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INDIA

Process for Recruitment of Indian Workers by Foreign Employers Streamlined

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A mandatory online portal called eMigrate¹ which seeks to automate and streamline emigration processes under the Emigration Act, 1983 (Emigration Act) has been launched by the Indian Ministry of Overseas Indian Affairs (MOIA).

Under the Emigration Act, any Indian national can be recruited for a job abroad either through (i) a recruiting agent registered under the Emigration Act; or (ii) directly by an overseas employer having a valid permit under the statute.

While the Emigration Act does not specify a requirement for accreditation prior to an overseas employer obtaining a permit, the MOIA now requires foreign employers in Emigration Check Required (ECR) countries² who wish to recruit Indian workers to obtain accreditation from the Indian Mission or the Consulate in their countries.

At the time of accreditation, the foreign employer must specify details of their projected manpower requirement for a period of 5 years from the date of application, and the terms and conditions of employment which they will provide for different categories of jobs. These terms and conditions are meant to act as a specimen contract and will form part of the employment contract entered into with the employee at the time of actual recruitment.

¹<https://emigrate.gov.in/ext/>

²[Follow link for a complete list of countries and embassy/consulate contact information.](#)