ORDER

WHEREAS a number of petitions {WP (C) 4244/2015 and CM No. 7683/2015; WP (C) 4254/2015 and CM No. 7702/2015; WP (C) 4258/2015 and CM Nos. 7728/2015, 8766/2015 & 19775/2015; WP (C) 4880/2015 and CM No. 15181/2016; WP (C) 6953/2015 and CM No. 16139/2015; WP (C) 6957/2015; WP (C) 7221/2015 and CM Nos. 13250/2015 & 13251/2015; WP (C) 7487/2015 and CM Nos. 14235/2015, 18196/2015, 20390/2015, 30863/2015 & 30864/2015; WP (C) 8934/2015 and CM No. 20068/2015; WP (C) 115/2016 and CM Nos. 529/2016 & 5174/2016; WP (C) 2943/2016 and CM Nos. 12323/2016, 12324/2016, 25945/2016 & 25946/2016; WP (C) 7845/2016 and CM Nos. 32445/2016 & 38372/2016} were filed in various Courts challenging the validity of erstwhile Ministry of Overseas Indian Affairs Order No. OI-11012/10/2013-EP dated the 12th March 2015 regarding overseas employment of Indian Nurses to ECR countries;

2. WHEREAS all these petitions were bunched together and heard by the Hon’ble High Court of Delhi and disposed of vide the following Order on 10.08.2017 in WP (C) No. 4244/2015 and CM No. 7683/2015:

“"All State run RAs and Private RAs shall be bound by the same
terms and conditions for recruitment and emigration of Indian Nurses.

Both the State run and Private RAs will need to execute the same
documents in this regard.

The website will be suitably modified to reflect this position and
any foreign employer choosing to make recruitment through either route
will need to go through the same steps and procedures on the e-Migrate system”

3. NOW, THEREFORE, in pursuance of the directions of the Hon’ble High Court of Delhi, it has been decided that henceforth recruitment of Indian Nurses through any Indian RA (State or Private) would be allowed only through a
country specific order from the Ministry of External Affairs, for which necessary changes are being incorporated in the online e-Migrate system. The modalities of applicability of the above procedure are enclosed.

4. This issues with the approval of Joint Secretary and Protector General of Emigrants (PGE).

Distribution:-
(i) All POBs.
(ii) All State Government RAs.
(iii) RA Federations/Associations.
(iv) Indian Mission in ECR countries.
(v) PMG, eMigrate for necessary changes in the system.
(vi) Project Director, eMigrate, TCS for uploading.
(vii) General Public/ Emigrants.

Copy for information to:-
1. PSO to Secretary (OIA & CPV)
2. PGE / JS (OIA-I)
3. Director (OE-I)/ Director (OIA-I)/ Director (OIA-II)
Procedure steps for Recruiting Agents (Govt. or Private) for obtaining Country Specific Order for the recruiting of Nurses for Foreign Employer

Foreign Employer (Hospital/ Clinic) registers in eMigrate system

Foreign Employer raises the demand in eMigrate & selects the RA through whom he wishes to recruit

Recruiting Agents (Govt. or Pvt.) acknowledges the demand online

Both FE & RA give the consent/ undertaking online to follow the additional safeguards for recruitment of Nurses

MEA scrutinize the request through eMigrate and if found satisfactory issue a country specific order for recruitment of Nurses for the Specific Foreign Employer & the Recruiting Agents.

RA undertakes the Recruitment Process

RA completes the formalities for Emigration Clearance

Nurses proceeds for destination country and BoI facilitates their departure on the basis of data received by them from eMigrate system.

Note- Exact steps and other necessary requirements shall be provided at the time of website updation.