

# Emigration Rules, 1979

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Bureau of Emigration and Overseas Employment

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# Emigration Rules 1979

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

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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;
- <sup>4</sup>[(ea) **“heirs and successors”** means the heirs and successors of the deceased as declared by the applicable law;]
- (f) **“licence”** means a licence granted under [sub-rule \(4\) of Rule 8](#);
- <sup>5</sup>[(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;]
- (g) **“ordinance”** means the Emigration Ordinance, 1979 (XVIII of 1979);

<sup>1</sup> Added by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>2</sup> The words “More than Five” were omitted by S.R.O. (1)/2000, dated 27-02-2001.

<sup>3</sup> The words “foreign employer” were omitted by S.R.O. (1)/2000, dated 27-02-2001.

<sup>4</sup> Added vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>5</sup> Added vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>1</sup>[(gg) “**Overseas <sup>2</sup>[Pakistanis] Foundation**” means the Foundation set up by the Federal Government to be managed by a Board of Governors <sup>3</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];

<sup>4</sup>[(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;]

<sup>5</sup>[(ggb) “Secretary” means Secretary of the division concerned;]

(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:-

<sup>6</sup>[(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) be responsible for the overall control and administration of the Bureau, its offices and staff;<sup>7</sup>

(c) advise the <sup>8</sup>[Prime Minister] on emigration policies and procedure<sup>9</sup>[;]

<sup>10</sup>[(d) remain in regular contact with the Pakistani Missions in manpower importing countries for streamlining emigration of Pakistani citizens; and]

<sup>11</sup>[(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.]

### 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;

<sup>1</sup> Inserted by S.R.O. 1102(1)/79, dated 24-11-1979.

<sup>2</sup> Substituted for the words “Workers” by S.R.O. 1167(1)/94, dated 01-12-1994.

<sup>3</sup> Substituted for the words “with” by S.R.O. 136/2001, dated 27-02-2001.

<sup>4</sup> Added vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>5</sup> Added vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>6</sup> Substituted vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>7</sup> The word “and” at the end of the clause were omitted vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>8</sup> The words “Federal Government” were substituted vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>9</sup> Full stop was substituted for semi colon vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>10</sup> New clause (d) was added vide SRO 1058 (I)/2023 dated 08-08-2023.

<sup>11</sup> New clause (e) was added vide SRO 1058 (I)/2023 dated 08-08-2023.

- (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, in case any fault of an overseas employment promoter is found];
- (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<sup>1</sup>[, in case any fault of an overseas employment promoter is found];<sup>2</sup>
- (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<sup>3</sup>]; and]
- <sup>4</sup>[(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.]

<sup>1</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> The word “and” at the end of clause (d) was omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> For full stop at the end of clause (e) a semi colon and the word “and” were substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>4</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023

**6. Functions of the Advisory Committee.** (1). The Advisory Committee shall advise the Federal Government in formulation of policies <sup>1</sup>[and code of conduct] 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, <sup>2</sup>[allow exemption to] 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>3</sup>[Secretary through] the Director General, in <sup>4</sup>[triplicate], in Form 2, together with a certificate of character from the District Magistrate <sup>5</sup>[or District Police Officer] or any other person authorized by the <sup>6</sup>[Secretary] in this behalf, and non-refundable application fee of <sup>7</sup>[fifty thousand rupees for sole proprietor and one hundred thousand rupees for public or private company].

(2) In case there is already an Overseas Employment Promoter licenced 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) <sup>8</sup>[x x x x x ]

<sup>9</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 <sup>10</sup>[Secretary] for **their** consideration.

<sup>11</sup>(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

<sup>1</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> The word "exempt" was substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> After the word "to" the words "Federal Government through" were inserted by S.R.O. 564(1)/87, dated 01-07-1987. However, later on the words "Federal Government" were substituted for the word "Secretary" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>4</sup> The word "duplicate" was substituted with word "triplicate" by S.R.O. 564(1)/87, dated 01-07-1987.

<sup>5</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> The words "Federal Government" were substituted for the word "Secretary" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>7</sup> Substituted for the words "five thousand rupees" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>8</sup> Omitted by S.R.O. 613(I)/79, dated 03-07-1979.

<sup>9</sup> A new sub rule 3A was added in Rule 8 by S.R.O. 564(1)/87, dated 01-07-1987.

<sup>10</sup> Substituted for the words "Federal Government"

<sup>11</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

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.]

<sup>1</sup>[(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.]

(5) <sup>2</sup>[xxxxxx]

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

<sup>3</sup>**[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

<sup>1</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.



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.]

## 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>1</sup>[twenty-five thousand rupees in case of sole proprietor or one hundred thousand rupees in case of a public or private company] 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>2</sup>[one thousand] rupees <sup>3</sup>[per month or part thereof] 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>4</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>5</sup>[ten or more] workers but less than fifty workers within the last three years of the validity of the licence;<sup>6</sup>
  - (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<sup>7</sup>[; and]

<sup>1</sup> Substituted for the words "fifteen thousand rupees" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Substituted by S.R.O. (1)/2000, dated 27-02-2001.

<sup>3</sup> Inserted by S.R.O. 620(1)/2005 dated 10-06-2005.

<sup>4</sup> The words "more than fifty" substituted by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>5</sup> The words "more than ten" substituted by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>6</sup> The word "and" was omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>7</sup> Substituted for full stop vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>1</sup>[(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.]

(3) [x x x x x x]<sup>2</sup>

(4) <sup>3</sup>[xxxx]

(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 <sup>4</sup>[Secretary] 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>5</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>6</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>7</sup>[, sub-agent or intermediaries, etc. <sup>8</sup>[x x x x x]].

<sup>9</sup>[**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

<sup>1</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> The Sub-Rule (3) of Rule 9 containing the words “if a licensee fails to send any person during the last four years of the validity of licence, the licence shall automatically lapse” was omitted by S.R.O. 620(1)/2005 dated 10-06-2005.

<sup>3</sup> Omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>4</sup> Substituted for the words “Federal Government” vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>5</sup> Substituted by S.R.O. 612(1)/1979, dated 03-07-1979.

<sup>6</sup> Inserted by S.R.O. (1)/2000, dated 27-02-2001.

<sup>7</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>8</sup> The words “or open any sub-office, or branch office” were omitted by S.R.O. 136(I)/2001, dated 27-02-2001.

<sup>9</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

- (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.]

## 12. Appeal.

- (1) Where the <sup>1</sup>[Secretary] 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 <sup>2</sup>[Secretary].
- (2) Every appeal shall be filed in duplicate, in Form 4, accompanied by a fee of <sup>3</sup>[five] 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>4</sup>[an Overseas Employment Promoter] in duplicate, in Form 5, accompanied by a fee of <sup>5</sup>[five thousand] rupees within thirty days of the decision of the <sup>6</sup>[Secretary].
- (2) Before an order is passed in review the petitioner shall be afforded an opportunity of being heard.
- <sup>7</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 Licences.** The register under sub-section (3) of section 14 shall be kept in Form 6.

**15. Service Charges, their distribution etc.** <sup>8</sup>[(1) A person selected for employment abroad through an overseas employment promoter or the Corporation shall as their service charges

<sup>1</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> Substituted for the word "one" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>4</sup> Added by S.R.O. 570(I)/85, dated 29-05-1985.

<sup>5</sup> Substituted for the words "one thousand" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>7</sup> Added by S.R.O. 570(I)/85, dated 29-05-1985.

<sup>8</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

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.]

<sup>1</sup> [(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.]

- (2) The person referred to in sub-rule (1) shall hand over the original certificate to the Overseas Employment Promoter <sup>2</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>3</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>4</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>5</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) <sup>6</sup>[After registration of foreign service agreement under rule 21, the Overseas Employment Promoter or, as the case may be, the corporation shall, within the validity period of visa] 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:

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<sup>1</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> The word "who" substituted by S.R.O. 300(1)/80, dated 16-03-1980.

<sup>3</sup> Inserted by S.R.O. 300(1)/80, dated 16-03-1980.

<sup>4</sup> The word "who" substituted by S.R.O. 300(1)/80, dated 16-03-1980.

<sup>5</sup> Substituted by S.R.O. 136(1)/2001, dated 27-02-2001.

<sup>6</sup> Amended vide S.R.O. (1)/2015, dated 29-04-2015.

Provided that if such person fails to turn up when he is called for departure or refuse in writing, witnessed by <sup>1</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 <sup>2</sup>[Secretary] 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>3</sup>[or, as the case may be, the corporation] fails to provide him employment abroad within the extended period.

<sup>4</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) <sup>5</sup>[ ] to him and the sum of <sup>6</sup>[four] 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>7</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>8</sup> [(8) The Director General shall, in consultation with the Finance Division through the Secretary, explore and enforce different payment options through modern devices.]

## 9 [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.**

<sup>1</sup> Substituted by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>2</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> Inserted by S.R.O. 300(1)/80, dated 16-03-1980.

<sup>4</sup> Substituted by S.R.O. (1)/2008, dated 15-05-2008.

<sup>5</sup> The expression "or (1A)" was omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> The word "two" was substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>7</sup> Inserted by S.R.O. 610(1)/85, dated 10-06-1985.

<sup>8</sup> New sub-rule (8) was inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>9</sup> Inserted by S.R.O. 136(1)/2001, dated 27-02-2001.

- (1) [x x x x x x]<sup>1</sup>
- (2) x x x x x x]<sup>2</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>3</sup>

<sup>4</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>5</sup>[Corporation];

<sup>6</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>7</sup>[Corporation] shall take such measures as <sup>8</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>9</sup>[Protector of Emigrants for grant of permission].

<sup>1</sup> Omitted by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>2</sup> Omitted by S.R.O. 136(1)/2001, dated 27-02-2001.

<sup>3</sup> Substituted for full-stop by S.R.O. 956(1)/84, dated 30-08-1984.

<sup>4</sup> Inserted by S.R.O. 956(1)/84, dated 30-08-1984.

<sup>5</sup> The words “Director General” substituted by S.R.O. 505(I)/82, dated 25-05-1982.

<sup>6</sup> Inserted by S.R.O. 505(I)/82, dated 25-05-1982.

<sup>7</sup> The words “Director General” substituted by S.R.O. 1296(I)/80, dated 28-12-1980.

<sup>8</sup> The word “he” substituted by S.R.O. 1296(I)/80, dated 28-12-1980.

<sup>9</sup> Substituted for the expression “Director General, Bureau of Emigration and Overseas Employment for according approval to process such demand” vide SRO 1058 (1)/2023 dated 08-08-2023.



<sup>1</sup>[(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.]

## **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>2</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>3</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>4</sup>[on the same day][:]<sup>5</sup>

<sup>6</sup>[Provided that the Director General may, in special cases, for reasons <sup>7</sup>{and conditions} 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 <sup>8</sup>[Director General], 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 <sup>9</sup>[within three working days] and the decision of the Director General shall be final.

<sup>10</sup>[(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.]

<sup>1</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Inserted by S.R.O. 1175(I)/82, dated 28-11-1982.

<sup>3</sup> Substituted by S.R.O. 985(1)/86, dated 30-10-1986.

<sup>4</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>5</sup> Substituted for full-stop by S.R.O. 1175(I)/82, dated 28-11-1982.

<sup>6</sup> Proviso added by S.R.O. 1175(I)/82, dated 28-11-1982.

<sup>7</sup> Inserted by S.R.O. 620(1)/2005 dated 10-06-2005.

<sup>8</sup> Substituted for the words "Bureau or the Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>9</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>10</sup> Sub-rule (4) was added vide SRO 1058 (1)/2023 dated 08-08-2023.

## 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>1</sup>

[x x x x]<sup>2</sup>

- <sup>3</sup> [(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;]

- <sup>4</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>5</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.]

<sup>6</sup> [(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.]

**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

<sup>1</sup> Substituted by S.R.O. 136(I)/2000, dated 27-02-2001.

<sup>2</sup> Proviso omitted by S.R.O. 136(I)/2000, dated 27-02-2001.

<sup>3</sup> Substituted by S.R.O. 1175(1)/82, dated 28-11-1982.

<sup>4</sup> Added by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>5</sup> Inserted by S.R.O. 169(I)/97, dated 08-08-1997.

<sup>6</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.



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) <sup>1</sup>[The Pakistan embassies and missions abroad shall have access to the data of emigrants maintained by the Bureau in respect of that country.]
- (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>2</sup>

<sup>3</sup> [Provided that if a citizen of Pakistan proceeds abroad on a visa other than employment visa <sup>4</sup>{or emigration 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.]

**5[21A. Registration of emigration visa holder.-** (1) The holder of emigration visa shall furnish a copy of intimation letter from embassy or competent authority of the host country certifying the approval of emigration visa either for the holder thereof or his dependents, or both, as the case may be, and shall furnish an undertaking in such form as may be specified by the Director-General.

- (2). The Protector of Emigrants, after being satisfied that the holder of emigration visa has deposited fees as prescribed and, in the manner, specified in sub-rule (3) and (4) of Rule 23, and is insured under Rule 22A, shall register such person and enlist dependents and issue a certificate of registration thereof.]

## 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>6</sup>

<sup>7</sup>[x x x x]

<sup>1</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Substituted by S.R.O. (I)/2000, dated 27-02-2001.

<sup>3</sup> Substituted by S.R.O. (I)/2000, dated 27-02-2001.

<sup>4</sup> Added by S.R.O. 620(1)/2005 dated 10-06-2005.

<sup>5</sup> Inserted by S.R.O. 620(1)/2005 dated 10-06-2005.

<sup>6</sup> Words "not exceeding five persons" omitted by S.R.O. 956(I)/84, dated 07-11-1984.

<sup>7</sup> Omitted by S.R.O. 956(I)/84, dated 07-11-1984.

- <sup>1</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>2</sup>{where there is no Pakistan Mission,} the Foreign Ministry of the country of the employer <sup>3</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>4</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>5</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>6</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>7</sup>[ 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.]
- (4) A sum of <sup>8</sup>[four] 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;

<sup>1</sup> Sub-Rule (3) of Rule 22 was substituted by S.R.O. 732(I)/79, dated 15-08-1979.

<sup>2</sup> Inserted by S.R.O. 1175(I)/82, dated 28-11-1982.

<sup>3</sup> Inserted by S.R.O. 136(I)/2001, dated 27-11-1982.

<sup>4</sup> Inserted by S.R.O. 136(I)/2001, dated 27-11-1982.

<sup>5</sup> Substituted by S.R.O. 2(4)/2003, dated 08-03-2011.

<sup>6</sup> Substituted by S.R.O. 371(I)/2003, dated 15-04-2003.

<sup>7</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>8</sup> Substituted for the word "two" vide SRO 1058 (1)/2023 dated 08-08-2023.

- (i) In case the application for employment abroad has been processed through the Overseas Employment Promoter <sup>1</sup>[or the Corporation,] <sup>2</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>3</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>4</sup> [(4A) A sum of two hundred rupees will be <sup>5</sup>{charged} 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>6</sup>[(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:]

<sup>7</sup>[(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.]

<sup>8</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 \(3\)](#)

<sup>1</sup> Inserted by S.R.O. 300(I)/80, dated 16-03-1980.

<sup>2</sup> Inserted by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>3</sup> Added by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>4</sup> Added by S.R.O. (I)/2018, dated 13-06-2018.

<sup>5</sup> Substituted for the word "levied" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>7</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>8</sup> Added by S.R.O. 91(I)/80, dated 17-01-1980.

shall be refunded on application to be made by the Overseas Employment Promoter or the intending emigrants, as the case may be.]

<sup>1</sup>[**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.]

## **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>2</sup>[x x x x]
- (b) keep a complete list of Overseas Employment Promoters in Pakistan to be supplied by the Association.
- <sup>3</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{,} <sup>4</sup> <sup>5</sup>{and Personal data of such persons shall not be shared without consent of the person concerned;}]
- (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>6</sup>
- (f) keep complete record of the permissions, in chronological order, granted to him by the Protector of Emigrants showing updated utilization position] [;]<sup>7</sup>[]<sup>8</sup>
- <sup>9</sup> [(g) keep complete record of C.Vs and bio-data of the prospective candidates for employment abroad<sup>10</sup>[; and]
- <sup>11</sup> [(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.]

<sup>1</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> The word “and” omitted by S.R.O. 1263(I)/98, dated 04-08-1998.

<sup>3</sup> Added by S.R.O. 1263(1)/98, dated 04-08-1998.

<sup>4</sup> Full stop was substituted for coma at the end of the clause vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>5</sup> Substituted for the word “and” vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> Word “and” omitted by S.R.O. 620(I)/05, dated 10-06-2005.

<sup>7</sup> Substituted “full-stop” by S.R.O. 620(I)/05, dated 10-06-2005.

<sup>8</sup> The word “and” at the end of the clause was omitted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>9</sup> Inserted by S.R.O. 620(I)/05, dated 10-06-2005.

<sup>10</sup> Substituted for the full stop vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>11</sup> New clause (h) was inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

(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<sup>1</sup>[, ayas and governesses] shall be <sup>2</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>3</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<sup>4</sup>];
- <sup>5</sup>[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.]
- (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>6</sup>[or branch office];
- <sup>7</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.
- (xviii) <sup>8</sup>[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

<sup>1</sup> Added by S.R.O. 477(I)/82, dated 22-05-1982.

<sup>2</sup> Substituted by S.R.O. 1135(I)/89, dated 13-11-1989.

<sup>3</sup> Added by S.R.O. 1193(I)/80, dated 23-11-1980.

<sup>4</sup> Substituted for full stop vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>5</sup> Inserted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> Added by S.R.O. 956(I)/84, dated 30-08-1984.

<sup>7</sup> Added by S.R.O. 1175(I)/82, dated 28-11-1982.

<sup>8</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

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.]

**26. Establishment of Welfare Fund.** (1) There shall be established a Welfare Fund to which the following amounts shall be credited, namely;

- (i) <sup>1</sup>[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;]
- (iii) Contributions and donations that may be made by the public, corporate bodies companies, welfare associations, societies and banks; and any other source.

<sup>2</sup> [(2) The Welfare Fund shall vest in the Overseas <sup>3</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;

<sup>1</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>2</sup> Added by S.R.O. 1102(I)/79, dated 17-12-1979.

<sup>3</sup> Substituted by S.R.O. 167(I)/94, dated 01-12-1994.



- (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>1</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>2</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>3</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 <sup>4</sup>[Secretary] 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.

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<sup>1</sup> Substituted by S.R.O. 167(I)/94, dated 01-12-1994.

<sup>2</sup> Substituted by S.R.O. 167(I)/94, dated 01-12-1994.

<sup>3</sup> Substituted by S.R.O. 167(I)/94, dated 01-12-1994.

<sup>4</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.



## 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>1</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 <sup>2</sup>[Secretary] 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 <sup>3</sup>[Secretary] 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 <sup>4</sup>[Secretary] 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 <sup>5</sup>[Secretary] 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 <sup>6</sup>[Secretary] or the Director General for the deportation of the emigrant.

<sup>1</sup> Substituted by S.R.O. 1209(I)/79, dated 17-12-1979.

<sup>2</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>3</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>4</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>5</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

<sup>6</sup> Substituted for the words "Federal Government" vide SRO 1058 (1)/2023 dated 08-08-2023.

### 31. [omitted]<sup>1</sup>

<sup>2</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>3</sup> **[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.]

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

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<sup>1</sup> Omitted by S.R.O. 958(I)/79, dated 17-10-1979.

<sup>2</sup> Added by S.R.O. 732(I)/79, dated 15-08-1979.

<sup>3</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

**<sup>1</sup>[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.

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<sup>1</sup> Substituted vide SRO 1058 (1)/2023 dated 08-08-2023.

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