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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN
MINISTRY OF OVERSEAS PAKISTANIS AND
HUMAN RESOURCE DEVELOPMENT

NOTIFICATION

Islamabad, the 8th August, 2023

S. R. O. 1058 (I)/2023.— In exercise of the powers conferred by section 16 of the Emigration Ordinance, 1979 (XVIII of 1979), the Federal Government is pleased to direct that the following further amendments shall be made in the Emigration Rules, 1979, namely:—

In the aforesaid Rules,—

(1) in rule 2,—

(A) after clause (e), the following new clause (ea) shall be inserted, namely:—

“(ea) “heirs and successors” means the heirs and successors of the deceased as declared by the applicable law;”;

(2495)

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(B) after clause (f), the following new clause shall be inserted, namely:—

“(fa) “nominated person” means a person who is directly selected by a foreign employer for a job at the time of placement of manpower demand with an overseas employment promoter;”; and

(C) after clause (gg), the following new clauses shall be inserted, namely:—

“(gga) “processing of cases for endorsement of visa” means the assistance provided by an overseas employment promoter in endorsement of visa arranged by an emigrant as per procedure defined by the Director General for specified countries under rule 20B;

(ggb) “Secretary” means Secretary of the division concerned;”;

(2) in rule 3,—

(A) for clause (a), the following shall be substituted, namely:—

“(a) be responsible for preparation, operation and administration of procedures provided for in the Ordinance and rules made thereunder in relation to overseas employment promotion;”;

(B) in clause (b), the word “and”, at the end shall be omitted; and

(C) in clause (c), for the words “Federal Government”, the words “Prime Minister” shall be substituted and for full stop at the end, a semicolon shall be substituted and thereafter the following new clauses (d) and (e) shall be added, namely:—

“(d) remain in regular contact with the Pakistani Missions in manpower importing countries for streamlining emigration of Pakistani citizens; and

(e) maintain diversified and IT-based migration data including performance of overseas employment promoters, the protector of emigrants and other officers of the Bureau for result-based management.”;

(3) in rule 5,—

(A) in clause (d), after the word “General”, the expression “, in case any fault of an overseas employment promoter is found”

shall be inserted and the word “and” at the end shall be omitted; and

- (B) in clause (e), for full stop at the end a semi colon and the word “and” shall be substituted and thereafter the following new clause (f) shall be added, namely:—

“(f) attest the manpower demands of Overseas Employment Promoters and thereafter send on the same day the attested demand to the Director General, with copy to Joint Secretary of the division concerned and the Protector of Emigrants through email.”;

- (4) in rule 6, in sub-rule (1), after the word “policies”, the words “and code of conduct” shall be inserted;

- (5) in rule 7, in the proviso, for the word “exempt”, the word “allow (exemption to)” shall be substituted;

- (6) in rule 8,—

- (A) in sub-rule (1),—

- (i) for the words “Federal Government”, occurring twice, the word “Secretary” shall be substituted;

- (ii) after the word “Magistrate”, the words “or District Police Officer” shall be inserted; and

- (iii) for the words “five thousand rupees”, the words “fifty thousand rupees for sole proprietor and one hundred thousand rupees for public or private company” shall be substituted;

- (B) in sub-rule (3A), for the words “Federal Government”, the word “Secretary” shall be substituted;

- (C) for sub-rule (4), the following two sub-rules shall be substituted, namely:—

“(4) The Secretary may, on being satisfied that the applicant has complied with the provisions of sub-rules (1) and (2) and after such inquiry as he may deem necessary, grant the licence on the format as set out in Form 1 and direct the applicant to deposit non-refundable annual licence fee of twenty-five thousand rupees in case of

sole proprietor or fifty thousand rupees in case of a public or private company and a lump sum refundable security of one and a half million rupees in case of sole proprietor and two and half million rupees in case of a public or private company for good conduct within thirty days of issuance of demand notice in the following manner, namely:—

- (i) a sum of five hundred thousand rupees in case of sole proprietor and nine hundred thousand rupees in case of a public or private company in cash in a branch of a bank nominated by the Secretary; and
- (ii) a sum of one million rupees in case of sole proprietor and one million and six hundred thousand rupees in case of a public or private company in shape of the defence saving certificates pledged in the name of Joint Secretary of the division concerned with its profit payable thereon to the licensee.

(4A) The Secretary may, on application of the applicant for the licence and by recording reasons, extend the validity of demand notice issued under sub-rule (4) for a further period or periods not exceeding thirty days subject to payment of late fee of ten thousand rupees.”; and

(D) sub-rule (5) shall be omitted.

(7) after rule 8, amended as aforesaid, the following new rule 8A shall be inserted, namely:—

“8A. **Transfer of licence.**—(1) Where at any time during validity of the licence, the licensee or any of the partners thereof—

- (a) dies;
- (b) is, by a competent court of law, declared as of unsound mind;
- (c) is, by a competent court of law, declared as insolvent or his application filed in this behalf is pending adjudication;
- (d) withdraws from the licence on his free will;
- (e) desires to transfer the licence to his legal heirs; or

- (f) is, in case of a public or private company, transferred from the position of head thereof,

the Secretary may withdraw the licence or re-issue the licence in name of the legal heir or heirs or, as the case may be, subject to sub-rule (3) the remaining partner or partners or newly appointed head of the public or private companies after such inquiry and on such conditions as he may deem necessary and for the remaining period of validity of the licence:

Provided that the Secretary shall not pass order under this sub-rule in case an appeal against the overseas employment promoter is pending before the prescribed authorities or court:

- (2) A corporate licence shall not be transferable.

(3) The licence issued under sub-rule (1) shall be deemed to be a new licence and shall be granted against the licence fee, security deposited under these rules and the processing fee in case of change of head of a public or private company or licence transfer fee of twenty-five thousand rupees.

(4) No licence transfer fee shall be charged from the legal heirs in case of death of an overseas employment promoter, except if there is an outstanding liability against the deceased.

(5) Subject to sub-rule (1), a licence issued to a sole proprietor may be transferred to a private company and the directors and partners thereof may be changed as per laid down criteria under the applicable law, the Ordinance and the rules made thereunder for grant of fresh licence.

(6) Where an application is made by the authorized legal heirs or successors of the deceased overseas employment promoter nominated by him at the time of issuance or renewal of licence for transfer in their name the licence of the deceased licensee, the Secretary may, on production of complete documents including succession certificate issued in accordance with the applicable law, allow transfer of the licence in name of the legal heir or heirs as per conditions for a fresh licence.”;

- (8) in rule 9,—

- (A) in sub-rule (1),—

- (i) the words “shall be valid for three consecutive calendar years or part thereof” shall be omitted; (not to be omitted)

- (ii) for the words “fifteen thousand rupees”, the words “twenty-five thousand rupees in case of sole proprietor or one hundred thousand rupees in case of a public or private company” shall be substituted;

(B) in sub-rule (2),—

- (i) in clause (b), the word “and” at the end shall be omitted;
- (ii) in clause (c), for full stop at the end, a semi colon and the word “and” shall be substituted and thereafter the following new clause shall be added, namely:—

“(d) if a licensee fails to send any person abroad during last five years, a special committee constituted by the Secretary shall, on the basis of record including past performance and conduct of such licensee, examine such cases for renewal or refusal for renewal of the licence. Where the committee so recommends to renew the licence, the Secretary may renew the licence with forfeiture of an amount of not less than twenty-five thousand rupees from the security deposited under these rules in addition to the renewal fee.”;

(iii) sub-rule (4) shall be omitted; and

(iv) in sub-rule (6), for the words “Federal Government”, the word “Secretary” shall be substituted;

(9) in rule 11, after the word “sub-promoter”, the expression “, sub-agent or intermediaries, etc.” shall be inserted;

(10) for rule 11A, the following shall be substituted, namely:—

“11A. Establishment of office or sub-office.—(1) An overseas employment promoter shall establish his head office in the premises approved by the Secretary. He may shift that office or establish branch office or shift the branch office on payment of twenty-five thousand rupees with prior permission of the authority prescribed as under:—

- (i) for shifting of head office or branch office within the same city, the permission shall be granted by relevant protector of emigrants;

- (ii) for shifting of head office or establishing or shifting of branch office within the jurisdiction of the same protectorate of emigrants but not within the same city, the permission shall be granted by the Director General; and
- (iii) in cases for shifting or establishing of head office or branch office not covered in clause (i) and (ii), the permission shall be granted by the Secretary.
- (2) An overseas employment promoter may establish not more than four branch offices in addition to his main office, in accordance with the provisions of these rules and criteria and procedure defined by the Director General.
- (3) An overseas employment promoter shall immediately close his head office and all branch offices discontinuing also his activities on cancellation of his licence or expiry thereof for more than six months. On suspension of his licence he shall not carry out any activity relating to recruitment or export of manpower.”.
- (11) in rule 12,—
 - (A) in sub-rule (1), for the words “Federal Government”, the word “Secretary” shall be substituted; and
 - (B) in sub-rule (2), for the words “one”, the words “five” shall be substituted;
- (12) in rule 13, in sub-rule (1),—
 - (A) for the words “one thousand”, the words “five thousand” shall be substituted; and
 - (B) for the words “Federal Government”, the word “Secretary” shall be substituted;
- (13) in rule 15,—
 - (A) for sub-rule (1), the following shall be substituted, namely:—

“(1) A person selected for employment abroad through an overseas employment promoter or the Corporation shall as their service charges deposit a sum of fifteen thousand rupees in the bank which shall issue a certificate on the format as set out in Form 7 and where an emigrant has been selected for employment abroad at his own as direct employment but

desires to process his case for endorsement of visa through an overseas employment promoter or the Corporation because of the policy of the embassy of that country not to entertain cases for endorsement of visa directly, he shall in the aforesaid manner deposit the service charges of six thousand rupees in the bank:

Provided that an overseas employment promoter or the Corporation in cases of direct employment under this sub-rule shall charge only actual cost involved in endorsement of visa and registration with protector of emigrants.”;

(B) for sub-rule (1A), the following shall be substituted, namely:—

“(1A) The overseas employment promoter or, as the case may be, Corporation on whose behalf their service charges are deposited in the bank under sub-rule (1) shall, subject to the proviso hereto, be entitled to reimbursement of the service charges only on certification by the protector of emigrants to the extent that the employment abroad has been provided to the emigrant and he has duly joined the same after registration with the protector of emigrant:

Provided that where the overseas employment promoter or, as the case may be, the Corporation fail to fulfil his or its obligations in accordance with these rules, the deposited amount shall be returned to the intending emigrant.”;

(C) in sub-rule (5), in the second proviso, for the words “Federal Government”, the word “Secretary” shall be substituted;

(D) in sub-rule (6), the expression “or (1A)” shall be omitted and for the word “two”, the word “four” shall be substituted; and

(E) after sub-rule (7), the following new sub-rule (8) shall be added, namely:—

“(8) The Director General shall, in consultation with the Finance Division through the Secretary, explore and enforce different payment options through modern devices.”;

(14) in rule 18,—

(A) in sub-rule (1), for the expression “Director General, Bureau of Emigration and Overseas Employment for according approval to process such demand”, the words “protector of emigrants for grant of permission” shall be substituted; and

- (B) for sub-rule (2), the following shall be substituted, namely:—

“(2) The protector of emigrants may, after scrutiny of the demand, grant permission to such overseas employment promotor to process the demand of a foreign government.”;

- (15) in rule 19,—

- (A) in sub-rule (1), after the word “demand”, occurring last, the words “on the same day” shall be inserted;
- (B) in sub-rule (2), for the expression “Bureau or the Federal Government,”, the words “Director General” shall be substituted;
- (C) in sub-rule (3), after the words “demand”, occurring for the second time, the words “within three working days” shall be inserted”; and
- (D) after sub-rule (3), amended as aforesaid, the following new sub-rule (4) shall be added, namely:—

“(4) The Director General shall register the foreign employers for a renewable period of two years after thorough scrutiny based on the availability of jobs, successful employment of emigrants against their previous demands and if there is no complaint of serious nature against them. Such employers shall not require the prescribed attestation of demands:

Provided that such registration shall be reviewed biannually or on receipt of the complaint and after seeking reports from Pakistan embassies or missions regarding the credentials and conduct of the registered foreign employers where necessary:

Provided further that on receipt of a complaint against the foreign employer, the Director General shall consult the Pakistan embassy or mission and take appropriate action under the applicable law.”;

- (16) in rule 20, for sub-rule (2), the following shall be substituted, namely:—

“(2) After registration of the demand, the overseas employment promotor shall ensure proficiency of a selected person in the relevant trade according to the requirements of a foreign employer by arranging the trade testing where applicable at a trade

test centre duly approved by an authorized government organization, like National Vocational and Technical Training Commission, etc. or at a venue duly approved by the Director General. The overseas employment promotor shall cause the selected persons to appear before the protector of emigrants, along with the foreign service agreements in quadruplicate in respect of each person duly completed and signed by the parties. Such appearance shall be made within one hundred and twenty days of grant of permission for recruitment or within such extended period as the Director General or, any other officer authorized by him, may for reasons to be recorded in writing grant in special cases for registration of such agreement”;

- (17) A new rule (20B), after rule 20A shall be inserted as under:—(to be added)

“20B. Processing of cases for stamping of visas only”.

The Director General on being satisfied that the process of stamping of visa of a specified country, is of such nature that holders of Direct Employment visa also need assistance of an Overseas Employment Promoter to complete the process, may define a procedure and criteria for such assistance with the approval of the Secretary”:

Provided that the Director General may discontinue such assistance at any time.

- (18) in rule 21, for sub-rule (2), the following shall be substituted, namely:—

“(2) The Pakistan embassies and missions abroad shall have access to the data of emigrants maintained by the Bureau in respect of that country.”;

- (19) in rule 23,—

- (A) in sub-rule (3), for the proviso the following shall be substituted, namely:—

“Provided that a fee mentioned in these rules shall not be applicable or shall be partially applicable to an emigrant who is already registered with a protector of emigrants and sending remittances up to such limit as defined by the State Bank of Pakistan.”;

- (B) in sub-rule (4), for the words “two”, the word “four” shall be substituted;

- (C) in sub-rule (4A), for the word “levied”, the word “charged” shall be substituted; and
- (D) after sub-rule (4A), amended as aforesaid, the following new sub-rules shall be inserted, namely:—

“(4B) Subject to sub-rule (4C), the utilization of fee charged under sub-rule (4A) shall be managed by a committee comprising the Secretary as its chairperson with a Joint Secretary of the division concerned, the Director General and the Managing Director of the Corporation as its members. The committee may, with approval of the chairperson, co-opt technical experts in the field of migration and skills development from public or private sector and from top twenty overseas employment promoters of the last calendar year. The Director General shall place before the committee synopsis based upon consultations with the stakeholders enabling the committee to prepare policy for promotion of emigration in respect of the host countries:

(4C) No fee charged under sub-rule (4A) shall be spent without approval of the Secretary and shall be spent for the following purposes, namely:—

- (a) foreign labour market analysis, awareness campaigns, research studies and seminars for enhancement of foreign job opportunities and exploring new avenues for manpower export;
 - (b) arrangements for enhancement of skills in demand in the foreign labour market;
 - (c) capacity building of all stakeholders involved in enhancement of export of manpower;
 - (d) promotion of foreign languages required to capture country-specific manpower demands;
 - (e) expenditures for establishing and maintaining online portals for promotion of emigration, etc; and
 - (f) any other aspect relevant to the enhancement of export of manpower.”;
- (20) for rule 24, the following shall be substituted, namely:—

“24. **Right to form associations and unions.**—Every overseas employment promoter shall have the right to form associations or

unions or, as the case may be, become member of such associations or unions subject to restrictions imposed by law for the time being in force in the interest of sovereignty or integrity of Pakistan, public order and morality.”;

(21) in rule 25,—

(A) in sub-rule (1),—

- (i) in clause (c), for coma at the end, a full stop shall be substituted and thereafter for the word “and” at the end, the expression “Personal data of such persons shall not be shared without consent of the person concerned;” shall be substituted;
- (ii) in clause (f), the word “and” at the end shall be omitted; and
- (iii) in clause (g), for full stop at the end, a semi colon and the word “and” shall be substituted and thereafter the following new clause shall be added, namely:—

“(h) provide details of his staff, and regularly update it, to the protector of emigrants as per format and procedure defined by the Director General on appointment, resignation or any change of a staff member, etc.”; and

(B) in sub-rule (2),—

- (i) in clause (xi), in the proviso, for full stop at the end, a colon shall be substituted and thereafter the following second proviso shall be added, namely:—

“Provided further that if such a woman is already residing in a country and not emigrating from Pakistan as housemaid, aya or governess on being satisfied with the conduct of an already known employer, head of the Pakistani embassy or mission having the jurisdiction may relax the minimum age-limit by five years.”; and

- (ii) for clause (xviii), the following shall be substituted, namely:—

“(xviii) An overseas employment promoter may keep in his possession passports of the selected emigrants when necessary, after entering particulars of such passports in the online database of the Bureau and twenty percent more in numbers than the balance

vacancies of a valid permission and duly acknowledged and numbered receipts shall be issued under the seal and signatures of the overseas employment promoter, who shall refer only the selected workers for medical examination after entering their particulars in the relevant database:

Provided that in case an overseas employment promoter fails to arrange employment of an intending emigrant abroad within one hundred and fifty days or during the validity of a permission under sub-rule (2) of rule 21, whichever is greater, or if earlier demanded by the holder of passport, he shall return the passport to its holder after updating the status on online database maintained by the Bureau for this purpose.

Illustration.—If an overseas employment promoter had a total demand of two hundred persons but after partial recruitment there against has balance vacancies of one hundred persons, he may retain the passports of one hundred and twenty persons against the valid permission.”;

- (22) in rule 26, in sub-rule (1), for clauses (i) and (ii), the following shall be substituted, namely:—
- “(i) The fee charged from each emigrant under sub-rule (4) of rule 23;
- (ii) Interest accrued on the amount of cash security deposited by the overseas employment promoters under clause (i) of sub-rule (4) of rule 8;”;
- (23) in rule 27, in sub-rule (3), for the words “Federal Government”, the word “Secretary” shall be substituted;
- (24) in rule 29, in sub-rules (4) and (5), for the words “Federal Government”, wherever occurring, the word “Secretary” shall be substituted;
- (25) in rule 30, in sub-rules (1), (2) and (3), for the words “Federal Government”, wherever occurring, the word “Secretary” shall be substituted;
- (26) for rule 31B, the following shall be substituted, namely:—

“31B. Time-limit of complaint against overseas employment promoter.— Notwithstanding anything contained in these rules, no

complaint by an emigrant against an act of overseas employment promoter shall be entertained after a period of six months from the date of his joining the employment abroad for which he was selected:

Provided that a complaint received after six months shall only be entertained with approval of the Director General for reasons to be recorded in-writing.”; and

(27) for Form 7, the following shall be substituted, namely:—

FORM 7
[See rule 15]

No

Dated the

CERTIFICATE

Received a sum of Rs. _____ (Rupees _____) by or on behalf of intending emigrant, Mr./Mst. holder of Passport No. Identity Card No. for reimbursement to the Corporation or to the overseas employment promoter, namely M/s (Full Address), after following certification by the protector of emigrants.

(Scheduled bank)

It is certified that the aforesaid overseas employment promoter or, as the case may be, the Corporation has fulfilled his or its obligations and is, therefore, entitled to the reimbursement of the aforesaid deposited amount.

(Signature with seal of Protector of emigrants)

It is certified that the aforesaid overseas employment promoter or, as the case may be, the Corporation has not fulfilled his or its obligations and is, therefore, not entitled to the reimbursement of the aforesaid deposited amount which shall be reimbursed by the bank to the aforesaid emigrant.

(Signature with seal of Protector of emigrants)

Note:— Please strike through the inapplicable certificate.

[No. F. 5-16/2011-Emig-II.]

ADNAN KHAN,
Deputy Secretary (Emig-I).