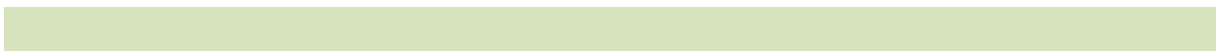


Frequently Asked Questions



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1. How can one seek employment abroad ?

A person can take up employment in a foreign country either through a registered Recruiting Agent or directly through a Foreign Employer or a Project Exporter.

2. Where can one get detailed information about rules, regulations and procedures about overseas employment?

All relevant information is available at www.emigrate.gov.in.

3. Is there any ban on deployment of Indian women to foreign countries?

For protection and security of Indian women emigrants, no emigration clearance is granted to women below 30 years and above 50 years of age holding Emigration Check Required (ECR) Passport. This restriction applies to Indian women emigrants having ECR endorsed on Passports and going to any of the 18 ECR countries. Presently, only six 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), have been authorised to recruit female workers. There is a ban on sending on any emigrant to Libya due to deteriorated security situation.

4. What precaution should be taken regarding advertisements offering overseas jobs?

In case of advertisement given by a registered Recruiting Agent, it must be checked that his Registration Certificate (RC) is clearly mentioned. The RC must be valid. Similarly, advertisement given by Foreign Employers and Project Exporters should indicate their Permit number. Full address with contact telephone/fax numbers, Post Box numbers, e-mail address of the advertiser should be mentioned in addition to nature of job and offered salary particulars to enable prospective applicant to check veracity of job and of such employers. In case of any doubt, clarifications can also be sought from the Protector General of Emigrants as well as Protector of Emigrants.

5. Is attestation of employment documents necessary in all cases?

Attestation of employment documents by the Indian Mission/Post concerned is mandatory in the case of recruitment of "unskilled workers" and "housemaids" for any of 18 ECR countries. In addition to this, attestations are required for all categories of workers in Jordan, Kuwait, Lebanon, Libya, Sudan and Yemen.

6. What are the documents needed to be submitted by skilled or semi-skilled workers planning to emigrate?

Semi-skilled workers, who seek emigration clearance directly from the Protectors of Emigrants (PoEs), and not through Recruiting Agents, are required to produce the following documents in original:

- i. Passport which should be valid for a minimum period of six months
- ii. Valid employment visa
- iii. Employment Contract signed by Foreign Employer
- iv. Challan towards deposit of prescribed fee
- v. Insurance policy from any of the listed companies under Pravasi Bharatiya Bima Yojana (PBBY-2006 revised in 2008)

7. What are the documents needed to be submitted by unskilled workers planning to emigrate?

Unskilled workers and household service workers seeking employment abroad should furnish (in original) the following documents at the time of obtaining emigration clearance:

- i. Passport which should be valid for a minimum period of six months
- ii. Valid employment visa.
- iii. Employment Contract signed by the Foreign Employer and duly attested by the Indian Mission/Post or Permission Letter from the Indian Mission/Post concerned.
- iv. Challan towards deposit of prescribed fee
- v. Insurance policy from any of the listed companies under Pravasi Bharatiya Bima Yojana (PBBY-2006 revised in 2008).

8. On what grounds can an application for emigration clearance be rejected?

Subject to other provisions of the Emigration Act 1983, the PoE may reject an application for emigration clearance on any one or more of the following grounds:

- i. That the terms and conditions of employment which the applicant proposes to take up are discriminatory or exploitative.
- ii. 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 goes against the public policy of India or violates the norms of human dignity and decency.
- iii. That the applicant will have to work or live in sub-standard working or living conditions.

- iv. That having regard to the prevailing circumstances in the country or place where the applicant proposes to take up employment or any other relevant circumstances, it would not be in the interest of the applicant to emigrate.
- v. That no provision or arrangement has been made for meeting the expenses which may be incurred in case it becomes necessary to arrange for repatriation of applicant to India, or that the provisions or arrangements made in this regard are not adequate for the purpose.

9. Who are Recruiting Agents?

To streamline recruitment for overseas employment and to safeguard the interests of the emigrants, the Emigration Act 1983 stipulates that only Recruiting Agents duly registered under the Act can conduct the business of recruitment for overseas employment.

10. How can one know that a Recruiting Agent is registered or not?

The list of Recruiting Agents who are registered under the Emigration Act, 1983 with the Ministry of External Affairs can be seen at www.emigrate.gov.in.

11. What has one to ensure before entering into any transaction with Recruiting Agent?

- i. It is advisable to ensure that Recruiting Agent has displayed his Registration Certificate (RC) which is valid at that point of time. Then note down the particulars of offered job, salary, and of Foreign Employer and cross check the same with the Foreign Employer as well as on Prior Approval Category (PAC) list uploaded on this website. In case of doubt, verify the genuineness of job as well as employer through concerned Indian Mission/Post on telephone or through e-mail. The details of Indian Missions/Posts are available on www.meaindia.nic.in and www.india.gov.in
- ii. **DO NOT** handover any money, your Passport, educational or experience Certificates to the Agent unless the genuineness of the job and employer has been established.
- iii. **DO NOT** pay more than the prescribed fee of equivalent wages for 45 days as per the Employment Contract subject to maximum Rs.20,000/- and obtain a proper Receipt of money/fee paid.

12. How can a person lodge complaint against the Agents or get their grievances redressed?

Complaints against Recruiting Agents could be addressed either through post or by e-mail to helpline@owrc.in. Complaints can also be filed with any of the ten Protector of Emigrants or dropped in the box marked "Protector General of Emigrants" and kept at the Reception area of Akbar Bhavan, Chankyapuri, New Delhi-110021. A toll free 24x7 Helpline No.1800-11-3090 can also be reached. Besides all these, one can utilize the services of Walk-in Counselling Center at Overseas Workers Resource Centre (OWRC), D-19, Okhla Industrial Area, Phase – I, New Delhi – 110019. The details of regional offices of OWRC is available at http://www.owrc.in/about_counseling.html.

13. How can a person lodge complaints against the Foreign Employers to get their grievances redressed?

An aggrieved emigrant can file his complaint with the Indian Mission/Post in that country on telephone or through e-mail, the details of which are available on www.meaindia.nic.in and www.india.gov.in. They can also take recourse to the options as mentioned in the preceding point above.

14. Can Foreign Employers go for direct recruitment?

Direct recruitment is permitted in the case of Foreign Employers who have obtained a Permit from the competent authority in this regard.

15. Who are illegal Agents?

Those persons who are operating overseas recruitment business without obtaining licence under Section 10 of Emigration Act, 1983.

16. How to ascertain that one Agent offering overseas job etc. is an illegal Agent?

Any person who is operating overseas recruitment business without acquiring licence under Section 10 of Emigration Act, 1983 and his name is not included in the list of Recruiting Agents placed at www.emigrate.gov.in.

17. What may be consequences if an emigrant proceeds for overseas employment abroad through such illegal Agent?

The following consequences can be faced:

- ❖ Cheating/fraud – with less chance of recovery of money paid.
- ❖ Overcharging of money
- ❖ Difficult to rescue in case of distress as only Indian Mission/Post abroad can intervene/help.
- ❖ Very risky for emigrant due to illegal migration and one can be caught and offloaded or deported or put in Jail.

18. What can be the consequences in case if intending emigrant chooses Tourist visa to enter in one country and after reaching that country obtains work visa for a third country?

Choosing tourist visa instead of a valid working visa, tentamounts to illegal emigration and an intending emigrant can be caught and offloaded or deported or put in Jail.

19. How Ministry of External Affairs responds to complaints received from suffering emigrants or his/her relatives?

On receipt of any complaint, the matter is taken with the concerned Mission/Post abroad for resolving the issue/grievance.

20. What is Pravasi Bharatiya Bima Yojana (PBBY)?

In an effort to further safeguard the interests of emigrant workers from India, the Government of India had introduced the Pravasi Bharatiya Bima Yojana (PBBY) which is an insurance scheme made compulsory for all workers going abroad on ECR Passports (except to countries for which emigration check is not required) for employment. It was during the Pravasi Bharatiya Divas, the annual conclave of the Indian diaspora, which was held in 2003 when the then Prime Minister, Shri Atal Bihari Vajpayee, announced this scheme. Subsequently, the scheme was revised in February 2006 providing enhanced insurance cover from Rs. 2 lakh to Rs 5 lakh and also added other benefits for workers. In 2008, the insurance cover was further enhanced to Rs 10 lakh. It is an indicator of the Government's commitment to look after the welfare and interests of Indian workers employed abroad.

21. What is the insurance cover offered by the scheme and who may be eventual beneficiary?

Initially, the scheme offered an insurance cover of Rs. 2 lakh payable to the nominee/legal heir in the event of death or permanent disability of any Indian emigrant while in employment abroad and who had obtained the Emigration Clearance Certificate before going abroad.

However, at the Pravasi Bharatiya Divas 2006 held in Hyderabad, the then Prime Minister Dr. Manmohan Singh had announced increase of the PBBY insurance cover from Rs. 2 lakh to Rs. 5 lakh to provide broader coverage to the emigrant workers. In 2008 the cover was further enhanced to Rs 10 lakh. PBBY covers the entire period of the employment contract or two years, whichever is longer.

22. What are the other salient features of PBBY?

Besides offering a cover of Rs. 10 lakh, the insurance scheme also offers following benefits to the emigrant worker and his/her dependants:

- i. In case of death, besides the cost of transporting the mortal remains to India, one-way airfare of one attendant is also reimbursed by the insurance company.
- ii. If a worker is not received by the employer on his arrival at the destination abroad or there is any substantive change in the Employment Contract which results in disadvantage to the interest of emigrant or if the employment is prematurely terminated within the period of employment for no fault of emigrant, the insurance company reimburses one way economy class airfare provided the grounds of repatriation are certified by the Indian Mission/post concerned.
- iii. In case where repatriation is arranged by the Indian Mission/post, the insurance company reimburses the actual expenses to the Indian Mission/post concerned.
- iv. The insurance policy is valid for a minimum period of two years or the actual period of Employment Contract, whichever is longer.
- v. The insured emigrant is covered for a minimum sum of Rs. 25,000 in connection with the legal expenses incurred by him/her in any

litigation relating to his/her employment. In case of women workers the Policy also provides maternity benefit of Rs 20,000.

23. What are the medical benefits that are offered by the scheme?

PBBY offers the following medical benefits to the insured person and his/her dependants:

- i. The insured person is reimbursed actual one-way economy class airfare by the insurance company, if he falls sick or is declared medically unfit to commence or continue working and the service Contract is terminated by the Foreign Employer within 12 months of taking the insurance.
- ii. The insurance policy also provides medical cover of a minimum of Rs. 50,000 as cash-less hospitalization or reimbursement of actual medical expenses of the insured emigrant worker on grounds of accidental injuries or sickness occurring during the period of insurance whether in India or in the country of his employment.
- iii. The insurance policy provides maternity benefits, subject to minimum cover of Rs. 20,000 in case women emigrants provide the requisite documents which are certified by the Indian Mission/Post concerned.
- iv. The family of the emigrant worker in India consisting of spouse and two dependent children up to 21 years of age are also entitled to hospitalization cover in the event of death or permanent disability of the insured person for a maximum amount of Rs. 25,000 per annum.

24. What premium is to be paid by the worker for the PBBY?

The insurance company charges fair and reasonable premium (about Rs. 275 and Rs. 375 for policy periods of 2 and 3 years respectively). Taxes are charged as applicable. The Government has also stipulated that an emigrant can select a company of his/her choice for the insurance cover.

25. What is the procedure for withdrawal of security deposited by an emigrant?

An emigrant is entitled to withdraw the security deposit after lapse of a period of three years from the date of deposit. The emigrant is required to personally present his/her Passport and used ticket along with the Bank Receipt to the POE concerned. The deposit can be withdrawn from Bank

after taking approval from the POE. Kindly note that no security deposit is obtained from the emigrant since the launch of PBBY in 2003. As such, withdrawal of security is applicable only for those workers who had emigrated before 2003.

26. Which policy measures reforms have been undertaken by the Government of India?

In this regard, the following may be noted:

- i. The Government is pursuing a proactive policy to transform the emigration system and empower the emigrants through systemic interventions at the national, bilateral as well as multilateral fronts.
- ii. The emigration clearance system has been computerized. A project for comprehensive implementation of e-Governance is underway to make the entire emigration process simple, quick, effective, transparent and accountable by linking all stakeholders on a common platform.
- iii. Agreement/MOUs are being signed with the host countries for bilateral cooperation in deployment and protection of workers.
- iv. It is the endeavour of the Government to diversify the overseas destination base for the Indian workers through bilateral cooperation by signing Labour Mobility Partnership Agreements with countries where employment opportunities for foreign workers are likely to emerge in future.
- v. Bilateral Social Security Agreements are being pursued with the developed countries to protect the social security interests of Indian professionals/workers.
- vi. A scheme has been launched for skill up gradation and pre-departure orientation of potential emigrants.
- vii. Indian Community Welfare Funds have been created almost in all countries to provide welfare services to emigrants.
- viii. Since the enactment of the Emigration Act, 1983 several shortcomings leading to exploitation of the emigrants have come to the notice of the Government. In order to address them and to revamp the recruitment system to make it more professional and

accountable by undertaking a host of reforms, and also introducing a rating system of Recruiting Agents and establishing a national professional body of Recruiting Agents (RA) are underway.

- ix. To advise the Government on overseas employment matters and to develop strategies and good practices in migration management through research, studies, the Government has established an Indian Council for Overseas Employment.
- x. A 24X7 Helpline being run by Overseas Worker Resource Centre (OWRC) under the aegis of Ministry of External Affairs provides information and assistance to the emigrants and their families.
- xi. A multi-media awareness campaign has been launched to educate the emigrants about the emigration procedures, risks involved, precautions to be taken and the rights and obligations of the emigrants.
- xii. Government has from time to time been stressing that emigrants should avoid engaging illegal Agents as it leads to many problems/complications to emigrants.

27. There are a large number of Indian workers in the Gulf nations. Are there any advice for Indians immigrating to the Gulf region for employment?

The following will be useful to note:

- i. If you are a foreign worker in Saudi Arabia, you can be arrested if you are found without your 'Iqama' at any place or time. In the United Arab Emirates (UAE), laws demand that you must not move in public without having your 'Bataka'. Iqamas and Batakas are Identity Cards issued by the two countries to all foreign workers after their arrival there.
- ii. Most of the Gulf countries do not permit any change in employer. On the termination of your Contract, even if it is premature, you must leave the country.
- iii. People seeking jobs abroad must deal only with the registered Recruiting Agents and must not pay more than the prescribed service charges. Receipts of all payments made to the Recruiting Agent should be obtained and preserved.

- iv. Emigrant workers must obtain their service agreements in both English and Arabic and must not in the country of employment part with their passports and copies of the service contracts.
- v. Non-payment or delayed payment of wages can be reported to Indian Mission/Post abroad.
- vi. In Saudi Arabia, a worker cannot take up additional employment. If the worker is discharged without valid reason, he can file a stay application with the Director of Labour Office within 15 days.

28. How does the Government of India handle complaints filed by emigrant workers?

- i. The complaints made by emigrants or intending emigrants against the registered Recruiting Agents are examined by the Protector General of Emigrants and in the Overseas Employment Division in the Ministry of External Affairs. Wherever necessary, complaints/grievance are referred to the concerned Indian Mission/Post abroad also. Concerned Recruiting Agent is also directed to have the complaint resolved within a specified period. Action is taken, as appropriate, in accordance with the provisions of the Emigration Act, 1983, and rules framed there under.
- ii. Complaints received against the unauthorized/illegal Recruiting Agents are referred to the concerned State/UT Government. Respective police authorities are also requested for investigation/appropriate action in the matter. Complainant is also encouraged to file an FIR against such Agents.
- iii. Complaints against the Foreign Employers are taken up with the Indian Missions/Posts abroad. In consultation with concerned Indian Mission/Post, a recalcitrant Foreign Employer is blacklisted (by placing him in the PAC list). A list of such Foreign Employers placed under the Prior Approval Category (PAC) is available on the website at www.emigrate.gov.in.

29. What is the nature of complaints made by Indian workers going abroad for employment?

Following global progressive liberalization, number of Indians going abroad for employment purposes has increased significantly. However, there have

been cases of emigrants facing serious problems including exploitation at the hands of Foreign Employers. Following are the types of complaints received by the offices of the Protector General of Emigrants (PGE) and Protectors of Emigrants (POEs):

- i. The Employment Contract is unilaterally changed to the disadvantage of the workers by the Foreign Employers.
- ii. The worker is put to a job different from the one for which he was recruited in India and the contract is signed.
- iii. The worker is not given any employment at all by the employer or made to look for a job by himself and also forced to pay a commission out of his salary
- iv. Registered Recruiting Agent charging a higher service charge than prescribed fee.
- v. Employers not paying wages on time and also terminating the Employment Contract prematurely.
- vi. Unsatisfactory living and working conditions, harassment, torture, delay in salary, delay in making compensation towards death or disability, etc.

30. What measures have been taken by the Government to protect the interests of emigrating workers?

- i. The Government is committed to protect the interests of Indian emigrants. The Protector General of Emigrants makes all possible efforts to redress the grievances of the emigrants with the help of the Recruiting Agents, the Indian Missions/Posts abroad, foreign governments and/or Foreign Employers concerned. The Indian Missions/Posts provide assistance and take up complaints/grievances of Indian emigrant workers with the foreign authorities concerned for amicable settlement.
- ii. To check fraudulent practices, Recruiting Agents are required to furnish the Demand Letter and the Power of Attorney issued by the Foreign Employer as well as a specimen Employment Contract for obtaining emigration clearance.
- iii. All cases of recruitment by illegal Recruiting Agents are referred to the State/UT Government as well as concerned police authorities for investigation/appropriate action.

31. What are the things to ensure before one leaves India for employment abroad?

Before you leave India to take up a job in a foreign country, you should ensure that:

- i. You have a Passport which is valid for atleast next 6 months and Employment Visa.
- ii. You have a copy of the Agreement/Contract signed by you and your Foreign Employer or his Agent.
- iii. You have an insurance policy from an insurance company listed under the Pravasi Bharatiya Bima Yojana.
- iv. You have a Savings Bank Account to enable you to send remittances from abroad.

32. What are the points to keep in mind once one reaches the foreign country offering employment?

Once you reach the destination country where you have been offered a job, you should always remember that:

- i. You should not lose your Passport at any cost
- ii. You should not sign any other Agreement or any blank piece of paper.
- iii. You should not participate in strike or resort to agitations, because it is illegal and you can be sent back to India.
- iv. You should always keep the address and telephone number of the nearest Indian Mission/Post with you.
- v. You should report all grievances to the Indian Mission/Post.
