

SOP/Guidelines for Overseas Job Seekers and Overseas Recruiting Agents

Statement of Purpose

Regulation and accreditation of Recruiting Agents (RAs) assumes significance in the backdrop of cases of cheating reported by citizens and media. The SOP seeks to enhance transparency and accountability in the interface between job seekers and recruiting agents. The SOP should be reviewed periodically to keep it in line with future changes in rules/mandate.

Guidelines

1. Recruiting Agents must mandatorily register themselves with the respective *Protector of emigrant* (POE) and his agency/establishment, as per the provisions under:
 - i. Emigration Act, 1983
 - ii. Delhi Shops and Establishments Act-1954/respective (state) Shops and Establishment Act.
2. The status of registration as provided in (1) above must be reflected in the MEA Website. Website of MEA should be regularly updated to this effect.
3. MEA portal should have an online verification facility for verification of credentials of the RAs.
4. Both the portals i.e., 'Registration under Immigration Act 1983' and, 'Registration under Delhi Shops & Establishments Act 1954', should be bridged with a suitable software.
5. MEA should provide a dedicated *mobile App* and helpline number, an email / twitter / instagram / facebook account, for the guidance of job seekers and facilitation of the RAs.

6. MEA website should indicate/include the following on the Home Page of the Web Site of MEA (with language options):

- i. Prerequisites /Conditions of Eligibility and disqualifications for jobseekers.
- ii. Steps to be performed by Job Seeker before applying /engaging a RA.
- iii. All the relevant forms.
- iv. List of authorized government offices mandated to assist job seekers with their addresses & contact details.
- v. List of registered Recruiting Agents, including list of disqualified, blacklisted RAs.
- vi. Details relating to submission of forms and disbursement of fee etc.
- vii. Steps to be performed by RA before engaging a Job Seeker.
- viii. 'Checklist, for job seekers' for overseas employment. (The set of checklist as per the requirement of various countries be prepared and uploaded).
- ix. Information on VISA formalities, medical examination, appointment letter from overseas establishment etc.
- x. Dos & Don'ts' for both the Job Seeker and the RA.
- xi. Terms and conditions of the contract.
- xii. List of inputs/information to be provided by the RA to the Job seeker, before, during and at the end of the term of contract.
- xiii. Necessary documents required by the Job seeker to apply /for engaging a RA.
- xiv. Details of Fee and other expenses involved / to be paid by the job seeker.
- xv. Obligations of the RA and the Job seeker and the duration of the obligation.
- xvi. Clauses for dispute and resolution with appellate authority and jurisdiction clearly indicated. Details of telephone number, email ID and location of office of the appellate authority to be regularly updated.
- xvii. The process of dispute resolution.

7. The websites of Recruiting Agent (RA) and the MEA should have an 'Auto Parallel Update' capability, for the purpose of *e- Application*. This process should generate an automatic SMS for the job seeker on his RMN (registered mobile number).

8. Once engaged, the RA should issue the Job seeker, a **token of identity**. The token of identity may be a confidential digital password or account, duly verifiable. The token of identity would establish the responsibility of the RA for undertaking specified tasks on behalf of the overseas job seeker. The **token of identity** shall remain valid till the return of the Job Seeker from his contract/employment abroad.

9. In case of default, the registration of agent under the Emigration Act, 1983 as well as the relevant Shop Act shall stand revoked and such agent shall cease to be registered. For the first offence, a fine up to Rs.2,50,000/- may be imposed on the agent/firm. For the second/repeat offence, a fine upto Rs.5,00,000/- may be imposed on the agent/firm, in addition to proceeding under the relevant provisions of the IPC.

10. The procedural instructions to impose and collect fine/penal amount by competent authorities, may be notified by the MEA.

11. Registrations under Emigration Act / DSE Act must adhere to mandatory submission of Aadhar Card, PAN Card, GST registration Number, Shop Act registration Number, brief history about the establishment and nature of services being provided by the agent.

(These mandatory fields should be supported by automatic back end verification process. The agent can register himself under Emigration Act, 1983 only after due verification at the back end. Bank accounts and mobile numbers of agents should be duly verified and linked with Aadhaar / PAN.)

12. The registration of the Recruiting Agent under Emigration Act, 1983 should be renewable online, after every 5 years, after seeking 'No case /

Complaint' report from MEA/ SP / DCP / SHO / Crime Branch of the area concerned. Failure to do so, may amount to forfeiture of bank guarantee.

13. All updates should be visible on Home Page of the web site of MEA and the same should be updated on a fortnightly basis.

14. MEA should earmark a specific time limit to *Un-Registered* Recruiting Agents with a clean record, to register themselves with MEA. In the event of failure to do so, such agent should be deregistered, and their premises sealed under relevant rules and this information should be uploaded on the web site.

15. The people at large should be encouraged to avoid contracting non- registered RAs.

(Effective publicity, through electronic, print media and audio visual aids, including social media should be made. Regional Passport offices, Railway stations, Bus stands, Prawasi Bhartiya portals and labour office portals may also host campaigns on the issue.

16. Embassies abroad, should sensitize foreign employers to contact only the registered RAs in India.

17. Registration fee, paid by RAs to the MEA, GOI, may be indicated on the website / mobile App and this information should be easily visible on the Home page of MEA, instead of at the page on 'Citizen Charter', where it is presently hosted.

18. Prospective employers of destination countries should also be verified / certified by the respective destination country.

19. Facilitation kiosks may be set up in all the states for the guidance of overseas job seekers. Pre- Departure orientation training should be arranged in state capitals and urban centers. Facilitation at E- Sewa Kendras may be considered.

20. MEA may consider setting up designated courts to redress the grievances of job seekers. Services of local Legal Service Authorities can also be utilized.

(The designated courts may conduct quasi-judicial proceedings into complaints against the recruiting agents and the orders issued by these courts should be implemented. Appeal, if any against the court's orders, should be heard by an appropriate appellate authority.)

21. In case the agent, on account of reasons attributed to him, fails to provide overseas employment to the job seeker, then the amount so paid by the job seeker, may be returned - after deducting professional charges/ service charges as applicable.

In case, the agent does not do so, the refundable amount may be recovered in an appropriate manner to be defined and legally notified by the government.

Necessary enabling provisions may be added to the existing state statutes, for which, MEA-GOI may issue necessary directions to the state governments.
