

No.Z-11011/01/2015-PGE.I
Government of India
Ministry of Overseas Indian Affairs

Akbar Bhawan, Chanakyapuri
New Delhi, dated 06.04.2015

OFFICE ORDER

It has come to the notice of the Competent Authority that a number of O.M.'s /office orders have been issued without corresponding notification/ amendment of the Rules. This has led to a situation of a number of queries being raised and additional procedures not mandated in the Rules being followed leading to pendency in disposal of applications. In supersession of all earlier orders issued on the Subject, it has been decided to comprehensively lay down the procedure to be followed for handling issue of Registration certificates, henceforth. A two stage process is being recommended as Annexure-1 to this O.M. The POE inspection will be done as prescribed in Annexure-II.

2. Documents in respect of Stage-I will be submitted in the Office of Protector General of Emigrants and in respect of Stage-II in the respective jurisdictional Protector of Emigrants. Time line as mentioned in the annexure will be strictly adhered to.

3. Registering Authority will designate an officer to conduct personal appearance of the applicants.

4. On satisfactory completion of the revised procedure as laid down in column 4 of the O.M., the Registering Authority will issue a registration certificate to the applicant.

5. The above orders will be effective from the date of issue of this Office Memorandum and will also apply to all applications pending as on 01.04.2015 and all future applications.

6. This issues with the approval of Secretary, Ministry of Overseas Indian Affairs.


(M. Sooriyanarayanan)

Under Secretary to the Government of India
Tel. No.24675142

To

1. All POEs/Concerned Officers/Sections in the Ministry
Copy for information to: 1. Sr.PPS to Secretary, MOIA

2. NIC for uploading in the website


07/04/2015

ANNEXURE-I
CHECK-LIST FOR PROCESSING OF APPLICATIONS FOR REGISTRATION CERTIFICATE (Stage-1 for issue of Eligibility Letter)

1	2	3	4
S. No.	PARTICULARS	Existing procedure	Revised
1.	Submission of Application	Application is submitted in the office of the respective Protector of Emigrants	Application will be submitted in the office of the Protector General of Emigrants in New Delhi. This has been made on line w.e.f. 19 th February 2015. All new applications shall only be accepted if made online.
2.	Form. I duly signed and stamped. Rule 7(1)	Has to be submitted in original with signatures and rubber stamp	No change. Statutorily required. The signed and stamped copy shall be obtained at the time of personal appearance.
3.	Demand Draft of Rs.25,000/- in favour of Pay and Accounts Officer, MOIA, New Delhi payable at New Delhi under Rule 7(2)		No change. The fees are to be paid online.
4.	Personal appearance	Not there.	The designated officer shall within 7 days of the receipt of a new online application and within 7 days from the date of issue of this order, process the existing applications and fix the date for personal appearance. The applicant will be asked to appear before the designated officer on the specified date. This date can be postponed if not convenient on the request of applicant subject to a maximum of 15 days. A fresh date will be given for personal appearance. Two chances will be given for change of date, if not appeared even after the third chance the application will be rejected. During the personal appearance all the original

			documents and signature will be verified by the designated officer. If any deficient document is required, the applicant will be asked to submit it within 15 days, otherwise the application will be rejected.
5(A)	IN CASE OF PROPRIETOR FIRM		
i.	Three Passport-Size photographs of Proprietor duly attested on the back side by a Gazetted Officer of the State/ Central Govt.	Verifying authenticity of Gazette officer in case of doubt	There shall be no verification of the photographs by Gazetted officer. Photograph will be checked at the time of personal appearance. Designated officer of MOIA shall put his stamp and signature on the back of photograph verified by him and record accordingly on the application form.
ii.	Statement showing the name/Age and Residential address of Proprietor along with designation and business activities undertaken during the last five years.	Query is raised w.r.t. experience of all partners in recruitment business.	No change. However, no query or rejection of application on the ground that the earlier business of the proprietor was different would be done till such time specific experience criteria is specified in the rules.
iii.	Specimen signature of the Proprietor duly attested by a Gazetted Officer		No attestation by Gazetted officer shall be sought. At the time of personal appearance, the applicant will sign before the designated officer, who will put his stamp and signature stating that the signature has been done in his presence.
iv.	Copy of the certificate of Educational Qualifications as per rule 7(2)(i)	Copy of the proprietor's bachelor's degree or two years diploma or equivalent from a recognized university or institute as per rule 7(2) (i) is verified from the university. Letter is written by PGE. Takes time	Self-attested copy of the degree has to be provided with the application. At the time of personal hearing, proprietor will produce degree in original, on which designated officer will certify that the copy has been verified by him with the original. The designated officer shall make all attempts to verify the same by using the websites of Ministry of Human Resource Development/ Government Institutions/ Universities/ Educational

			Institutions, where found necessary. In case, there is any doubt, the applicant shall be asked to produce the required document within a specified time. No letter shall be sent by the Ministry to any University/Educational Institute.
V.	A statement showing the assets and liabilities of the proprietor under rule 7(2)(ii).	A copy of the balance sheet of the previous financial year or a statement of accounts showing the assets and liabilities of the proprietor is taken duly verified by a chartered accountant having a certificate of practice under the Chartered Accountants Act, 1949 (38 of 1949) in accordance with rule 7(2)(ii).	No change. Original certificate of C.A. will have to be provided at the time of personal appearance in the case of online application. The total assets of the proprietor should be at least 42 lacs.
VI.	Income-tax returns of the proprietor for the last three consecutive years under Rule 7(2)(iii);	Statutory requirement. Attestation by Gazetted officer insisted upon.	Rules do not provide for attestation by Gazetted officer. Self-attested copies will be accepted. Original will be checked at the time of personal appearance.
VII.	A copy of PAN Card of the proprietor	Attestation by Gazetted officer insisted upon.	Rules do not provide for attestation by Gazetted officer. Self-attested copies will be accepted. Original will be checked at the time of personal appearance.

5(B) IN CASE OF PARTNERSHIP FIRM		
i.	Three Passport-Size photographs of the Managing Partner duly attested on the back side by a Gazetted Officer of the State/ Central Govt.	Verifying authenticity of Gazette officer in case of doubt
ii.	Statement showing the name/Age and Residential address of all Partners along with designation and business activities undertaken during the last five years.	Query is raised w.r.t. experience of all partners in recruitment business.
iii.	Specimen signature of the Managing Partner duly attested by a Gazetted Officer	Details of experience of all partners will be provided. However, no query or rejection of application on the ground that the earlier business of the Managing Partner/Partner was different would be done till such time specific experience criteria is specified.
iv.	Copy of the certificate of Educational Qualifications as per rule 7(2)(i)	Specimen signature to be provided with application. At the time of personal appearance, the managing partner will sign before the designated officer, who will put his stamp and signature.
	Copy of the managing partner's bachelor's degree or two years diploma or equivalent from a recognized university or institute as per rule 7(2)(i); is verified from the university. Letter is written by PGE. Takes time	Self attested copy of the degree has to be provided with the application. At the time of personal hearing, managing partner will produce degree in original which designated officer will certify. The designated officer shall make all attempts to verify the same by using the websites of Ministry of Human Resource Development/ Government Institutions/ Universities/ Educational Institutions. In case, there is any doubt, the applicant shall be asked to produce the required document within a specified time. No letter shall be sent by the Ministry to any

			University/Educational Institute.
V.	A statement showing the assets and liabilities of the partnership firm under rule 7(2)(ii).	A copy of the balance sheet of the previous financial year or a statement of accounts showing the assets and liabilities of the partnership firm is taken duly verified by a chartered accountant having a certificate of practice under the Chartered Accountants Act, 1949 (38 of 1949) in accordance with rule 7(2)(ii).	Original certificate of C.A. will have to be provided with application at the time of personal appearance (in the case of online application). The total assets of the firm, not managing partner, should be at least 42 lacs.
V.	Income-tax returns of the firm for the last three consecutive years under Rule 7(2)(iii);	Statutory requirement. Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer. Original will be checked at the time of personal appearance.
VII.	A copy of PAN Card of the managing partner and the partnership firm.	Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer. Original will be checked at the time of personal appearance.
VIII.	(a) Resolution taken by all the partners authorizing one of the partners to act as Managing Partner and to sign papers on behalf of the firm.		No change. Original to be obtained at the time of personal appearance.

	(b) Copy of partnership deed (which must provide for recruitment of workers for overseas employment).	Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer. Original will be checked at the time of personal appearance.
	(c) True extracts from the Registrar of firm in support of registration of the partnership deed.	Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer.
	(d) A copy of the Balance Sheet of the firm as at the close of the previous financial year.		This is the same as in point 8 above. Required only for the firm
5 (C)	IN CASE OF COMPANY		
i.	Three Passport-Size photographs of Managing Director duly attested on the back side by a Gazetted Officer of the State/ Central Govt.	Verifying authenticity of Gazette officer in case of doubt	There shall be no verification of the photographs. Photograph will be checked at the time of personal appearance. Designated officer of MOIA shall put stamp and signature on the back of the photograph.
ii.	Statement showing the Name/Age and Residential address of all directors along with designation and business activities undertaken during the last five years.	Query is raised w.r.t. experience of all partners in recruitment business.	Details of experience of all directors will be provided.
iii.	Specimen signature of the Managing Director duly attested by a Gazetted Officer.		Specimen signature to be provided with application. At the time of personal appearance, the Managing Director will sign before the designated officer, who will put his stamp and signature.
iv.	Copy of the certificate of Educational Qualifications as per rule 7(2)(i).	Copy of the managing director's bachelor's	Self-attested copy of the degree has to be provided with the application. At the time of

		degree or two years diploma or equivalent from a recognized university or institute as per rule 7(2)(i); is verified from the university. Letter is written by PGE. Takes time	personal appearance, managing director will produce degree in original which designated officer will certify. The designated officer shall make all attempts to verify the same by using the websites of Ministry of Human Resource Development/ Government Institutions/ Universities/ Educational Institutions. In case, there is any doubt, the applicant shall be asked to produce the required document within a specified time. No letter shall be sent by the Ministry to any University/Educational Institute.
V.	A statement showing the assets and liabilities of the company under rule 7(2)(ii).	A copy of the balance sheet of the previous financial year or a statement of accounts showing the assets and liabilities of the company is taken duly verified by a chartered accountant having a certificate of practice under the Chartered Accountants Act, 1949 (38 of 1949) in accordance with rule 7(2)(ii).	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer. Original will be checked at the time of personal appearance.
vi.	Income-tax returns of the company for the last three consecutive years under Rule 7(2)(iii);	Statutory requirement. Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazetted officer. Original will be checked at the time of personal interview
vii.	A copy of PAN Card of the managing partner and the company.	Attestation by Gazetted officer insisted upon.	Self attested copies will be accepted. Rules do not provide for attestation by Gazette officer.

viii.	(a) A resolution passed to authorize one of the Directors to act as Managing Director and to sign papers on behalf of the company.		No change. Original to be obtained at the time of personal appearance.
	(b) A copy each of the Memorandum of Association and Articles of Association (which must provide for recruitment of workers for overseas employment as one of its objectives).		No change. Original MOA/AOA will be provided at the time of personal appearance.
	(c) A copy of the Certificate of registering the company.	No change	
	(d) A copy of the Balance Sheet of the company as at the close of the previous financial year.	This is same as in point 8 above. Required only for the company	

COMMON FOR ALL APPLICANTS

6.	Valuation report of assets/investments etc. duly signed and stamped by a Government approved valuer (with registration number)		Not provided in Rules. Not Required.
7.	Financial strength Bench Mark of 42.0 lakh (fixed assets 22 lakh plus liquid assets 20 lakh) whether satisfied by the proprietor, partnership firm or the private limited company. (a) Immovable Assets (b) Liquid Assets (c) Liability (d) Net worth assets		Not Required

8.	An affidavit in Form-II, executed by the applicant before a Magistrate or Notary Public.	Statutory requirement under Rule 7(2)(iv)	No Change
9.	Police verification report of residential premises.	A letter is written by POE to the police authorities for verification of antecedents of applicant and business premises.	PGE will write to the police authorities for verification of character and antecedents of the applicant/ all partners/ all directors, with copy to applicant. The same has to be produced before issue of Registration certificate. No verification of office address shall be sought from the police.
10.	Experience in recruitment of manpower for Overseas Employment (a) Names of countries where the applicant proposes to concentrate (b) Number of workers proposed to be deployed annually (c) Plans for market development		Will be collected by POE in original during inspection.
11.	Eligibility Letter	An E/L is issued asking the applicant to produce a Bank guarantee before issue of R.C.	In case police report of antecedent verification is not received, a conditional E/L will be issued stating that applicant will be given a Registration Certificate only after receipt of the police report certifying the credentials. This will be done within 7 days of personal appearance.

Check list for issue of Registration Certificate (Stage 2 – Post issue of Eligibility Letter)- to be submitted in the office of respective POE.
Eligibility letter and Physical verification

S. No.	PARTICULARS	Existing procedure	Revised
12	Inspection Report of office premises by POE		Will include all the points mentioned below. Inspection will be carried out within 15 days of issue of Eligibility Letter. Inspection report will be submitted to Protector General of Emigrants within 7 days from the date of inspection.
12(a)	No Objection Certificate (in Form. III) from the owner of office premises duly sworn in before metropolitan/Judicial Magistrate	<p>Copy of ownership deed/ proof duly attested by Notary /Magistrate Or In case where the office premises are on lease or on hire</p> <p>(a) Copy of lease deed/agreement duly registered. It is required to be for the period for which the RC is sought or at least with a provision of extension for more period,</p> <p>(b) Latest rent receipt in original with revenue stamp, and;</p>	Only Form-III is required to be given. Rest requirements to be dispensed with. This is being taken in Stage-II in view of undertaking required to be given in Form-I

12(b)	Copy of Certificate under the shops and Commercial Establishments Act, duly attested by a Gazetted Officer of State Government / Central Government		Self-attested copy will be accepted. POE to verify with original at the time of office working and record a certificate accordingly.
12(c)	Copy of latest telephone bill duly attested by a Gazetted Officer.		Will form part of POE inspection report. Not to be submitted separately. Self-attestation will be required. POE to verify with original at the time of office working and record a certificate accordingly.
12(d)	Trade Testing Certificate (in original) from a Trade Test Centre duly approved by the central or state government and must be signed and stamped by the Director of the Centre indicating the items /skill being tested at the centre and a photograph thereof	Required as per 10(1)(xv)(f)	Will be collected by POE in original during inspection
12(e)	(i) Lay out plan of the premises; (ii) Facilities available in the office; and (iii) Commercial establishment certificate issued by the Government.	(c) Blue Print of the lay-out plan of the office premises duly signed and stamped (with registration number) by Government approved Architect. The dimensions of the rooms and total carpet area must clearly be indicated.	Will be checked by POE original/ by site visit. Copy shall be obtained by the POE as applicable. In case of copies, POE shall record certificate on the copy that the same has been verified with the original. Original lay out plan and copy of commercial establishment certificate will be collected by POE during inspection.
13	Bank Guarantee of Rs. 20 lakhs	After the Eligibility Letter is issued, the applicant submits a Bank Guarantee of Rs. 20 lakhs within one month from the date of receipt of the EL. PGE gets it confirmed from the	The Bank Guarantee of Rs. 20 lakhs and the guarantee shall be verified from the common site put in place by Department of Financial Services of the National Housing Bank.

For New Registration Certificate

INSPECTION REPORT		
(Date of Inspection :)		
1.	Name of the application with status:	
2.	Name and residential address of the Proprietor :	
3.	Office address where the application proposed to conduct business	
4.	Office premises :- i) Area with details of accommodation : ii) On rent or ownership: Verification of original lease deed/sale deed: iii) Whether the premises are easily assessable to public: iv) Whether the premises fall under commercial area and if so, whether certificate of registration under the Shops and commercial Establishment Act etc. has been obtained and displayed in the premises:	
5.	Facilities available :- v) Details of telephone/Taxes/Fax/Computer/ Furniture : vi) Public convenience – drinking water/toilet/waiting room etc.	
6.	General observations, if any	
7.	Details of employees on the date of inspection, if any:	
8.	Inspection by:	
9.	Specific recommendation of the inspection officer regarding suitability of conducting the business.	