OFFICE MEMORANDUM

Sub: Standard Operating Procedure/Guidelines for Emigration Clearance through RA when Foreign Employer (FE) is registered in eMigrate system through Indian Mission.

The undersigned is directed to enclose herewith the details of the Standard Operating Procedure (SOP)/Guidelines for Emigration Clearance through RAs when Foreign Employer (FE) is registered in eMigrate system through Indian Mission. All concerned are requested to take necessary action to implement this.

This issues with the approval of the Protector General of Emigrants.

(Bikash R. Mahato)
Under Secretary (ES)
Ph. 01124673965
e-mail us_emig2@moia.nic.in

1. All PoEs for necessary action.
2. HoMs of 18 ECR Countries.
3. Recruiting Agents
4. Foreign Employers
5. Emigrants/ General public
6. Project Director, eMigrate, TCS.
7. NIC for uploading in the MOIA website
Standard Operating Procedure/ Guidelines for Emigration Clearance through RA when FE is registered in eMigrate through Indian Mission

<table>
<thead>
<tr>
<th>Steps</th>
<th>Name of Process.</th>
<th>Steps of Procedure</th>
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| I     | Demand Submission by registered FE  | 1. FE raises demand by giving details of no. of vacancies, Job Role and description, salary offered and other terms and conditions of employment. FE also selects RA online and uploads copy of valid labour quota issued in the name of FE by local govt. or visa copy having the name of emigrant and FE both. FE found submitting demand more than the labour quota available to him, shall be blocked in the system without any prior notice.  
2. No attestation required from the Indian Mission for any document submitted by FE.  
3. Demand Id is generated by system.  
4. Demand letter (sample at Annexure-I) and Power of Attorney (POA) (sample at Annexure-II) are also generated by the system in prescribed format at this stage and sent to FE through email.  
5. FE to take a print out of POA and Demand Letter, sign it and send to RA either through email or post. |
| II    | Demand acknowledgement by RA         | 1. RA under his login and Digital Signature Certificate (DSC) shall acknowledge the demand forwarded by FE and uploads the signed copy of Demand Letter and POA received in email or post. No other document shall be uploaded at this stage by the RA. No alteration shall be permitted either by RA or FE in the system generated Demand Letter and POA. RA is required to give an undertaking to this effect at this stage.  
2. RA shall be required to verify the labour quota document uploaded by FE and then only the demand should be acknowledged by the RA. RAs found accepting disproportionate demands raised by FE, shall also attract penal action under the Emigration Act/Rules 1983.   |
3. RA shall also be required to verify that the name of FE as registered in the eMigrate System and appearing in the demand letter and Power of Attorney is exactly the same. If it is not the same, RA must not acknowledge the demand.

4. After the demand is acknowledged by RA, based on his declaration, Demand will be approved in the system and Job codes generated, equal to number of vacancies applied for by FE.

5. RA to retain the hard copy of Demand Letter and POA with him, which he receives from FE (by post), separately for authentication /record.

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<tr>
<th>III</th>
<th>Advertisement Intimation</th>
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<tr>
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<td>1. If RA releases an advertisement in the media for the recruitment against the vacancies in the acknowledged demand, RA shall be required to intimate such advertisement to POE and follow the guidelines given in MOIA Office order dated 12.01.2016 or any subsequent amendments thereto, issued from time to time.</td>
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<tr>
<th>IV</th>
<th>Update Details emigrants</th>
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<tr>
<td></td>
<td>1. RA updates the details (Name, PP no. etc.) of candidates after their selection. These details are forwarded online by the system to FE for further action, for updating visa details of emigrants &amp; generating Employment Contract.</td>
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<tr>
<th>V</th>
<th>Employment Generation Contract</th>
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<tr>
<td></td>
<td>1. FE shall be required to generate the Employment Contract from system after providing the details of visa for each emigrant and take the print out of Employment Contract, sign it and send through email/ post to RA. RA shall upload this Contract at the time of applying for emigration clearance after getting it signed by emigrant and signing himself.</td>
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<td></td>
<td>2. RA to retain the original employment contract if FE sends the contract initially by email.</td>
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<th>VI</th>
<th>Emigration Clearance</th>
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<tr>
<td></td>
<td>1. RA applies for individual emigration clearance against each Job i.d. and uploads employment contract, visa copy, PP copy, PBBY copy, copy of receipt of the service charges received from the</td>
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emigrant and photograph of the emigrant. No other document should be uploaded by the RA at this stage.

2. Hard copies of the documents are not required to be submitted at the POE offices.

3. Passport is also not required to be submitted at POE offices. RA should also not keep the passport of emigrant in his custody beyond the three days from the date of visa stamping on the passport. In case Visa stamping is not required to be done on the passport, RA must not take the possession of the passport of the emigrant at any stage or under any circumstances. Any complaints on this score will attract penal action.

4. POE Executive verifies the EC application and forward to POE with his remark. Demand details can also be verified on-time at this stage.

5. POE approves/rejects Emigration clearance. In case of rejection, POE to choose the reason for rejection from drop down menu. POE shall be required to record one of these options given in Annexure III, as the reason for rejection and also furnish the details / justification for rejection shall be required to be entered by the POE in the form of speaking order in Remark column.

6. Reason for Rejection and the details can also be seen in the 'Track Application Status', in case of rejection.

7. Alert shall be given to POE if the Emigration Clearance is applied within 6 months for a particular passport. POE can further see the details of all previous applications for that passport.

8. SMS intimation to emigrants. Status of EC can be verified online by using the passport number.
9. EC details and emigrant's Id card can be printed online by RA or emigrant.

10. Emigration Clearance granted by POE shall be valid for 6 months for travel from the date of approval of EC. Fresh EC will be needed after expiry of 6 months giving details for not travelling on earlier EC.

11. Application for emigration clearance shall not be allowed after 31.03.2016, against the unutilized demands, which were submitted prior to 31.09.2015, by RA on behalf of FEs.

| VII  | Emigration at Airport | 1. eMigrate system sends the data online to Bol server.  
2. Bol made it available to all airports terminals of ICP  
3. ICP Official swaps the passport of traveler, if EC is given by POE, data is displayed on ICP computer.  
4. No hard copy of document is accepted at ICP terminal as proof of emigration clearance. |
|------|----------------------|------------------------------------------------------------------------------------------------|
| VIII | Travel status of emigrants | 1. Bol shares data with e-migrate on departures of emigrants, which is shared on a daily basis with all ECR countries, Missions of India.  
2. Arrival back of emigrants are also captured by Bol online.  
3. Travel status of emigrant is updated in eMigrate database. |
| IX   | Update of Association details of emigrant by FE | 1. At the time of discontinuation of employment, FE shall online update the details of emigrant. |
Demand Letter

(To be printed on letter head of the Foreign Employer. Employers in individual category shall be required to print it on plain paper)

To,

Anjali Garg
CR No./Trade License/Personal ID: 789/789
Address: city center, Delhi
SAUDI ARABIA-542010
Contact No.: 0111-11111-1111111111
Email ID: garg.anjali@ics.com

FE ID(as per eMigrate system): FE5000464

Dear Sir / Madam,

Your demand DM100489 dated 18/02/2016 has been forwarded to the Recruiting Agent M/s. Info Soft Recruitment Agency in eMigrate system, as chosen by you for the purpose of recruitment of Indian workers / personnel as per the following details-

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Job Role</th>
<th>No. of Personnel required</th>
<th>Salary Offered</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Fabricator</td>
<td>50</td>
<td>234567.0</td>
</tr>
<tr>
<td>2</td>
<td>Engineer (Diploma Holder)</td>
<td>50</td>
<td>456789.0</td>
</tr>
<tr>
<td>3</td>
<td>Engineer (Diploma Holder)</td>
<td>50</td>
<td>988069.0</td>
</tr>
</tbody>
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Terms and conditions of demand letter:

a. Transport facility will be provided to the worker / employee from residence to the workplace.
b. Paid Leaves (annual / medical etc) will be provided to worker / employee as per the Employment Contract.
c. Free Food or Food Allowance will be provided to the worker / employee.
d. Free Accommodation or Accommodation Allowance will be provided to the worker / employee.
e. Overtime allowance will be provided to the worker / employee as per the Employment Contract.
f. Visa will be provided to the worker / employee at the cost of Employer.
g. Weekly off will be provided to the worker / employee.
h. To and fro air ticket will be provided for joining work and going back after completion of contract.
i. Adequate Life Insurance will be provided to the worker / employee during the Employment at the cost of Employer.
j. Adequate Medical facility will be provided to the worker / employee at the cost of Employer.
k. In case of death of the Worker / Employee, the Employer at his / her address, within a reasonable time and will also complete necessary formalities.

1. By submitting demand in eMigrate system of Ministry of Overseas Indian Affairs, Chanakyapuri, New Delhi, India, you agree that you have valid labour quota to import workers from India as per the details given in demand application.
2. By submitting demand in eMigrate system, you agree that, there shall be no misuse of the aforesaid demand letter. The FE and RA shall be responsible to ensure the same as per Indian Laws.
3. By submitting this demand in eMigrate system, you also certify that the same set of demand shall not be given to any other Indian Recruiting Agent by way of online or any other means for recruitment.
4. This demand letter shall not be sent to anyone either through email or post or by any other means except to the Govt. Authorities or to the Authorized Signatory of Recruiting Agency (RA). You have chosen for the recruitment. This letter cannot be further shared with anyone by the selected RA except uploading it on eMigrate system wherever required.
5. FE is required to sign this demand letter and send it to RA so the RA shall sign the same and upload it on eMigrate at the time of acknowledgement of the demand.
6. Designated RA shall be required to verify the copy of the approval of the local govt, uploaded by the FE in this application for recruiting the Indian Worker. Demand submitted by FE shall be approved in the eMigrate system after RA acknowledges the same after due verification.
7. In case FE’s submission of demand is disproportionate to the valid quota available to him for recruiting Indian Workers or violating any of the above terms and conditions, eMigrate login account of such FE shall be blocked without any prior notice and further recruitment shall be suspended.

Anna Signature
Signature of Authorised Signatory of FE
(along with the stamp of the organization and date & place)

Signature of Authorised Signatory of RA
(along with the stamp of the RA and date & place)
POWER OF ATTORNEY

(Know all men by these presents:

1. Anjali Garg of legal age _______________ & nationality SAUDI ARABIA, with office address at P.O. Box No. _______________ in my capacity as _______________, do hereby appoint, name and constitute M/S. info Soft Recruitment Agency with office address at TRTR., YRTR, NEW DELHI, DELHI - 345345, INDIA represented in this act by Vinod Kumar, as our true and legal representative to act for and in our name and stead and to perform the following acts:

1. To recruit and engage Indian nationals on behalf of the employer.
2. To act on behalf of the employer in respect of such selection and travel matters pertaining thereto including dealing with the Protector of Emigrants, Government of India. This Power of Attorney:
   a. Shall be revocable on completion of the services and return to India of the employees recruited by employees.
   b. Can be terminated on giving one month's notice to one party by the other (Subject to 2a).
   c. Power of Attorney shall be valid for the period of two years from the date of issue of this document (Subject to 2a).
3. To represent our company before any and all Government and private offices/agencies in the India;
4. To conduct the recruitment-related activities i.e. hiring and placement of Indian workers for overseas employment;
5. To recruit Indian workers as per the employment contract mandated by Ministry of Overseas Indian affairs and available at website https://emigrate.gov.in.
6. To sign, authenticate and deliver all documents necessary to complete any transaction related to such recruitment and hiring, including making the necessary steps to facilitate the departure of the recruited workers;
7. To bring suit, defend and enter into compromises in India, in my name and stead in litigations brought for or against us (our company) in all matters involving the employment of Indian contract workers for myself (our company);
8. To assume jointly and severally with the undersigned (our company) any liability that may arise in connection with the workers' recruitment and/or implementation of the employment contract and other terms and conditions of the appointment as defined and spelled out in https://emigrate.gov.in.
9. To allow visiting the workplace and residence of the workers recruited through them for the verification of the facilities provided to the workers.

This power of attorney shall be operative with immediate effect and shall continue to remain in force until revoked as provided in paragraph 2 (a) and (c) above.

HEREBY GRANTING unto my (our) said representative full power and authority to execute or perform whatsoever requisite, or proper to be done in about the premises as fully to all intents and purposes as I might or could lawfully do if personally present, with power of substitution and revocation and hereby ratifying and confirming all that my (our) said legal representative or his substitute shall lawfully do or cause to be done under and by virtue of these presents.

(Signature of Signatory Authority)

I.D. No. or Passport No.: B545450
Issued on: __________________________
at: ________________________________

Company Stamp Here
Annexure-III

Reason for the rejection (to be chosen by the POE from the drop down)

(In case of rejection, speaking order is to be provided by POE in remark column)

i) Name of Sponsor on visa and that of Employer in Demand application is not matching.

ii) Name of Sponsor on visa and that of Employer in EC application is not matching.

iii) Address of employer given in application form cannot be verified.

iv) Contact No. of employer given in application form cannot be verified.

v) Job designation mentioned on visa and in online application form is entirely different

vi) Employment Contract is not as per the template available on eMigrate website.

vii) Emigrant has not signed the contract.

viii) Employer has not signed the contract.

ix) RA has not signed the contract.

x) Personal details of emigrant given in the EC application form are not correct.

xi) Mobile No. of emigrant cannot be verified.

xii) Emigrant status cannot be verified as per proceeding as per Sec 22 of Emigration Rules

xiii) Purpose of Travel is different from that of Job designation as on visa.

Note- List shall be updated based on the feedback from stakeholders and as and when need arises