ORDER

Pursuant to a large number of complaints of exploitation/harassment of Indian Nurses going abroad for employment during 2014, the Government had taken a conscious decision to make Emigration Clearance mandatory for the emigration of nurses for overseas employment in 18 ECR countries, vide order No. OI-11012/10/2013-EP dated the 12th March, 2015. The aforesaid order inter-alia, sought to regulate emigration of nurses with a view to safeguard and protect the Indian Nurses from any kind of exploitation and also for ensuring the welfare of the emigrating nurses.

2. The aforesaid order dated 12.03.2015 has been challenged in several Courts across the country, on various grounds, including a number of cases in the Hon’ble High Court of Delhi. In this background and the proceedings of the Hon’ble High Court of Delhi at New Delhi on 7th April 2016 in W.P. (C) 4244/2015 & C.M. No. 7683/2015 in the matter of M.K. Tours and Travels (& Others) Vs Union of India & Others, this Ministry has revisited the matter, particularly with a view to provide clarity as well as for ensuring a level-playing field between the State Government Recruiting Agents and the private registered Recruiting Agents, all of whom have been granted a Registration Certificate under the provisions of the Emigration Act 1983 and Rules made thereunder. Accordingly, the following clarifications are issued:

(i) The Order dated 12th March 2015 shall be applicable to emigration of Indian nurses for overseas employment only to 18 ECR countries.

(ii) Para (iv) of the order dated 12.03.2015 allows for any Indian registered Recruiting Agent to recruit Indian Nurses for overseas employment in any of the 18 ECR countries, subject to issuance of a “Country Specific Order” by the Competent Authority.

(iii) In pursuance of the clause (ii) above, till date only the Ministry of Health, Kingdom of Saudi Arabia, has sought issuance of a “Country Specific Order” to recruit Indian Nurses for all Government Hospitals in KSA. As requested, the Competent Authority had issued a country specific order dated 5.02.2016 for the purpose, subject to certain conditions being met by the empanelled (both State Government & Private ) RAs selected by the KSA Office of Health Employment.

\[Signature\]

25.4.16
in India. The Ministry of Health, KSA, had registered in the eMigrate system of MEA as a Foreign Employer to facilitate the recruitment process/demand approval/Emigration Clearance for employment of Indian Nurses in Government Hospitals in KSA. As such a level-playing field has been established for recruitment of Indian Nurses to Government Hospitals in KSA.

(iv) As and when other ECR countries make similar requests for issuance of a Country Specific Order for overseas employment of Indian Nurses, through their empanelled RAs registered in India, the same shall be considered for issue of a Country Specific Order, with specific conditions, with a view to safeguard the welfare and interests of emigrating Indian Nurses, including timely payment of salaries and adherence to other contractual obligations by the Foreign Employers registered in the eMigrate system of Ministry of External Affairs.

(v) Country Specific Order has been considered a necessity, as different ECR countries have different employment norms/conditions/guidelines and employment contracts etc. These conditions, including the standard employment contracts, terms & conditions, have to be considered in consultation with Indian Missions in those countries and only then the Country Specific Order would be issued.

(vi) It is further clarified that overseas employment of Indian Nurses in Non-ECR countries by Registered Recruiting Agents shall not require any permission for advertisement, interviews, trade tests etc, nor would they require any Emigration Clearance from the concerned Protector of Emigrants (PoE). Issue of such advertisements shall be as per guidelines of the Ministry’s O.M. No.Z-11025/11/2015- O/o SO(ES) dated 12.01.2016.

3. This issue with the approval of the Protector General of Emigrants (PGE).

(Bikash R. Mahato)
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To,

1. All PoEs for necessary action.
2. All HoM in ECR countries.
3. Bureau of Immigration (BoI).
4. All RAs including State Government RAs.
Copy for information to:-

1. Additional Secretary (OIA & CPV)
2. PGE/JS(OIA-I)/JS(OIA-II)/EA/JS(Gulf)/JS(CPV)
3. JS (Foreigners), Ministry of Home Affairs.
4. All Directors/DS in OE & PGE Division.
5. All USs in OE & PGE Division.
6. Project Director, eMigrate, TCS for uploading in the emigrate website.