



Law Enforcement Agencies Handbook on Safe and Legal Migration



English

वी. मुरलीधरन
V. Muraleedharan



विदेश राज्य मंत्री एवं
संसदीय कार्य राज्य मंत्री
Minister of State for External Affairs &
Minister of State for Parliamentary Affairs
Government of India



MESSAGE

I am very happy that India Centre for Migration (ICM) has developed an exclusive Handbook for a section of officers who are at frontline in dealing with the issues faced by the migrant workers. The Handbook for State Law Enforcement Agencies (LEAs) is a step forward to ensure safe and legal migration from India.

ICM, a research think-tank of the Ministry of External Affairs has been instrumental in facilitating safe migration from the country. Keeping in view, the broad objectives of MEA to ensure welfare and protection of migrant workers both at destination countries and in India, ICM has fostered effective policy coherence on migration issues by rolling out Training of Trainers(ToT) Manuals and Handbooks for diverse sets of beneficiaries. In this context, the Law Enforcement Agencies Handbook aims to bridge an important gap by providing the necessary information to State Police and law Agencies in dealing with the cases related to migrant workers.

I am hopeful that the handbook will be a valuable addition to the existing knowledge base in dealing with the issues related to migrant workers in times of distress. I would appreciate wide dissemination of the Handbook amongst the state police officers and law enforcement agencies across the country.

New Delhi
10-12-2020

(V. Muraleedharan)

Sanjay Bhattacharyya

Secretary (CPV & OIA)

Tel : 49018134

Fax : 49018135

E-mail : secycpv@mea.gov.in



विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI
2013, 'C' Wing, Jawaharlal Nehru Bhawan
New Delhi-110011



MESSAGE

India Centre for Migration (ICM) serves as a research think-tank of the Ministry of External Affairs on issues related to international migration and mobility.

I am very happy that ICM has developed a Handbook on Safe, Orderly and Regular Migration for the law enforcement agencies of the State Governments. It reflects Government's approach to ensure safe, orderly and regular migration from India for employment abroad, which is in consonance with objectives of the Global Compact on Migration (GCM).

The ground level officials of Police Department in the States are the first point of contact for a potential emigrant worker or a returnee migrant at times of distress. It has been felt that the ground level police officials are often not properly informed about the institutional mechanism which caters to the overseas employment of the workers through Emigration Act, 1983 and provisions of this Act for dealing with such instances. Former External Affairs Minister Late Sushma Swaraj highlighted the need for this handbook for Law Enforcement Agencies during the last meeting of the Governing Body of ICM.

In keeping with the ethos of the Government of India for promoting safe and legal migration, I request State Police Departments to incorporate this Handbook in their training programme for the police officers. This Handbook would act as a single point of reference for them in assisting our emigrant workers in distress, for instance getting cheated by unscrupulous recruiting agents, etc. and provide guidance for citizen centric services.

I am hopeful that this Handbook will serve as a valuable source of information for all concerned. We look forward to receiving feedback and suggestions for making this Handbook even more useful.

New Delhi.
Dated 11 December, 2020


(Sanjay Bhattacharyya)
Chairman, ICM



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Editorial inputs by: Dr. Surabhi Singh, Ojasvi Goyal.

Designed by: Creative Voyage

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Introduction

This handbook for Law Enforcement Agencies is a ready reckoner to ensure Safe and Legal Migration from India. This includes the provisions of the Emigration Act, 1983, with special emphasis on the legal remedies available to handle various complaints of illegal overseas recruitment which governs Safe and Legal Migration from India. The booklet also highlights the Grievance Redressal mechanisms for Emigrants like the MADAD portal, Pravasi Bhartiya Sahayata Kendra, Indian Community Welfare Fund. Contact details of Indian Missions/ Posts and Protector of Emigrants Offices in India have also been included.



Any agency which carries out recruitment activity in India for the purpose of employment abroad must be registered under the Emigration Act, 1983.



Travel Agencies, Educational Consultants who have not registered as a Recruiting Agent cannot carry out Recruitment Activities.



The complete list of Registered Recruiting Agents can be found at www.emigrate.gov.in in the dash board of the front page.



Emigration Check Required (ECR) passport holders travelling for work on employment visa to any of the Emigration Check Required 18 countries namely Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kingdom of Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, South Sudan, Sudan, Syria, Thailand, United Arab Emirates and Yemen need to take an Emigration Clearance through the eMigrate system.

Background



Over **30 million** strong Overseas Indian Community constituting both NRIs and PIOs. Nearly **9 million** Indians in the Gulf Cooperation Council (GCC) countries.

Indian citizens with ECR notation in passport and traveling for work on employment visa to 18 notified countries require Emigration Clearance (EC) from one of the thirteen Protectorates of Emigrants (PoEs) located at New Delhi, Mumbai, Raibareilly, Chandigarh, Jaipur, Hyderabad, Cochin, Thiruvananthapuram, Chennai, Bengaluru, Patna, Kolkata and Guwahati.



★ *MEA website frequently updates information on travel ban or travel advisory to a specific country. Similarly, eMigrate portal has a section 'What's New' where new orders/circulars can be accessed.*



Notations in the Indian Passport

- ★ *Notation/endorsement: Emigration Check Required (ECR) & Emigration Check Not Required (ECNR) – as per notation in Passport. Passports with no notation – means ECNR (since 2007).*
- ★ *ECR Notation in Passport– Issued to an applicant who is not Matric/X Class Pass.*



- ★ List of ECR countries– Countries where Emigration Clearance by Protector of Emigrants (PoE) is required for Indians with ECR notation on passports, while traveling for employment/work. The countries include: Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Kingdom of Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, South Sudan, Sudan, Syria, Thailand, United Arab Emirates and Yemen.



Emigration Act, 1983-

The Act regulates emigration of all Indians abroad.

Applicability (Section 1):

The Act which is called the Emigration Act, 1983 extends to the whole of India irrespective of country or occupation and applies to citizens of India outside India & All notifications are issued in the Official Gazette.

Non Applicability (Section 42):

Recruitment or emigration of any person who is not citizen of India or when control of recruiting in India for the service of foreign states to which the Foreign Recruiting Act, 1874 (4 of 1874) applies.

Authorities (Section 3):

- ★ Protector General of Emigrants (PGE) appointed by notification by Central Govt and as many Protectors of Emigrants (PoE) as it deems fit.
- ★ The Central Govt may, by general or special order, define the area to which the authority of PoE so appointed shall extend and in case there are 2 or more PoEs appointed for the same area, specify the distribution and allocation of work under this Act in relation to such area.
- ★ All PoEs work under supervision of PGE.
- ★ All emigration officers are public servants (Section 8).



General duties of a Protector of Emigrants (PoE)

Section 4

- ★ Protect and aid with his/her advice all intending emigrants and emigrants.
- ★ Ensure compliance of all provisions of the Act.
- ★ Inspect emigrant conveyance or any other conveyance if suspected.
- ★ Inquire into treatment received by emigrants - during the journey/stay/return journey back to India - report to PGE.
- ★ Aid and advise emigrants who have returned to India.
- ★ Search and seizure of the place of illegal overseas recruitment under Section 35 of the Emigration Act, 1983 along with the State Police Authority.
- ★ As per Section 5, the Central Govt can authorise any person to perform all or any function of the PoE under this Act.
- ★ Monitor activities of Recruitment Agents. Initiate actions against illegal recruiting agents.
- ★ Address grievances of the migrants.



Note: Any individual or agency that is involved in recruitment of Indians for work/employment abroad, irrespective of the country – ECR or ECNR – can approach the PGE for grievance redressal.



Recruiting Agents & Foreign Employers

Registration of Recruiting Agents

Sections 9-14 under Chapter III



Central Govt, by notification, may appoint PGE or any other officer of the Govt of rank higher than PoE to be the registering authority for the purposes of this Act (Section 9).



No person to function as a Recruitment Agents (RA) without a valid certificate (Section 10).

Cancellation, suspension, etc., of a Certificate

Section 14



Holder of certificate is not a fit person to continue to hold the certificate.



Holder of certificate recruited emigrants for purposes prejudicial to the interests of India or purposes contrary to public policy.



Subsequent to the issue of certificate, the holder has been convicted in India for any offence involving moral turpitude.



Subsequent to the issue of certificate, the holder has been convicted under Emigration Act, 1983 or any other law.



Misrepresentation or suppression of facts or violation of terms and conditions of certificate.



Cancellation of Certificate - in the interest of friendly relations of India with any foreign country or in the interest of general public.



If cancelled – two year waiting time from the date of cancellation.

Permits for Foreign Employers

Section 15:

Foreign Employers can recruit citizens of India under permit.

Section 16:

Two types of recruitment by foreign employers: either through registered RA competent under this Act to recruit or directly in accordance with the permit issued.

Exemption:

The Central Govt may exempt any class or classes of employers from the requirement of obtaining a permit (Section 21).



Process of Recruitment

Recruitment by RA

Section 5 under Emigration Rules, 1983 authorise



Employer may authorize a RA in India (registered under this Act), by a Power of Attorney (PoA) executed in favour of RA to recruit persons on his behalf.



Power of Attorney is valid for the period of employment contract of the recruited worker even if the certificate ceases to be valid before that period.

Always Remember

PoE has the power to determine if a person is an emigrant – under Section 29 – has the power to intervene when provisions of the Emigration Act are violated

Central Govt has the power to prohibit emigration:

- ★ to any country in the interests of the general public etc., through a notification, for six months on each occasion- Section 30 or
- ★ to any country due to outbreak of epidemics, civil disturbances, etc., - Section 31 or
- ★ of any class or category of persons – Section 32.



Note: At present, the number of RAs registered with MEA is 1942. Complete details of RAs and their status is available on www.emigrate.gov.in which is updated every 24 hours.



Offences & Penalties

Section 24 in Chapter VII

(1) Whoever:

- ★ Emigrates without conforming to provisions of this Act.
- ★ Contravenes the provisions of Section 10 or Section 16.
- ★ Obtained certificate or permit or emigration clearance submitting false information or suppressing facts.
- ★ Making alterations to the certificate/permit/clearance.
- ★ Disobeys or neglects to comply with any order of PoE.
- ★ Collects from an emigrant any charge in excess of limits prescribed under this Act
- ★ Cheats any emigrant

Offences listed under Section 24-

- ★ Are punishable with imprisonment upto two years and fine upto two thousand rupees.
- ★ With minimum imprisonment of six months and minimum fine of one thousand rupees unless provided otherwise in the court's judgement owing to special reasons.
- ★ Upto one year imprisonment or fine upto two thousand rupees for violating terms or conditions of emigration clearance.
- ★ Abetment of the offences is punishable with imprisonment provided for that offence.
- ★ Repeat offences are punishable with double the penalty provided for that offence.

Cognizable Offences



- ★ All offences provided for in the act are cognizable i.e. the police can make arrests without a warrant.
- ★ No prosecution can be instituted against any person without the sanction of the Central Govt except in cases where an offence is committed against an emigrant or an intending emigrant and the complaint is filed by such emigrant or intending emigrant or their father, mother, husband, wife, son, daughter, brother, sister or guardian.



Judicial Proceedings

Authorities & Officers to have certain powers of civil court

PGE and PoE, for purposes of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of following matters (Section 37).

- ★ Search and seizure at the place of illegal overseas recruitment under Section 35 of the Emigration Act, 1983 along with the State Police Authority.
- ★ Summoning and enforcing the attendance of witnesses;
- ★ Requiring the discovery and production of any document;
- ★ Requisitioning any public record or copy thereof from any court or office;
- ★ Receiving evidence on affidavits;
- ★ Issuing commissions for the examination of witnesses and documents.

Every proceeding before PGE or PoE **shall be judicial proceeding** within the meaning of sections 193 & 228 of the IPC (45 of 1860) and the PGE and PoE **shall be deemed to be a civil court** for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974) as per sub-section 2 under section 37 of this Act.



Nature of Complaint & Challenges

Frequently received complaints

Contractual- Poor working conditions, labour contract not signed/adhered to, medical expenses, food, accommodation, excess working hours etc.

Cheating- Difference in job promised and offered, job not given etc.

Wage related- Less wages, allowance not given, deductions etc.

Living Conditions- Unhygienic living conditions

Common violation of Emigration Act

- ★ Unregistered agents indulging in overseas recruitment business activity (Violation of Section 10)
- ★ Fake advertisements/interviews of overseas recruitment by any illegal agents in print media & social media viz; facebook, whatsapp, quiker, naukari.com etc. (Violation of Section 10 & 24)
- ★ Overcharging of service charges of Recruitment Agents/illegal agents (Violation of Rule 25 of the Emigration Act, 1983)
- ★ Forging of emigration clearance documents & forged visa and caught at Bureau of Immigration (BoI) Counter at Indian Airport (Violation of Section 22)
- ★ By passing all emigration regulations by travelling on visit visa instead of employment visa (commonly termed as pushing), the emigrant travels to some other third country on visit visa and from there travels to destination country for employment purpose. (Violation of Section 22)
- ★ Job regarding fraud for Emigration Check Not Required (ECNR) countries like fake Skype interviews for software firms in Europe/USA.



Standard Operating Procedures

Standard Operating Procedures (SOPs) for State LEAs

Step 1

On receipt of complaint(s) from emigrants or their relatives, State Govt must collect the following information:

- ★ Complainant's Passport Details
- ★ Address/Telephone of emigrant
- ★ Foreign employer's name and contact details
- ★ Contact details of the Agent/Agency
- ★ Date of Birth
- ★ Copy of visa affixed on passport
- ★ How the worker(s) has gone abroad & through which agent/Registered Recruiting Agent?
- LEAs should verify, whether the recruiting agent is Registered or not by checking online at <http://www.emigrate.gov.in>>>> Recruiting Agent>>List of active RA
- Search & seizure operations under Section 35 of the Emigration Act, 1983 by joint team of State Police or Law Enforcement Agencies.
- FIR to be lodged against the illegal agents under Section 10 & 24 of the Emigration Act along with the IPC.

Step 2

MADAD is a user friendly portal, where the complaint can be lodged and automatically transferred to respective Indian Missions. The status of redressal can also be tracked.

- ★ In case of complaint, State Govts should upload relevant details about the complainant on MADAD Portal (madad.gov.in) of MEA. Emigrants or their relatives or anyone on their behalf can upload this information directly on the portal
- ★ Complaints against registered RAs, as well as unregistered illegal recruiting agents may be forwarded to the concerned PoE of the State.



SOP – Complaint against RA


- ★ Complaint received against registered Recruiting Agent (RA) in the eMigrate through PBSK, tollfree helpline 1800113090.
- ★ The complaint can be lodged at Office of the PGE, New Delhi or any of PoE, PBSK(Pravashi Bharatiya Sahayata Kendra) at the toll free No: 1800113090 or through email
- ★ Show cause notice is served to settle/resolve the complaint
- ★ Registration Certificate (RC) cancelled for 30 days if RA fails to respond
- ★ RC is cancelled for an indefinite period if complaint still remains unresolved
- ★ Action is dropped only after consultation with the Indian Mission or complainant



SOP – Complaint against Unregistered Agent

- ★ Complaint received against unregistered recruiting agent at office of the PGE, PoE.
- ★ Forwarded to the concerned State Govts and police authorities by the office of the PGE, PoE
- ★ Police and State Govt takes action against such illegal acts.
- ★ If required, complaints are referred to Indian Mission/Post abroad.
- ★ Police seek approval from Protector General of Emigrants for prosecuting the accused.
- ★ Search & seizure operations under Section 35 of the Emigration Act, 1983 by joint team of State Police or Law Enforcement Agencies by Jurisdictional PoE
- ★ FIR to be lodged against illegal/unregistered agents under Section 10 & 24 Of the Emigration Act, 1983.


Registered RAs



For registered Recruiting Agents, action is taken by PGE against erring agents by way of suspension and cancellation of Registration Certificate.

In cases where the conduct of the Recruiting Agent is found to be dubious, he is placed in the internal Watch List. Whenever major error is committed by any agents, the Bank Guarantees submitted by the Recruiting Agents are forfeited apart from cancellation of their Registration Certificate

Unregistered RAs



All unregistered Recruiting Agents are proceeded against under this provision. Complaints against them are referred to the concerned police authorities for investigation and filing F.I.R. State Govts have been also requested to advise the District Authorities, in particular the Police Authorities, to ensure that preventive, strict and exemplary action is taken against illegal recruiting agents.

Complaints against Foreign Employer

Complaints against foreign employers are taken up with the Indian Mission abroad. Complaints are mostly related to:

- ★ Change of employment contract, non-payment and deduction of salaries, unhygienic working conditions, etc.
- ★ As and when the foreign companies are found involved in breach of contract and non-payment of salaries etc, the same companies are placed in the Blacklist by the PGE on the eMigrate platform.

Issues handled by MEA and respective Division

Division	Issues Dealt
Protector General of Emigrants (PGE)	PGE is the registering authority to issue Registration Certificate to the Recruiting Agents. Issues related to Recruiting Agent, salary, overseas employment related issues.
Consular Passport, Visa (CPV)	Matters related to Passport/ Visa, legalisation of document, registration of births and deaths abroad, extradition policy
Overseas Indian Affairs-I (OIA-I)	All policy related issues, Emigration Bill 2019, ICWF, bilateral engagement with countries of destination
Overseas Indian Affairs-II (OIA-II)	Diaspora engagement, Pravasi Bharatiya Diwas (PBD), KIP, SIP, SPDC, NRI Marriages, Indian Students Abroad

Case study at RGI Airport, Hyderabad submitted by N.Prakash Reddy IPS,DCP Shamshabad , Cyberabad Commissionerate, Hyderabad, Telangana, Dt 16-12-19

Case Study 1: Forged Kuwaiti Visit visas used to avoid POE clearance

In the month of March-April 2019 , two Hyderabad based illegal agents gangs were arrested. One was led by a repeated offender named Manikantha while other was led by a lady named Push-pavathi. They had a network of district wise agents and had contacts with some corrupt officials of Police/Immigration Departments and Airlines.

The general procedure for migration for work for ECR passport holders to Kuwait is to obtain a work visa, get Police Clearance Certificate , get medical exam done in a GCC certified hospital, obtain POE clearance etc. To avoid POE and associated costs for Kuwait based employers, these agents illegally obtained PCC in Hyderabad by bribing some policemen, also forged work visa as visit visa by changing Arabic letters on Xerox copy of work visa and changing duration as 1 month, and airlines staff were bribed to accept fake return ticket on visit visa. Also some immigration agents were bribed to avoid profiling. The passenger used to hide the work visa, pcc, medical in innerclothes and show only visit visa and return ticket and they used to remove the sticker of work visa on passport also and paste it later in flight. Like this, more than 1000 people were sent from Hyderabad in a period of 1 year.

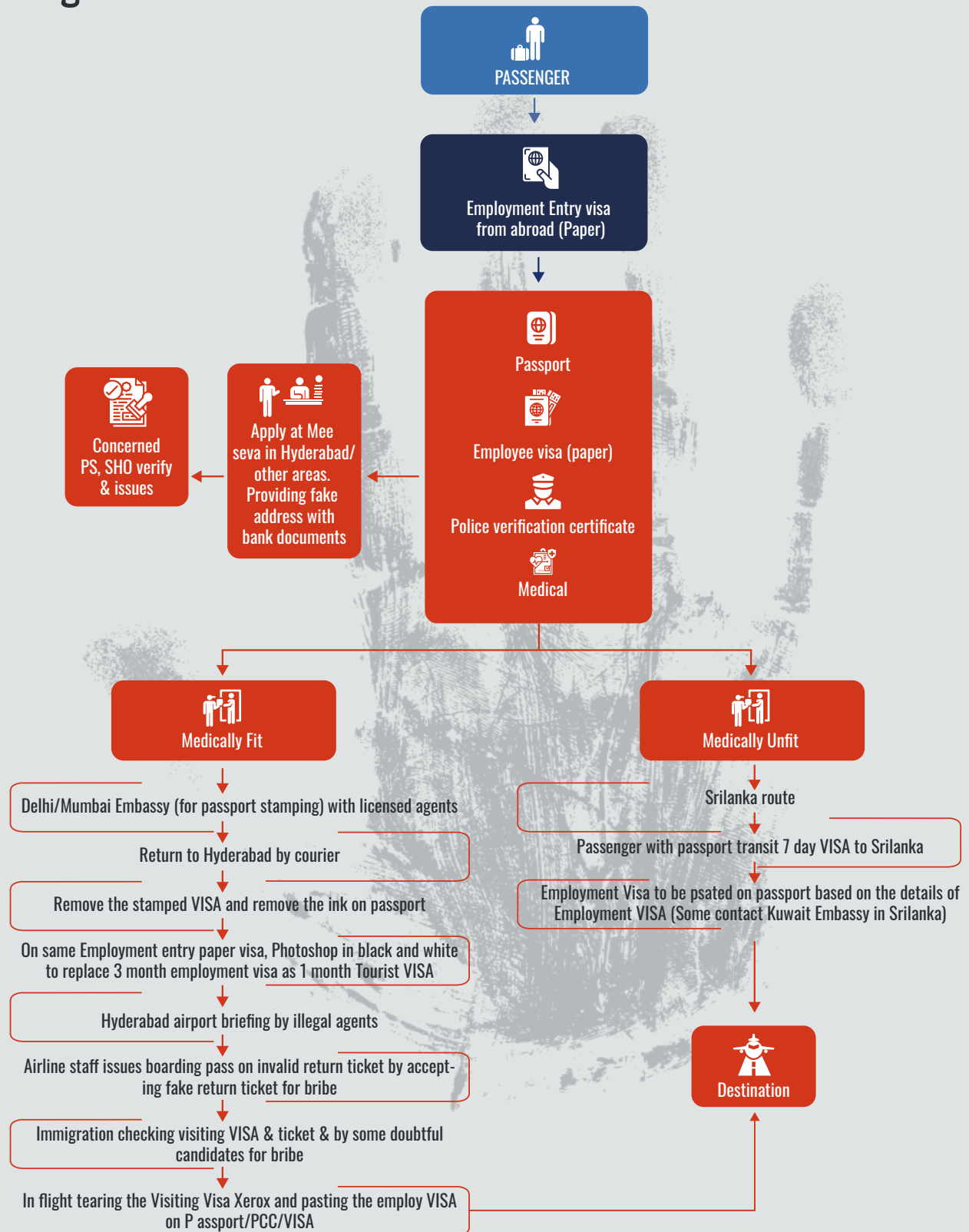
Case Study 1 (Contd.)

General Process of Immigration to Kuwait:



Case Study 1 (Contd.)

Illegal Process



Case Study 1 (Contd.)

Airlines



They check VISA and return ticket (Agents are using Fake/Dummy return tickets).



Checking VISA/Flight ticket in app by passenger manifest.



Airlines staff and agents are meeting outside and exchanging phone numbers.



Check antecedents.



Arranging parties.



Monthly / Yearly targets to agents & providing free gifts / holiday trips to agents by Airlines staff.

Prevent such visa fraud:



Bureau Of Immigration may advise all FRRO authorities to accept only original visit visas of Kuwait instead of Xerox copies.



GCC GAMCA website has access to those who completed medical examination which can be searched via passport number.

Violation of Section 10 of the Emigration Act, 1983.

- Office of the PoE, Mumbai had received complaint from Shri Sinesh Alakkadan, resident of Kerala against Mrs. Priyanka Ghadkar of M/s. Max Consultants, Mumbai dated 02.04.2019
- It was informed that Mrs. Priyanka Ghadkar (originally from Nepal) is conducting overseas recruitment business without valid permission in the name of M/s. Max Consultants, Mumbai.
- She had illegally kept more than 200 passports on the pretext of overseas recruitment to various countries viz. Azerbaijan, Russia etc.
- Some emigrants had approached Mumbai police authorities.
- PoE, Mumbai and Police jointly raided office premises of illegal agent, Max Consultants, Mumbai under Section 35 of the Emigration Act, 1983.
- More than 200 passports were seized from Office of Max Consultants. Also around 150 prospective emigrants were available in the Office during the time of raid. PoE, Mumbai and police seized these passports under Section 35 of the Emigration Act, 1983. The Police authorities have filed an FIR under Section 10 & 24 of the Emigration Act, 1983 along with the Sections, 34, 417, 420, 465, 467, 468, 471 of Indian Penal Code. The accused was arrested and presented before the Hon'ble Court.

C'magaluru woman held captive by job agency in Qatar rescued

Kiran.Parashar@timesgroup.com

Bengaluru: A 26-year-old woman from Karnataka who had been kept in confinement in Qatar was rescued and brought back to India on Thursday, thanks to joint efforts by The Protector of Emigrants in Bengaluru and Indian Embassy in Qatar.

Rashmi (name changed) from Holenarasipura in Hassan district arrived in Bengaluru on Thursday night. She was locked up in a house for 14 days, restrained from using a mobile and wasn't fed. There were three other women with her. On the midnight of February 12, they broke the window panes and fled before contacting local police.

Rashmi, a diploma graduate in computer science, was jobless and her friend working in Kuwait suggested she try for a job abroad. She contacted an agency based in Chikkamagaluru which offered her a nanny's job in Qatar. After document verification, the agency demanded she pay Rs 2 lakh but she said she didn't have that kind of money.

The agency sent Rashmi on a visitor visa but told her if questioned by immigration officials, she must claim she was visiting her sister. They also gave her a return ticket.

As Rashmi was travelling abroad for the first time, she said she was ig-

The agency locked her up in a house along with three other women after she said she could not work as a babysitter-cum cook in a house she was assigned to in Qatar

norant about several things.

On January 12, Rashmi left Bengaluru. But as she reached Qatar, all her documents, including passport, were confiscated by the agency. Her return ticket was cancelled and she was sent to a house to work as babysitter-cum-cook for Rs 30,000. She lived with four other maids in the same house, where they were made to work for 16-18 hours a day.

"I used to wake up around 5.30am every day and had to prepare breakfast for the employers by 6.30am. My work would end around 11pm every day. We never even got time to eat," Rashmi told TOI on Friday. Four days into work, Rashmi's nose started bleeding. However, the employers cared little and insisted she continue to work. After 18 days, she requested her employers that she be relieved.

The agency sent her to a house where three women were already present and locked her up with them.

"They used to give us a glass of raw rice, an onion, tomato and potato

to cook for ourselves. While we got rice every day, we had to use the vegetables for three days. We were not supposed to use mobiles or go out. Two people were monitoring us," she recalled.

Rashmi and the others decided to approach police but for that they needed to escape. Around 1.30am on February 12, the four women managed to break window panes and jumped out. They ran for more than a kilometre and managed to approach police, who summoned the agency and got the women to speak to their families.

Rashmi called her brother-in-law, who approached the Protector of Emigrants office in Koramangala, Bengaluru. Shubham Singh, PoE in Bengaluru, said they took up the issue with the Indian Embassy in Qatar, which immediately got in touch with Qatar police. Rashmi said, "We were kept in prison for a couple of days and were sent to the deportation centre later."

Meanwhile, the Indian embassy got the agency to return the women's documents. However, the agents did not pay their salaries. Two of the women were sent to Hyderabad and the third to Kerala. On Friday, Rashmi met Singh at his office, where her statement was recorded. "We have started the process of initiating action against the agency in India," he said.

Case Study 3- Source: PoE Bengaluru

INDIA TODAY

20 Nov 2019

150 Indians deported from US land at Delhi airport

Around 150 Indians deported from the US, for either violating their visa norms or illegally entering America, landed at the Delhi airport on Wednesday morning, an official said here.

The special aircraft carrying them landed at the T3 terminal of the Delhi airport at 6am, the official said. The aircraft reached India via Bangladesh.

All the approximately 150 Indians are at the terminal and paper work with the immigration department is

under way, the airport official said, adding they should start coming out of the airport "one by one" after 11 am. These Indians have either violated their visa norms or were illegal immigrants, the official said.

On October 18, more than 300 Indians, including one woman, were deported by Mexican immigration authorities for illegally entering the country to sneak into the US.

External Affairs Ministry issues alert on job frauds in Hyderabad

Hyderabad: Concerned over the increasing number of job frauds that are leaving several unemployed youngsters in the lurch, the Ministry of External Affairs (MEA) has sounded an alert advising the youth to be cautious while approaching overseas recruitment agencies.

Last month, the city unit of Protector of Immigrants from the MEA wrote a letter to the Hyderabad City Police Commissioner requesting him to take necessary action against an illegal overseas manpower recruitment agency, M/s Travel Point HR Solutions, in Basheerbagh.



In the letter, Protector of Immigrants (Hyderabad) K. Madhusudhan Rao stated that only registered recruiting agents under the MEA were authorised to recruit manpower for overseas employment and M/s Travel Point HR Solutions was not a registered agency. He requested the police to investigate the case under Sections 10 and 24 of the Emigration Act 1983 and other relevant laws and furnish a report at the earliest. A senior official said youngsters can log on to the website: <https://emigrate.gov.in/ext> and enquire about the recruitment agencies that were registered with the MEA. "If anyone approaches a registered agency, chances of getting duped are remote and in case of any problem after going abroad, the agency along with the MEA will sort out the issue without any delay," the official explained. Another advantage with the registered agencies was that the owner of the agency must give a bank guarantee of Rs 50 lakh with the MEA for registration and therefore chances of agencies indulging in fraud are less as the MEA would keep a tab on it. There are as many as 1,200 agencies that were registered with the MEA, the official added.

Job fraud: CBI launches investigation against Kochi-based agency

KOCHI: The Central Bureau of Investigation (CBI) has launched a probe against a Kochi-based foreign recruitment agency which allegedly duped job aspirants after promising employment in Malaysia. It is on the basis of a directive from the Ministry of External Affairs (MEA), the Central agency filed a fresh FIR against Sky Link International which functions at Valanjambalam in Kochi. Earlier, after the matter was probed by a team from the Central police station here, an FIR was registered against the firm in April 2017 on the basis of a complaint lodged by Protector of Emigrants (PoE) Bindu N Nair. "MEA Director and Chief Vigilance Officer wrote to CBI Director recommending a thorough probe into the activi-

ties of the Sky Link International which appeared to be involved in unscrupulous operations. There are allegations of illegal manpower recruitment, the illegal money trail, cheating and forgery against the agency. The recruitment agency had in 2016-17 taken money from several persons after promising job openings in Malaysia as engineers and cargo handlers. The agency even put out adverts in this regard. However, violating Emigration norms which bars recruiters from charging processing fees over and above ₹20,000, agency demanded Rs 1.5 lakh-4.5 lakh for arranging visas," a CBI officer said. Similarly, most of the job seekers paid sums ranging from Rs 30,000 to one lakh to the agency for getting a job.

Recruitment scams give nightmare for job aspirants



S. Veeraperumal, a resident of Kuniyamuthur, came to know about Ganapathy-based overseas recruitment agency Kaydins Job Solutions from his friends in early 2018. A diploma holder in electronics, the agency allegedly promised him a job in Singapore. "The job was in CCTV and access control area. I paid INR 50,000 as registration fee in May 2018, after which I was asked to pay INR 1 lakh within 15 days. I was told that the visa will be delivered in 21 working days. In December, the recruitment agency informed that there were job vacancies in Malaysia. According to engineering graduate S. Sriram, based on whose complaint the Central Crime Branch (CCB) of Coimbatore City Police arrested three

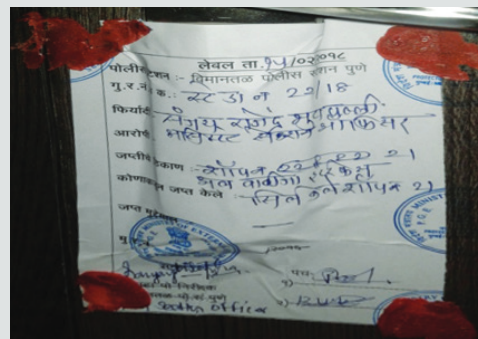
persons attached to Kaydins Job Solutions, he was offered a job in a Singapore-based company with a salary of 1.30 lakh to INR 1.50 lakh per month. He had paid INR 2 lakh for the job. Mr.

Sriram was allegedly told by the agency that they had sent several people to Malaysia and Singapore. CCB inspector J. Nagarajan says that Kaydins Job Solutions and several other recruitment agencies involved in cheating in the past have been using a similar modus operandi - collect large sums from job seekers by assuring employment and return a small portion of the amount to the aspirants citing lack of vacancies. According to Mr. Nagarajan, recruitment agencies also collect the passports of job aspirants as a security while collecting the initial charges so that the aspirants remain in their circle and pay the remaining money to get the document. Apart from direct recruitment by setting up office and employing staff, recruitment scams are also thriving in online platforms.

Case Study 4

Illegal Recruitment of Nurses / Doctors by unregistered Recruiting Agents at Pune

Office of the PoE, Mumbai had received complaint from Jomol Josuva and others against M/s. Al Wajiha Interface Company, Pune. It was informed that Mrs. Himali Konikerra is conducting overseas recruitment for Nurses/ Doctors without valid licence in the name of M/s. Al Wajiha Interface Company, Pune.



It was brought to the notice that Mrs. Himali Konikerra had illegally charged from Rs. 2.5 Lakhs to 10 Lakhs on the pretext of overseas employment as a nurse or doctors abroad.

PoE, Mumbai had referred the case to Pune City Police in 2018. PoE, Mumbai and Pune Police had jointly conducted raid on the office premises of illegal agent under Section 35 of the Emigration Act; 1983. It was found that Mrs. Himali Konikerra had directed staff to send job offers through spam mail. Pune city police had lodged FIR against Mrs. Himali Konikerra under Section 10 & 24 of the Emigration Act, 1983.

However, the accused tried to fly abroad but Mumbai police had arrested accused at Mumbai International Airport as LoC was already been issued against her. The accused was presented before the Hon'ble Court.



Consular Services Management System (MADAD)

Registers grievances pertaining to the Consular Services offered by the Indian Missions/Posts abroad.



eMigrate

A transformational initiative of MEA, to automate the current emigration processes.

- Electronic Emigration Clearance
- Helpline to provide support to various users
- Integration with Insurance Companies Systems for validation of Pravasi Bhartiya Bima Yojna (PBBY) policy details
- Digitally signed documents
- Integration with Passport System for validation of Emigrant's passport details

Pravasi Kaushal Vikas Yojana (PKVY)

- Pravasi Kaushal Vikas Yojana (PKVY) is among the key priorities of the Ministry towards enhancing skill-sets of potential emigrant workers going for overseas employment, in select sectors and job roles, in line with international standards.
- The initial focus of the scheme is on sectors that are in demand in Emigration Check Required (ECR) countries.
- The scheme is a joint collaborative partnership between the Ministry of External Affairs (MEA) and Ministry of Skill Development and Training (MSDE) and includes a technical top up training by MSDE complemented with the Pre-Departure Orientation Training (PDOT) on soft skills to be imparted by MEA.

Pravasi Bhartiya Bima Yojana (PBBY)

Before filing for Emigration Clearance from eMigrate, it is mandatory for all ECR passport holders travelling to ECR countries for employment purposes to avail PBBY. The policy is available at a basic premium of Rs. 275 for two years and Rs. 375 for three years. The link to claim PBBY is available on eMigrate portal.

Accidental Death and permanent disability

An insurance cover of Rs. 10 lakhs is provided. In case of death, cost of Transportation of Mortal remains is also covered

Medical Cover

Medical insurance cover including injuries / sickness / ailment / diseases available upto Rs.1,00,000/- (up to Rs. 50,000 per hospitalization).

Repatriation cover

Actual one-way economy class air fare to the nearest international airport in India.

Maternity Benefits

Maternity expenses benefit to women emigrants available upto Rs. 50,000

Family Benefits

Family Hospitalization in India available upto Rs. 50,000/- for Spouse and first two children upto 21 years of age.

Legal Expenses

Legal expenses on litigation related to emigrant's overseas employment admissible upto Rs. 45,000/-

Pravasi Bhartiya Sahayata Kendra (PBSK)

A welfare initiative of Government of India to provide support to Indian Expatriates in need.

- Manage a 24x7 Toll Free HELP LINE 1800 11 3090 (from India).
- Receive, register and monitor grievance petitions and provide clarification to information seeking queries.
- Provide Legal, Financial and Personal Counselling by experts in respective fields
- Conduct Awareness Campaigns
- Provide assistance to Indian Embassy and Indian Consulate in different activities as and when required.
- To verify the genuineness of job offers from respective company or UAE local authorities and reply by email to the concerned person.



The India Centre for Migration (ICM) is a research think-tank of the Ministry of External Affairs (MEA) on all matters related to international migration.

Apart from academic research, ICM has been involved in undertaking various activities and programmes at the ground level for the benefit of migrant workers.

Important Contacts

eMigrate: www.emigrate.gov.in

MADAD Portal: <https://portal2.madad.gov.in>

Pravasi Bhartiya Sahayata Kendra

Phone Number: +91-11-40503090/26885021 (From Outside India)

Phone Number: 1800-11-3090 (Only in India)

Email: helpline@mea.gov.in



Sushma Swaraj Bhawan
Dr. Rizal Marg, Chanakyapuri,
New Delhi- 110021
Tel: +91-11-24156415
Email: icm@mea.gov.in
@icmnewdelhi