recruiting Agents, Foreign Employers, Indian Missions/Posts abroad and the migrant workers.
- Providing guidance and assistance to the users of eMigrate portal.

In addition to PBSK, 6 Kshetriya Pravasi Sahayata Kendra (KPSK) have also been set up at Delhi, Lucknow, Hyderabad, Chennai, Patna and Kochi. These centers operate in coordination with the local Protector of Emigrants (PoEs) office for assisting emigrants requiring face to face interaction (i.e. walk in only) for redressal of their grievances and queries. The PBSK provides support to emigrants/their family members in 11 Indian Languages i.e. Malayalam, Tamil, Telugu, Kannada, Marathi, Gujarati, Bengali, Oriya, Punjabi, Hindi & English through the following :

- A 24X7 toll free helpline 1800 11 3090.
- Additional contact numbers (chargeable) available 24X7 for overseas callers are : 011-26885021
- 24X7 Assistance over Whatsapp - +91 74283 21144
- 24X7 Assistance over E-Mail – helpline@mea.gov.in
- 24X7 Twitter - @helplinePBSK
- eMigrate helpdesk support is also available for portal www.emigrate.gov.in.

E. Minimum Referral Wages (MRW)

12. Determination and regular revision of the Minimum Referral Wages (MRW) of Indian migrant workers in a particular country outside India (applicable only for 18 ECR countries) is one more welfare policy matter that falls under the jurisdiction of the MEA. The MEA finalizes the MRW in consultation with concerned Indian Mission/Post taking prevalent wages for each category of workers and other relevant factors that influence the local labour market into consideration.

13. The MRW for each category of Indian workers, once fixed by the Ministry in the above manner, can be revised suitably to keep them competitive vis a vis workers of other nationalities who have significant influence on the local labour market. At the same time, it is ensured that the MRW is fixed in such a manner so as to rule out any possible exploitation of Indian workers by local employers by offering wages lower than the MRW and also to mitigate adverse impact on outflow of migrant workers from India. Once the MRW for a particular category of workers for a specific country is fixed by the MEA, no employer from that country can hire workers from India on wages lower than the fixed MRW for that category.

F. Voluntary registration of Emigration Check Not Required (ECNR) passport holders

14. Over the years, the Ministry has observed that it is not just the ECR passport holders who are vulnerable to exploitation overseas, but every Indian going overseas for employment, particularly to the 18 ECR countries, may face exploitation in absence of well-defined labour

laws in the country of destination. While ECR workers going to ECR countries are required to obtain EC through eMigrate portal before proceeding for employment abroad, ECNR passport holders may voluntarily register themselves in the eMigrate portal and avail benefits of the PBBY.

15. Earlier on 14 November 2018, Ministry issued an advisory to make registration for ECNR category passport holders mandatory with effect from 1st January 2019 but the advisory was put in abeyance later on references from some individuals and Indian Missions in the ECR countries about reports of certain confusion over roll out of the scheme.

G. Welfare measures to protect the interests of Emigrants working abroad

16. The Ministry keeps receiving inputs about instances of Indian nationals holding ECR passports traveling abroad for employment through unlawful channels. On basis of complaints related to such illegal recruitment activities, the concerned state police authorities are sensitized to take appropriate action against such unlawful channels. The Ministry has been making constant efforts to educate (including through Pre departure Orientation Training-PDOT) Indian migrant workers about the perils of illegal channels to help them make informed decision about their overseas employment.

17. The Government of India encourages and promotes emigration of Indian nationals for overseas employment through the e-Migrate portal. The Ministry, from time to time, issues advisories and social media posts about fake job rackets. Such communications are also issued by concerned Indian Missions/Posts abroad through their websites, social media handles and through the print media. The Ministry through Indian Missions/Posts abroad, takes pro-active measures to rescue Indian nationals trapped in foreign countries whenever such cases come to the notice of the Ministry. Information about illegal agents is updated and uploaded on regular basis on the e-Migrate Portal. As on 10 December 2023, 2948 illegal agents have been notified through the e-Migrate portal.

18. As and when complaints of illegal migration/human trafficking are received, such matters are referred to the State police for investigation and prosecution. Government of India has also issued Standard Operating Procedure to be followed by State Governments on receipt of complaint against fake agencies. Details of complaints received and forwarded to state police for action and investigation, requests received from state governments for issue of prosecution sanction and the prosecution sanctions issued during the last three years are as under:

Year	No. of complaints	Cases referred to state governments for action	Prosecution sanctions sought	Prosecution sanctions issued
2020	166	166	7	7
2021	139	139	7	7
2022	297	297	11	11
2023	88	86	15	15

19. Action on complaints received against Foreign Employers (FEs) : On receiving complaint from Indian migrant workers against the FEs, the concerned Indian Mission/Post abroad takes up the matter with concerned FE/local authorities. On finding any FE at fault, they are placed under

Prior Approval Category (PAC) and further employment of Indian workers through that particular FE is allowed only after due consultation with the concerned Indian Mission/Post abroad. Issues relating to Foreign Employers are also raised in periodic meetings of the Joint Working Group held under the aegis of Memorandum of Understandings signed with various foreign countries.

20. To give a further impetus on visibility of Ministry's unique campaign on “Surakshit Jayen Prashikshit Jayen” (Go Safe, Go Trained), Hon’ble Prime Minister released a postal stamp dedicated to safe and legal migration of our workers on the occasion of 17th Pravasi Bharatiya Divas on 9 January 2023 at Indore.

21. A host of other measures to widen the safety net for prospective job seekers are enumerated below:

- Information and Advisories: From time to time, information and advisory regarding job opportunities, legal channels, working conditions, and other relevant aspects of destination countries are provided to potential emigrants (including in regional languages) through Indian Missions/Posts abroad and the Ministry/POE offices.
- Grievances Redressal mechanism: Grievances related to overseas employment in notified ECR countries, can also be logged in directly by emigrants or their families/friends/relatives on e-Migrate portal or through PBSK helpline. A multi-lingual 24X7 Helpline of PBSK is operational in New Delhi, which provides information, guidance and grievance redressal on all issues and problems pertaining to overseas employment of Indian nationals. If the emigrant is recruited through a registered Recruiting Agent (RA), Show-cause notice is served on the RA against whom complaints are received and the agency is directed to settle/resolve the complaint failing which their RCs can be revoked.
- Verification of Foreign Employers: All Foreign Employers (FEs) are required to register in the e-Migrate portal before making any recruitment from India. This enables the Indian Missions/Posts to verify their antecedents and monitor their activities.
- Bank Guarantee: In case of direct recruitment, the Foreign Employer is required to deposit a Bank Guarantee equivalent to US \$2500 for recruiting each woman worker holding ECR category Passport, in the respective Indian Mission/Post. This is to safeguard female emigrant’s welfare and to protect their interests.
- Employment Contracts: It is also ensured that before proceeding for overseas employment, ECR emigrants secure valid employment contracts to protect their rights and interests. This can include provisions related to wages, working hours, accommodation, and other relevant benefits.
- Recruitment of Indian female Domestic Sector Workers (DSWs) is regulated through the provisions of Emigration Act, 1983. To safeguard interests of female DSWs, process of their recruitment has been restricted only through 11 Recruiting Agencies run by respective state governments viz (i). NORKA Roots (ii) Overseas Development & Employment Promotion Consultants (ODEPC) of Kerala (iii) Overseas Manpower Corporation Ltd.(OMCL) of Tamil Nadu (iv) Uttar Pradesh Financial Corporation (UPFC) of Uttar Pradesh (v) Overseas Manpower Company Andhra Pradesh Ltd. (OMCAP) of Andhra Pradesh (vi) Telangana Overseas Manpower Company Ltd. (TOMCOM) of Telangana (vii)Rajasthan Skill & Livelihoods Development Corporation (RSLDC) of Rajasthan (viii) Karnataka State Unorganized Workers Society Security Board (KUWSSB) of Karnataka (ix) Karnataka Vocational Training & Skill Decelopment

Corporation (KVTSDC) of Karnataka (x) M/s Pan IIT alumni Reach for Jharkhand Foundation of Jharkhand and (xi) Bihar State Overseas Placement Bureau (BSOPB) of Bihar.

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