

# Emigration Rules, 1979

Updated 2019

Bureau of Emigration and Overseas Employment Islamabad

[www.beoe.gov.pk](http://www.beoe.gov.pk)

[www.facebook.com/beoehq](http://www.facebook.com/beoehq)

[www.twitter.com/beoehq](http://www.twitter.com/beoehq)

Composed by:

Safdar Mehmood, Deputy Director (Operations)

[Rule 1: Short title and commencement.](#)

[Rule 2: Definitions.](#)

[Rule 3: Powers and duties of Director General.](#)

[Rule 4: Powers and duties of Protector of Emigrants.](#)

[Rule 5: Powers and duties of Labour Attaché.](#)

[Rule 6: Functions of the Advisory Committee.](#)

[Rule 7: Unauthorized persons not to assist in emigration.](#)

[Rule 8: Application for grant of Licence.](#)

[Rule 9: Renewal of licence.](#)

[Rule 10: Supply of copies of orders, etc.](#)

[Rule 11: Overseas Employment Promoters not to appoint Sub-Promoters, etc.](#)

[Rule 11A: Establishment of office or sub-office.](#)

[Rule 12: Appeal.](#)

[Rule 13: Review.](#)

[Rule 14: Register of Licenses.](#)

[Rule 15: Service Charges, their distribution etc.](#)

[Rule 15A: Other Charges.](#)

[Rule 16: Passage from Pakistan to the place of employment.](#)

[Rule 17: Demand of manpower from Foreign Government.](#)

[Rule 18: Overseas Employment Promoter to process foreign Government's demand.](#)

[Rule 19: Scrutiny of private sector demands by the Protector of Emigrants.](#)

[Rule 20: Processing of demand by Overseas Employment Promoters.](#)

[Rule 20 A: Nominated persons.](#)

[Rule 21: Registration of the agreement.](#)

[Rule 22: Direct employment.](#)

[Rule 22 A: Insurance of emigrants.](#)

[Rule 23: Government fees, dues, etc.](#)

[Rule 24: Overseas Employment Promoters Association.](#)

[Rule 25: Code of Conduct for Overseas Employment Promoters.](#)

[Rule 26: Establishment of Welfare Fund.](#)

[Rule 27: Violation of Foreign Service Agreement.](#)

[Rule 28: Disposal of complaints by the Protector of Emigrants.](#)

[Rule 29: Disposal of complaints by the Director General.](#)

[Rule 30: Disposal of complaint by Labour Attaché.](#)

[Rule 31: omitted](#)

[Rule 31 A: Persons below the age of 18 years unaccompanied by a relative not to emigrate.](#)

[Rule 31 B: Time limit of complaint against Overseas Employment Promoter.](#)

[Rule 32: Repeal.](#)

S.R.O 453(1)79, dated 26<sup>th</sup> May 1979

Published in Gazette of Pakistan Extraordinary Part-II on 29-05-1979

In exercise of the powers conferred by section 16 of the Emigration Ordinance, 1979 (XVIII of 1979), the Federal Government is pleased to make the following rules, namely:-

**1. Short title and commencement.**

- (1). These rules may be called the Emigration Rules, 1979.
- (2). They shall come into force at once.

**2. Definitions.** In these rules, unless there is anything repugnant in the subject or context:-

- (a) **“Association”** means Association of the Overseas Employment Promoters;
- (b) **“bank”** means any scheduled bank;
- <sup>1</sup>[(ba) **“demand”** means requisition from a foreign employer for the engagement of a Pakistani worker, or workers abroad on contract];
- (c) **“direct employment”** means employment in a foreign country secured by an individual or a group of individuals <sup>2</sup>[x x x x] through their own efforts or the efforts of relatives or friends employed abroad;
- (d) **“employer”** means any person <sup>3</sup>[x x x x] who engages or is desirous of providing employment abroad to a citizen of Pakistan;
- (e) **“form”** means a form set forth in the schedule to these rules;
- (f) **“licence”** means a licence granted under [sub-rule \(4\) of Rule 8](#);
- (g) **“ordinance”** means the Emigration Ordinance, 1979 (XVIII of 1979);
- <sup>4</sup>[(gg) **“Overseas <sup>5</sup>[Pakistanis] Foundation”** means the Foundation set up by the Federal Government to be managed by a Board of Governors <sup>6</sup>[comprising of] the Minister in charge of the affairs of the emigrants and such other members as that Government may from time to time nominate];
- (h) **“section”** means section of the Ordinance; and
- (i) **“Welfare Fund”** means the fund established under [rule 26](#).

**3. Powers and duties of Director General.** The Director General shall:-

- (a) be responsible for the operation and administration of the policies in relation to overseas employment promotion;
- (b) be responsible for the overall control and administration of the Bureau, its offices and staff; and

(c) advise the Federal Government on emigration policies and procedure.

**4. Powers and duties of Protector of Emigrants.** In addition to the duties as may be assigned to him, under section 6, a Protector of Emigrants shall:-

- (a) process all demands in private sector of Overseas Employment Promoters according to the procedure laid down by the Director General;
- (b) ensure that emigrants fully understand the terms and conditions of employment abroad as given in the Foreign Service Agreement;
- (c) inspect the conveyances carrying the departing and returning emigrants;
- (d) inquire into the treatment received by returning emigrants during the period of their residence abroad, and return journey, and report findings of such inquiry to the Director General;
- (e) aid and advise emigrants, when departing from, or returning to, Pakistan;
- (f) submit reports to the Director General on the performance of the Overseas Employment Promoters;
- (g) inspect the offices of the Overseas Employment Promoters and the places at which they select persons for emigration;
- (h) supervise the work and behaviour of the Overseas Employment Promoters in relation to general public and render them such advice as the circumstances may require; and
- (i) obtain reports from the Overseas Employment Promoters on such forms as may be specified by the Director General.

**5. Powers and duties of Labour Attaché.**

In addition to such other duties as may be defined, under section 7, a Labour Attaché shall:-

- (a) be responsible for the promotion of overseas employment;
- (b) be responsible for the welfare of the emigrants;
- (c) be responsible for safeguarding the interest of emigrants in the host country including settling of the disputes and negotiations with their employers;
- (d) attend to all complaints of the emigrants and find adequate remedy there-for or report to the Director General; and
- (e) send periodical reports as may be required by the Director General on all aspects of his activities, including labour market trends, inflation and cost of living.

**6. Functions of the Advisory Committee.**

- (1). The Advisory Committee shall advise the Federal Government in formulation of policies on all or any aspect of overseas employment promotion, eradication of malpractices and other related matters.
- (2). The Advisory Committee may submit its recommendations to the Federal Government for improvement in the system of overseas employment and the welfare of the emigrants.

**7. Unauthorized persons not to assist in emigration.** No person shall assist or attempt to assist a person to emigrate for the purpose of employment abroad by obtaining or helping to obtain for him necessary passage from Pakistan to a foreign country, unless he is in possession of a valid Licence in Form I:

Provided that the Federal Government may, by order in writing, exempt any person, public limited company, a statutory body or accredited foreign employer from the provisions of this rule subject to such conditions as may be specified in the order.

**8. Application for grant of Licence.**

- (1) An application for the grant of a licence shall be made to the <sup>7</sup>[Federal Government through] the Director General, in <sup>8</sup>[triplicate], in Form 2, together with a certificate of character from the District Magistrate or any other person authorized by the Federal Government in this behalf, and non-refundable application fee of <sup>9</sup>[five thousand] rupees.

- (2) In case there is already an Overseas Employment Promoter licensed under these rules bearing the same or similar name as that of the applicant, the Director General may require the applicant to change its name suitably.

- (3) x x x x x x ]<sup>10</sup>

<sup>11</sup>(3A) The Director General, on being satisfied that the applicant has complied with the provisions of sub-rules (1) and (2) shall forward the application along with the relevant documents to the Federal Government for their consideration.

<sup>12</sup>(4) The Federal Government may, on being satisfied that the applicant has complied with the provisions of sub-rules (1) and (2) and after such inquiry as it may deem fit, approve the grant of licence and direct the applicant to deposit license fee of <sup>13</sup>[fifteen thousand rupees and a security of three hundred thousand rupees for good conduct, in the following manner, namely:-

- (i) a sum of one hundred thousand rupees in cash in a branch of a bank nominated by the Federal Government; and
- (ii) two hundred thousand rupees in shape of the Defence Saving Certificates pledged in the name of Joint Secretary, of the administrative Division].

<sup>14</sup>(5) On furnishing evidence of deposit of licence fee and security referred to in sub-rule (4), the Federal Government may grant a licence in the form as set out in Form 1, which shall be non-refundable;

Provided that if at any time during the validity of the licence, the Licensee or any of the partners:-

- (i) dies;
- (ii) is declared of unsound mind by a competent court;
- (iii) withdraws from the licence on his free will; or
- (iv) desires to transfer the licence to his legal heirs,

the Federal Government may re-issue the licence in the name of legal heir or heirs or, as the case may be, the remaining partner, or partners after such inquiry and on such conditions as it may deem fit and the licence so issued shall be deemed to be a new licence and shall not be granted unless the licence fee and security for grant of a licence under these rules have duly been paid and deposited.

- (6) The Federal Government may, at any time, change the amount of security money.

## 9. **Renewal of licence.**

- (1) A licence granted under [rule 8](#) shall be valid for three consecutive calendar years or part thereof and may be renewed by the Director General under sub-rule (2) on an application made in that behalf to him in Form 3, through the Protector of Emigrants, at least one month before its expiry and on payment of renewal fee of <sup>15</sup>[fifteen thousand] rupees per annum, after a demand notice has been issued by the Director General:

Provided that if an application for renewal is made after the expiry of the said period, an additional fee of <sup>16</sup>[one thousand] rupees shall be charged from the Overseas Employment Promoter.

- (2) The licence granted under [rule 8](#) shall be renewed by the Director General:-
  - (a) for a period of three years, if the licensee has performed well and has exported <sup>17</sup>[fifty or more] workers in the last three years of the validity of the licence;
  - (b) for a period of two years if the licensee has exported <sup>18</sup>[ten or more] workers but less than fifty workers within the last three years of the validity of the licence; and
  - (c) for a period of one year, if the licensee has sent no worker or less than ten workers for employment abroad within the last three years of the validity of the licence.
- (3) x x x x x ]<sup>19</sup>
- (4) If an Overseas Employment Promoter improves his performance, he shall be entitled to renewal of his licence in subsequent years in accordance with the provisions of sub-rule (2).
- (5) If at the time of renewal of licence, the Director General is satisfied that the Overseas Employment Promoter has been guilty of misconduct or his performance has been unsatisfactory or he has committed breach of the provisions of the Ordinance or these Rules,

he may, by written order, refuse to renew the licence after giving him an opportunity of being heard.

(6) An appeal shall lie to the Federal Government against the order of refusal to renew a licence.

**10. Supply of copies of orders, etc.** The Director General may, on an application made by an Overseas Employment Promoter, <sup>20</sup>[or the aggrieved person or persons] issue copies of the orders for suspension or cancellation of, or refusal to grant or renew a licence and of such other documents as he may deem fit on payment of <sup>21</sup>[ten] rupees per page.

**11. Overseas Employment Promoters not to appoint Sub-Promoters, etc.** No Overseas Employment Promoter shall, appoint any sub-promoter <sup>22</sup>[x x x x].

**[11A<sup>23</sup> Establishment of office or sub-office.** An Overseas Employment Promoter shall establish an office in the premises approved by the Federal Government. He shall not shift his office or open more than two branch offices or shift the same except with the prior permission of the Federal Government and on payment of fee of five thousand rupees.]

## **12. Appeal.**

(1) Where the Federal Government has delegated its powers under section 12 to the Director General or any other officer, any person aggrieved by the order of the Director General or such officer passed under the said section may, within thirty days from the date of the order, prefer an appeal to the Federal Government.

(2) Every appeal shall be filed in duplicate, in Form 4, accompanied by a fee of <sup>24</sup>[one thousand] rupees.

(3) Before an order is passed in appeal, the applicant shall be afforded an opportunity of being heard.

## **13. Review.**

(1) A petition under sub-section (2) of section 14 shall be made by <sup>25</sup>[an Overseas Employment Promoter] in duplicate, in Form 5, accompanied by a fee of <sup>26</sup>[one thousand] rupees within thirty days of the decision of the Federal Government.

(2) Before an order is passed in review the petitioner shall be afforded an opportunity of being heard.

<sup>27</sup>(3) The Director General may seek review of an order passed in appeal against him under [rule 12](#) within thirty days of such order.]

**14. Register of Licenses.** The register under sub-section (3) of section 14 shall be kept in Form 6.

## **15. Service Charges, their distribution etc.**

<sup>28</sup>(1) A person selected for employment abroad by an Overseas Employment Promoter or the Corporation shall deposit a sum of rupees six thousand in case of monthly salary up to twelve hundred US dollars or equivalent to it in any other currency, and rupees ten thousand in case

of monthly salary equal to twelve hundred and one or more US dollars or equivalent to it in any other currency, with a branch of a bank which shall issue a certificate in the form as set out in Form 7.]

- <sup>29</sup>[(1A) Where the employment abroad is for a period of one hundred and twenty days or less a person selected for employment abroad shall deposit a sum of one thousand five hundred rupees with a branch of any scheduled bank, which shall issue a certificate in Form-9.]
- (2) The person referred to in sub-rule (1) shall hand over the original certificate to the Overseas Employment Promoter <sup>30</sup>[or, as the case may be, the Corporation, who or which] shall have the certificate countersigned at Zonal Office of the Bank where he <sup>31</sup>[or it] operates.
- (3) After the foreign service agreement has been registered under [rule 21](#) with the Protector of Emigrants, the Overseas Employment Promoter <sup>32</sup>[or, as the case may be, the Corporation] shall present the bank certificate to the Zonal Office of the Bank which had countersigned the certificate along with the certificate of registration referred to in the said [rule 21](#).
- <sup>33</sup>[(4) The Zonal Office of the bank shall make payment of sum deposited under sub-rule (1) or (1-A) to the Overseas Employment Promoter who presented the documents to it under sub-rule (3) or as the case may be, to the Corporation.]
- (5) Within <sup>34</sup>[thirty] days of the registration of the foreign service agreement under [rule 21](#) <sup>35</sup>[or within such extended period not exceeding thirty days] as the Director General <sup>36</sup>[or any other officer authorized by him] may, in special cases and for reasons to be recorded in writing, allow, the Overseas Employment Promoter <sup>37</sup>[or, as the case may be, the corporation] shall arrange for the passage of the person referred to in sub-rule (1) in connection with his employment abroad, failing which such person shall be entitled to get refund of the sum deposited by him under the said sub-rule:
- Provided that if such person fails to turn up when he is called for departure or refuse in writing, witnessed by <sup>38</sup>[Protector of Emigrants] to proceed abroad at his own free will, he shall not be entitled to claim the refund of the sum deposited by him.
- Provided further that where the delay has been caused by the employer and the Federal Government or the Director General, as the case may be, grants extension of the period of departure such person shall be entitled to claim refund of the sum deposited by him if the Overseas Employment Promoter <sup>39</sup>[or, as the case may be, the corporation] fails to provide him employment abroad within the extended period.
- <sup>40</sup>[(6) In case such person is not successful in getting employment abroad, the Overseas Employment Promoter or, as the case may be, the Corporation shall refund the sum deposited under sub-rule (1) or (1-A) to him and the sum of two thousand rupees deposited by him in the Welfare Fund shall be refunded to him by the Regional Office of the Overseas Pakistanis Foundation on production of a certificate issued by the Protector of Emigrants.]
- <sup>41</sup>[(7) The Federal Government may, in special cases and for reasons to be recorded in writing, waive all or any of the provisions of this rule.]

#### <sup>42</sup>[15A. Other Charges.



- (1) An Overseas Employment Promoter or, as the case may be, the Corporation shall be entitled to receive from the emigrant, after selection for employment abroad, actual expenses incurred on air ticketing, medical, work permit, levy, visa and documentation of the emigrant and issue proper receipt under his own hand and seal duly impressed with revenue stamps of appropriate value.
- (2) In case such person is not successful in getting employment abroad the Overseas Employment Promoter or, as the case may be, the Corporation shall refund the whole amount to him through a cheque or bank draft;

Provided that if such person fails to turn up when he is called for departure or refuses, in writing witnessed by the Protector of Emigrants, to proceed abroad at his own free will he shall not be entitled to claim the refund of expenses referred to in sub rule (1).

#### **16. Passage from Pakistan to the place of employment.**

- (1) x x x x x x]<sup>43</sup>
- (2) x x x x x x]<sup>44</sup>
- (3) Unless otherwise provided in the Foreign Service Agreement, the return journey passage of an emigrant on completion of his contract shall be borne by the employer.
- (4) In case the Overseas Employment Promoter recruits an emigrant for employment abroad, and the employer finds him unfit for such employment and refuses to accept him on this account, the Overseas Employment Promoter shall be liable to pay for the passage of such emigrant from Pakistan to the place of employment abroad and back[:]<sup>45</sup>

<sup>46</sup>[Provided that the Federal Government may, in special cases and for reasons to be recorded in writing, waive any or all of the provisions of this rule.]

#### **17. Demand of manpower from Foreign Government.**

- (1) All demands for manpower from foreign Governments received by any agency of the Federal Government or a Provincial Government shall be dealt with by the <sup>47</sup>[Corporation];

<sup>48</sup>[Provided that no person shall be recruited for technical jobs pertaining to construction, maintenance and operation of power stations, grid stations, transmission and distribution systems without the prior approval in writing of the Ministry of Water and Power which shall not be accorded unless the person concerned produces a “No Objection Certificate” from the General Manager concerned of the Water and Power Development Authority or, as the case may be, the Managing Director of the Karachi Electricity Supply Corporation.]

- (2) On being satisfied that the terms and conditions of employment abroad offered by a foreign Government are satisfactory, the <sup>49</sup>[Corporation] shall take such measures as <sup>50</sup>[it] may deem fit for meeting the demand without adversely affecting the needs of the country.

#### **18. Overseas Employment Promoter to process foreign Government’s demand.**

- (1) In case a foreign Government appoints any Overseas Employment Promoter to process its demand the Overseas Employment Promoter shall apply to the <sup>51</sup>[Director General, Bureau of Emigration and Overseas Employment] for according approval to process such demand.
- (2) The <sup>52</sup>[Director General, Bureau of Emigration and Overseas Employment] may, after such inquiry as he may deem necessary, allow such Overseas Employment Promoter to process the demand of a foreign Government through the Protector of Emigrants.

**19. Scrutiny of private sector demands by the Protector of Emigrants.**

- (1) Any demand for persons or class of persons for employment abroad from an employer in foreign private sector shall be submitted by the Overseas Employment Promoter to the Protector of Emigrants who shall scrutinize the demand and, on being satisfied that the Overseas Employment Promoter is in possession of power of attorney from the employer <sup>53</sup>[and a letter of manpower demand, duly attested by the Pakistan Embassy or the Ministry of Foreign Affairs of the employer's country <sup>54</sup>[or the Embassy of the employer's country in Pakistan] and the wages and other terms and conditions of service offered are reasonable, grant permission to process such demand[:]<sup>55</sup>

<sup>56</sup>[Provided that the Director General may, in special cases, for reasons to be recorded in writing, waive the provision of this sub-rule.]

- (2) In case there is any deficiency or variation in the terms and conditions being offered to the persons for employment abroad and the terms and conditions laid down by the Bureau or the Federal Government, and the Protector of Emigrants is of the opinion that the demand is not fit for processing, he may refer the case, giving his reasons for his opinion, to the Director General.
- (3) On receipt of the demand under sub-rule (2), the Director General may, after considering the reasons given by the Protector of Emigrants grant or refuse the processing of the demand and the decision of the Director General shall be final.

**20. Processing of demand by Overseas Employment Promoters.**

- (1) If permission for processing of the demand is granted under [rule 18](#) or [rule 19](#), the Overseas Employment Promoter shall recruit persons of all categories according to the qualifications laid down in the demand[.]<sup>57</sup>

[x x x x x]<sup>58</sup>

- <sup>59</sup>(2) After the registration of the demand, the Overseas Employment Promoter shall arrange the selected persons to appear before the Protector of Emigrants within <sup>60</sup>[one hundred and twenty] days or within such extended period as the Director General <sup>61</sup>[or, any other officer authorized by him] may, for reasons to be recorded in writing, grant in special cases, along with the foreign service agreements, in quadruplicate, in respect of each person duly completed and signed by the parties, for registration of such agreement.]

- <sup>62</sup>(3) After the grant of permission under [rule 18](#) or [19](#) the Overseas Employment Promoter shall ensure that the demand is appropriately utilized during the validity period of the permission.]

<sup>63</sup>[20A. **Nominated Persons.** Where a foreign employer (whether a Government or private sector) appoints any Overseas Employment Promoter to process the demand in respect of nominated persons and the Director General, Bureau of Emigration and Overseas Employment, is satisfied that the wages and other terms and conditions of service offered are reasonable, he may grant permission for processing the demand in respect of such persons and nothing contained in [sub rule \(1\) of rule 20](#) shall apply in relation of that demand.]

## 21. **Registration of the agreement.**

- (1) The Protector of Emigrants shall, after satisfying himself that:
  - (i) Each person fulfils the qualifications and experience specified in the demand received from the employer and may obtain from the Overseas Employment Promoter in writing that suitable and qualified persons have been selected in accordance with the employer's requirements;
  - (ii) the Overseas Employment Promoter has explained to such persons the contents of the agreement in their own language;
  - (iii) the persons fully understand the terms and conditions of service contained in the agreement and have voluntarily offered themselves for employment abroad, register the foreign service agreements and issue a certificate of registration in respect of each emigrant.
- (2) The Protector of Emigrants shall then prepare a nominal role in respect of each emigrant and forward a copy thereof to the Embassy of Pakistan in the country of employment with particulars of the employer and the workers.
- (3) The passports of each emigrant with whom agreement is signed shall bear the registration number of the agreement and seal and signature of the Protector of Emigrants [:]<sup>64</sup>

<sup>65</sup>[Provided that if a citizen of Pakistan proceeds abroad on a visa other than employment visa and is engaged in a job accruing wages he shall get himself registered with a Pakistani Mission after payment of registration fee as prescribed under [sub-rule \(3\) of rule \(23\)](#), the Welfare Fund and the insurance premium.]

## 22. **Direct employment.**

- (1) The Protector of Emigrants may permit the processing of the following types of direct employment, namely;
  - (i) Direct employment on individual visa; and
  - (ii) Direct employment on group visas [x x x x]<sup>66</sup>

<sup>67</sup>[x x x x]

- <sup>68</sup>(2) The holder of direct employment visa shall receive foreign service agreement, contract or letter of appointment, duly signed by the employer and attested by the Embassy of Pakistan abroad or <sup>69</sup>[where there is no Pakistan Mission,] the Foreign Ministry of the country of the

employer <sup>70</sup>[or an undertaking shall be furnished by the emigrant to the Protector of Emigrants, in such form as is specified by the Director General which shall be registered with the Protector of Emigrants;

Provided that the Director General may, in special cases, for the reasons to be recorded, waive the provision of this rule.]

<sup>71</sup>[22A. **Insurance of emigrants.** Each person selected for employment abroad through an Overseas Employment Promoter or, as the case may be the Corporation, or direct employment shall get himself insured with an Insurance Company on such terms and conditions mutually agreed upon between the Director General and the said insurance company before his registration with the Protector of Emigrants.]

### 23. Government fees, dues, etc.

(1) Two copies of the Foreign Service Agreement shall be affixed with Government adhesive stamps of the value of five rupees and one copy each shall be supplied to the emigrant and the employer.

(2) A fee of <sup>72</sup>[five] hundred rupees for stamping agreement shall be levied and deposited by the Overseas Employment Promoter in the treasury under the head Manpower Management (C02901-30) C029-Social Services Miscellaneous C02906-Registration and Others from Pakistanis Working Abroad Non-Tax/PE Offices in respect of each emigrant permitted by the Protector of Emigrants for the purpose of employment abroad.

<sup>73</sup>(3) A fee of two thousand and five hundred rupees only shall be levied and deposited in the treasury under the head referred to in sub-rule (2) in respect of each emigrant permitted by the Protector of Emigrants for direct employment on individual visa or group visa.]

<sup>74</sup>[Provided that the fee in respect of an emigrant to whom the proviso to [sub-rule \(1\) of rule \(15\)](#) applies shall be one thousand four hundred and fifty rupees.]

(4) A sum of <sup>75</sup>[two thousand] rupees shall be levied in respect of every person permitted by Protector of Emigrants for employment abroad in private Sector, Public Sector or direct employment towards the Welfare Fund and deposited;

(i) In case the application for employment abroad has been processed through the Overseas Employment Promoter <sup>76</sup>[or the Corporation,] <sup>77</sup>[with a branch of the scheduled bank which shall issue a certificate in Form 7-A] and

(ii) In case the emigrant has secured employment abroad directly from the employer, in a branch of the bank through the Protector of Emigrants;

<sup>78</sup>[Provided that if employment abroad is for a period of one hundred and twenty days or less the provisions of this rule shall not apply.]

<sup>79</sup>[4A) A sum of two hundred rupees will be levied in respect of every person permitted by Protector of Emigrants for employment abroad in private sector, public sector or direct employment for

the purpose of promotion of emigration of citizens of Pakistan by the Corporation and shall be deposited in the account of the Corporation.]

<sup>80</sup>[(5) Where in respect of Direct Employment, a person is refused registration or permission under [rule 21](#) or [rule 22](#) for reasons to be recorded in writing, or is unable to emigrate for reasons beyond his control, the direct employment on individual visa fee deposited under [sub-rule \(3\)](#) shall be refunded on application to be made by the Overseas Employment Promoter or the intending emigrants, as the case may be.]

#### **24. Overseas Employment Promoters Association.**

- (1) The Overseas Employment Promoters may, with the approval of the Federal Government, form an Association.
- (2) Every Overseas Employment Promoter shall be a member of the Association.
- (3) The members of the Association shall observe the code of conduct laid down in [rule 25](#) and the rules of business to be framed by the Association with the approval of the Federal Government.
- (4) The Association may open branches in all the Provincial Capitals and in major towns.

#### **25. Code of Conduct for Overseas Employment Promoters.**

- (1) Every Overseas Employment Promoter shall:
  - (a) maintain a regular office and prominently display a signboard on his registered office; <sup>81</sup>[x x x x]
  - (b) Keep a complete list of Overseas Employment Promoters in Pakistan to be supplied by the Association.
  - <sup>82</sup>[(c) Keep a complete list of the persons sent abroad for employment by him showing their complete address in Pakistan, name with complete address of their employer abroad, salary and period of contract, and
  - (d) Keep complete record, duly certified by the bank, of the Welfare Fund credited through him;
  - (e) Keep complete list of his employees showing their names and addresses both temporary and permanent duly verified by the police, their designation and date-wise period they served under him; [x x x x] <sup>83</sup>
  - (f) Keep complete record of the permissions, in chronological order, granted to him by the Protector of Emigrants showing updated utilization position] [;] <sup>84</sup> and
  - <sup>85</sup>[(g) Keep complete record of C.Vs and bio-data of the prospective candidates for employment abroad]

- (2) While dealing with the sources of employment abroad the following rules shall be strictly observed by the Overseas Employment Promoter, namely:-
- (i) Maximum efforts shall be made to contact new companies, which are starting fresh contracts or employing foreign nationals for the purpose of securing more job opportunities for emigrants from Pakistan.
  - (ii) An Overseas Employment Promoter shall avoid competition with other Overseas Employment Promoters in seeking orders for demand of workers.
  - (iii) Where an employer is not satisfied with the performance of an Overseas Employment Promoter in Pakistan and wants to appoint another Overseas Employment Promoter in his place any other Overseas Employment Promoter shall not accept terms in relation to service charges, cost of air passage, salaries and fringe benefits of emigrants lower than those under which the previous Overseas Employment Promoter was engaged.
  - (iv) If an Overseas Employment Promoter accepts any terms lower than the terms which were allowed to his predecessor due to ignorance, he shall, as soon as he comes to know of the fact, disengage himself from the work assigned to him by the employer.
  - (v) No Overseas Employment Promoter shall accept salaries and terms and conditions of employment for emigrants lower than those approved by the Federal Government:  
  
Provided that in the case of large number of vacancies, on an application by the Overseas Employment Promoter to the Protector of Emigrants made before he makes a final commitment to the employer, the Director General may, on the recommendation of the Protector of Emigrants, exempt such Overseas Employment Promoters from the provisions of this rule.
  - (vi) All Overseas Employment Promoters shall ensure that not less than the salary and other benefits as mentioned in the Foreign Service Agreement are given to an emigrant during the entire period of his employment abroad.
  - (vii) There shall be no verbal or written understanding between any employer and the Overseas Employment Promoter for the payment of salaries or other terms and conditions to the disadvantage of the emigrants.
  - (viii) Under all circumstances, the emigrant's copy of the Foreign Service agreement shall be handed over to him and the contents explained in detail in the presence of the Protector of Emigrants.
  - (ix) If the minimum commission acceptable from the employer is fixed by the Association, no Overseas Employment Promoter shall accept any commission lower than the amount fixed by the Association.
  - (x) No Overseas Employment Promoter shall indulge in immoral activities while entertaining employers.

- (xi) The minimum age for employment of women as maid servant[, ayas and governesses]<sup>86</sup> shall be <sup>87</sup>[thirty five] years, or as the Federal Government may, from time to time, fix for various categories of women workers and no Overseas Employment Promoter shall accept a demand for women workers of less than such age;
- <sup>88</sup>[Provided that the Federal Government may, in special cases, for reasons to be recorded in writing, relax the minimum age limit by five years.]
- (xii) No Overseas Employment Promoter shall accept demand from an employer who has defaulted in the payment of the amount of commission due to another Overseas Employment Promoter and if an Overseas Employment Promoter knowingly and deliberately enters into agreement with such employer; he shall be liable to pay the dues of his predecessor from his own business proceeds.
- (xiii) No Overseas Employment Promoter shall charge any fee other than the service charges referred to in [rule 15](#), from any person desiring to emigrate.
- (xiv) The Overseas Employment Promoter shall not pay any gratification to the Protector of Emigrants or his staff or to any one in the State Bank or at the airports and shall strongly resist corruption at all levels.
- (xv) The processing of demands for workers shall be handled by the Overseas Employment Promoter within the areas in which he has established his office <sup>89</sup>[or branch office];
- <sup>90</sup>[Provided that the Director General may, in special cases, for reasons to be recorded in writing, waive the provision of this clause.]
- (xvi) No Overseas Employment Promoter shall get involved, help or assist any person in illegal activities, like forged visas, bifurcation of group visas, use of visit, study or Umra visas for employment abroad.
- (xvii) No Overseas Employment Promoter shall knowingly and deliberately supply substandard manpower to any employer.

## 26. Establishment of Welfare Fund.

- (1) There shall be established a Welfare Fund to which the following amounts shall be credited, namely;
- (i) <sup>91</sup>[Two thousand] rupees paid by each emigrant and credited to the Welfare Fund <sup>92</sup>[x x x].
- (ii) Interest accrued on the amount of security deposited by the Overseas Employment Promoters;
- (iii) Contributions and donations that may be made by the public, corporate bodies companies, welfare associations, societies and banks; and any other source.

- <sup>93</sup>[(2) The Welfare Fund shall vest in the Overseas <sup>94</sup>[Pakistanis] Foundation which shall control the said Fund and may invest money and incur expenditure there-from on;
- (a) the social welfare of the emigrants and their families in Pakistan and abroad by identifying their problems and contributing to their solutions;
  - (b) the establishment and maintenance of, or giving of assistance to, vocational training institutions providing training in such trades as are in demand overseas;
  - (c) the establishment of housing societies, colonies and townships for the emigrants and their families in Pakistan;
  - (d) the giving of scholarships, stipends or grants to the children of the emigrants for studies in the fields of science, technology, art and management in Pakistan and abroad;
  - (e) the establishment, management and giving of grants to educational or religious institutions in Pakistan and abroad in which the children of the emigrants study;
  - (f) the giving of grants to emigrant's societies and associations for the establishment of community centres, libraries and mosques and for organizing seminars and conferences in connection with events of national importance;
  - (g) the opening of offices and branches of the Overseas <sup>95</sup>[Pakistanis] Foundation in any part of Pakistan and abroad for the convenience of emigrants;
  - (h) the establishment and management of, or investment in commercial, industrial or service enterprises.
  - (i) The purchasing or taking on hire of any such land, building or other property as may be necessary for the purposes of the Welfare Fund;
  - (j) The management, improvement and development of the property of the Overseas <sup>96</sup>[Pakistanis] Foundation.
  - (k) the collection and editing of material for, and under-taking the work of, printing and publishing of pamphlets, reports, journals, periodicals, dailies or other such works which may be necessary in the interest of the emigrants; and
  - (l) such other investments, including investments in any commercial, industrial or other enterprises as may from time to time be determined by the Overseas <sup>97</sup>[Pakistanis] Foundation.]

## **27. Violation of Foreign Service Agreement.**

- (1) In case of violation of any of the terms of Foreign Service Agreement by the employer, the emigrant shall lodge a complaint against the employer with the Embassy of Pakistan and forward a copy thereof to the Bureau.



- (2) On receipt of a complaint under sub-rule (1) the Embassy of Pakistan shall assist the emigrant by persuading the employer to abide by the Foreign Service Agreement, failing which the Embassy shall take up the matter with the local authorities or labour courts to redress the grievances of the emigrant.
- (3) The Labour Attaché shall submit a report of such incident to the Federal Government and the Bureau may direct the Overseas Employment Promoter to contact the employer and persuade him to abide by the terms of the Foreign Service Agreement.

**28. Disposal of complaints by the Protector of Emigrants.** The Protector of Emigrants shall have a locked complaint box affixed at the gate of his office in which any person may deposit his complaints and the Protector of Emigrants shall, after such inquiry as he may deem necessary, take appropriate action or make a report to the Director General with full particulars of the complaint and his recommendations.

**29. Disposal of complaints by the Director General.**

- (1) On receipt of a complaint from an emigrant, the Director General shall if the complaint relates to matter which is not of serious nature, refer it to the Protector of Emigrants for investigation and report.
- (2) On receipt of report from the Protector of Emigrants under [rule \[28\]<sup>98</sup>](#) or sub rule (1), the Director General shall decide the case on merits or issues show cause notice to the Overseas Employment Promoter.
- (3) On receipt of reply to show cause notice from the Overseas Employment Promoter, the Director General shall, after examining the reply, call the Overseas Employment Promoter for personal hearing and decide the case on merits.
- (4) In case of a complaint of a serious nature, the Director General shall refer it to the Federal Government with his recommendations for investigation by the Federal Investigation Agency.
- (5) In case the complaint of the emigrant is against a person other than an Overseas Employment Promoter, the Director General shall refer it to the Federal Government for prosecution under the Ordinance or any other law for the time being in force.

**30. Disposal of complaint by Labour Attaché.**

- (1) On receipt of a complaint from an emigrant, the Labour Attaché shall take the following actions, namely:-
  - (a) If the complaint is against the employer:-
    - (i) he shall assist the complainant to settle his grievances with the employer; and
    - (ii) if it cannot be settled under sub clause (i), and the remedy lies with the local labour courts or the local authorities, he shall assist the complainant in finding remedy for his grievances in such courts as the case may be; and

(b) If the complaint is against an Overseas Employment Promoter, he shall refer it to the Federal Government or the Director General along with necessary facts and recommendations.

(2) In the case of a complaint from an employer against the Overseas Employment Promoter, the Labour Attaché shall, after such inquiry as he may deem necessary, send a report to the Federal Government or the Director General with his recommendations for taking action under [rule 29](#).

(3) In the case of a complaint from the employer against the emigrant, the Labour Attaché shall persuade the emigrant to abide by the terms of the foreign service agreement and in the case of a gross misconduct by an emigrant, he shall recommend to the Federal Government or the Director General for the deportation of the emigrant.

31. x x x x x x]<sup>99</sup>

<sup>100</sup>[31A. **Persons below the age of 18 years unaccompanied by a relative not to emigrate.** No emigrant below the age of 18 years, who is unaccompanied by a parent, guardian or relative of over 18 years of age shall be assisted to emigrate unless otherwise directed by the Federal Government for reasons to be recorded in writing.]

<sup>101</sup>[31B. **Time limit of complaint against Overseas Employment Promoter.** Notwithstanding anything contained in these rules, no complaint by an emigrant against an 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.]

32. **Repeal.** The Emigration Rules, 1959 are hereby repealed.

References:

- [1.](#) Added by S.R.O. 1263(1)/98, dated 04-08-1998.
- [2.](#) The words “More than Five” omitted by S.R.O. (1)/2000, dated 27-02-2001.
- [3.](#) The words “foreign employer” omitted by S.R.O. (1)/2000, dated 27-02-2001.
- [4.](#) Inserted by S.R.O. 1102(1)/79, dated 24-11-1979
- [5.](#) Substituted for the words “Workers” by S.R.O. 1167(1)/94, dated 01-12-1994.
- [6.](#) Substituted for the words “with” by S.R.O. 136/2001, dated 27-02-2001.
- [7.](#) Inserted by S.R.O. 564(1)/87, dated 01-07-1987.
- [8.](#) The words “duplicate” substituted by S.R.O. 564(1)/87, dated 01-07-1987.
- [9.](#) Substituted by S.R.O. 91)/2010, dated 30-07-2010.
- [10.](#) Omitted by S.R.O. 613(I)/79, dated 03-07-1979.

- [11.](#) Inserted by S.R.O. 564(1)/87, dated 01-07-1987.
- [12.](#) Substituted by S.R.O. (1)/2000, dated 27-02-2001.
- [13.](#) Substituted by S.R.O. (1)/2010, dated 30-07-2010.
- [14.](#) Substituted by S.R.O. (1)/2000, dated 27-02-2001.
- [15.](#) Substituted by S.R.O. (1)/2010, dated 30-07-2010.
- [16.](#) Substituted by S.R.O. (1)/2000, dated 27-02-2001.
- [17.](#) The words “more than fifty” substituted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [18.](#) The words “more than ten” substituted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [19.](#) The words “(3) if a licensee fails to send any person during the last four years of the validity of licence, the licence shall automatically lapse” omitted by S.R.O. (1)/2005, dated 10-06-2005
- [20.](#) Substituted by S.R.O. 612(1)/1979, dated 03-07-1979.
- [21.](#) Inserted by S.R.O. (1)/2000, dated 27-02-2001.
- [22.](#) The words “or open any sub-office, or branch office” omitted by S.R.O. 136(I)/2001, dated 27-02-2001.
- [23.](#) Inserted by S.R.O. 136(I)/2001, dated 27-02-2001.
- [24.](#) The words “five hundred” substituted by S.R.O. 136(I)/2001, dated 27-02-2001.
- [25.](#) Added by S.R.O. 570(I)/85, dated 29-05-1985.
- [26.](#) The words “five hundred” substituted by S.R.O. 136(I)/2001, dated 27-02-2001.
- [27.](#) Added by S.R.O. 570(I)/85, dated 29-05-1985.
- [28.](#) Substituted by S.R.O. (1)/2009, dated 16-01-2009.
- [29.](#) Inserted by S.R.O. 1263/(1)/98, dated 04-08-1998.
- [30.](#) The word “who” substituted by S.R.O. 300(1)/80, dated 16-03-1980.
- [31.](#) Inserted by S.R.O. 300(1)/80, dated 16-03-1980.
- [32.](#) The word “who” substituted by S.R.O. 300(1)/80, dated 16-03-1980.
- [33.](#) Substituted by S.R.O. 136(1)/2001, dated 27-02-2001.
- [34.](#) The words “forty” Substituted by S.R.O. 1175(1)/82, dated 28-11-1982.
- [35.](#) Inserted by S.R.O. 958(1)/79, dated 17-10-1979.
- [36.](#) Inserted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [37.](#) Inserted by S.R.O. 300(1)/80, dated 16-03-1980.

- [38.](#) Substituted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [39.](#) Inserted by S.R.O. 300(1)/80, dated 16-03-1980.
- [40.](#) Substituted by S.R.O. (1)/2008, dated 15-05-2008.
- [41.](#) Inserted by S.R.O. 610(1)/85, dated 10-06-1985.
- [42.](#) Inserted by S.R.O. 136(1)/2001, dated 27-02-2001.
- [43.](#) Omitted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [44.](#) by S.R.O. 136(1)/2001, dated 27-02-2001.
- [45.](#) Substituted for full-stop by S.R.O. 956(1)/84, dated 30-08-1984.
- [46.](#) Inserted by S.R.O. 956(1)/84, dated 30-08-1984.
- [47.](#) The words “Director General” substituted by S.R.O. 505(I)/82, dated 25-05-1982.
- [48.](#) Inserted by S.R.O. 505(I)/82, dated 25-05-1982.
- [49.](#) The words “Director General” substituted by S.R.O. 1296(I)/80, dated 28-12-1980.
- [50.](#) The word “he” substituted by S.R.O. 1296(I)/80, dated 28-12-1980.
- [51.](#) The words “Federal Government” substituted by S.R.O. 1178(I)/93, dated 02-12-1993.
- [52.](#) The words “Federal Government” substituted by S.R.O. 1178(I)/93, dated 02-12-1993.
- [53.](#) Inserted by S.R.O. 1175(I)/82, dated 28-11-1982.
- [54.](#) Substituted by S.R.O. 985(1)/86, dated 30-10-1986.
- [55.](#) Substituted for full-stop by S.R.O. 1175(I)/82, dated 28-11-1982.
- [56.](#) Proviso added by S.R.O. 1175(I)/82, dated 28-11-1982.
- [57.](#) Substituted by S.R.O. 136(I)/2000, dated 27-02-2001.
- [58.](#) Proviso omitted by S.R.O. 136(I)/2000, dated 27-02-2001.
- [59.](#) Substituted by S.R.O. 1175(1)/82, dated 28-11-1982.
- [60.](#) Substituted by S.R.O. 136(I)/2000, dated 27-02-2001.
- [61.](#) Added by S.R.O. 1263(1)/98, dated 04-08-1998.
- [62.](#) Added by S.R.O. 1263(1)/98, dated 04-08-1998.
- [63.](#) Inserted by S.R.O. 169(I)/97, dated 08-08-1997.
- [64.](#) Substituted by S.R.O. (I)/2000, dated 27-02-2001.
- [65.](#) Substituted by S.R.O. (I)/2000, dated 27-02-2001.

- [66.](#) Words “not exceeding five persons” omitted by S.R.O. 956(I)/84, dated 07-11-1984.
- [67.](#) Omitted by S.R.O. 956(I)/84, dated 07-11-1984.
- [68.](#) Sub-Rule (3) of Rule 22 was substituted by S.R.O. 732(I)/79, dated 15-08-1979.
- [69.](#) Inserted by S.R.O. 1175(I)/82, dated 28-11-1982.
- [70.](#) Inserted by S.R.O. 136(I)/2001, dated 27-11-1982.
- [71.](#) Inserted by S.R.O. 136(I)/2001, dated 27-11-1982.
- [72.](#) Substituted by S.R.O. 2(4)/2003, dated 08-03-2011.
- [73.](#) Substituted by S.R.O. 371(I)/2003, dated 15-04-2003.
- [74.](#) Added by S.R.O. 998(I)/91, dated 26-09-1991.
- [75.](#) Substituted by S.R.O. 2(4)/2003, dated 08-03-2011.
- [76.](#) Inserted by S.R.O. 300(I)/80, dated 16-03-1980.
- [77.](#) Inserted by S.R.O. 1263(1)/98, dated 04-08-1998.
- [78.](#) Added by S.R.O. 1263(1)/98, dated 04-08-1998.
- [79.](#) Added by S.R.O. (I)/2018, dated 13-06-2018.
- [80.](#) Added by S.R.O. 91(I)/80, dated 17-01-1980.
- [81.](#) Words “and” omitted by S.R.O. 1263(I)/98, dated 04-08-1998.
- [82.](#) Added by S.R.O. 1263(1)/98, dated 04-08-1998.
- [83.](#) Word “and” omitted by S.R.O. 620(I)/05, dated 10-06-2005.
- [84.](#) Substituted “full-stop” by S.R.O. 620(I)/05, dated 10-06-2005.
- [85.](#) Inserted by S.R.O. 620(I)/05, dated 10-06-2005.
- [86.](#) Added by S.R.O. 477(I)/82, dated 22-05-1982.
- [87.](#) Substituted by S.R.O. 1135(I)/89, dated 13-11-1989.
- [88.](#) Added by S.R.O. 1193(I)/80, dated 23-11-1980.
- [89.](#) Added by S.R.O. 956(I)/84, dated 30-08-1984.
- [90.](#) Added by S.R.O. 1175(I)/82, dated 28-11-1982.
- [91.](#) Substituted by S.R.O. 2-21/2005 Emig-I, dated 15-05-2008.
- [92.](#) Omitted by S.R.O. (I)/2000, dated 27-02-2001.
- [93.](#) Added by S.R.O. 1102(I)/79, dated 17-12-1979.

- [94.](#) Substituted by S.R.O. 167(I)/94, dated 01-12-1994.
- [95.](#) Substituted by S.R.O. 167(I)/94, dated 01-12-1994.
- [96.](#) Substituted by S.R.O. 167(I)/94, dated 01-12-1994.
- [97.](#) Substituted by S.R.O. 167(I)/94, dated 01-12-1994.
- [98.](#) Substituted by S.R.O. 1209(I)/79, dated 17-12-1979.
- [99.](#) Omitted by S.R.O. 958(I)/79, dated 17-10-1979.
- [100.](#) Added by S.R.O. 732(I)/79, dated 15-08-1979.
- [101.](#) Added by S.R.O. 446(I)/81, dated 10-05-1981.