

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, অক্টোবর ২৬, ২০০৩

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF EXPATRIATE'S WELFARE AND OVERSEAS EMPLOYMENT
NOTIFICATION

Dated the 30th December, 2002

S.R.O. No. 370-Law/2002— In exercise of the powers conferred by Section 19 of the Emigration Ordinance, 1982 (Ord. ¹[XXIX] of 1982), the government is pleased to make the following rules, such as—

1. **Short title.**—These rule shall be called Emigration Rules, 2002.

2. **Definitions.**—Unless there is anything repugnant in the subject or context, in these rules—

- (a) “Ordinance” means the Emigration Ordinance, 1982 (Ord. ¹[XXIX] of 1982);
- (b) “emigrant” means emigrant as defined under Section 2(1) (e);
- (c) “demand” means demand as defined under Section 2(1) (b);
- (d) “data bank” means bank established by the Government for the purpose of preserving data in respect of overseas employment;
- (e) “group visa” means visa or entry pass or any similar paper containing permission for more than eight persons ¹*** for entrance into ² [the country of the employer];
- (f) “Section” means a Section of the Ordinance;
- (g) “employment” means recruit as defined under Section 2(1)(1);
- (h) “employer” means employer of the overseas employment;
- (i) “Registrar” means an officer appointed under ² [Section] 3;

¹ Substituted by notification dated 10th April, 2003 *vide* S.R.O. No. 96-Law/2003.

- (j) "form" means form annexed to these rules;
- (k) "personal visa" means any visa or entry pass or any similar paper containing permission for entrance into an overseas country regarding direct appointment to an overseas employment;
- (l) "bank" means a scheduled bank;
- (m) "Bureau" means the Bureau of Manpower, Employment and Training;
- (n) "BOESL" means Bangladesh Overseas Employment Services Limited;
- (o) "overseas employment" means overseas employment as defined under Section 2 (1) (i);
- (p) "recruiting agent" means recruiting agent as defined under Section 2 (1) (k);
- (q) "licence" means licence as defined under Section 2 (1) (g);
- (r) "Labour Attache" means any officer appointed to the post of Labour Attache in any Bangladesh Mission abroad;
- (s) "Labour" means any Bangladeshi national working under contract relating to overseas employment;
- (t) "direct employment" means appointment to overseas employment of any person or group or group of persons not exceeding eight by their own efforts or by the efforts of their relations or friends;
- (u) "association" means the association of recruiting agents,

3. **Registrar**—For the purposes of the Ordinance, the Director General of the Bureau of Manpower, Employment and Training shall act as the Registrar.

4. **Powers and duties of the Registrar**—The Registrar shall have the following powers, such as :—

- (a) to enter into the register, the particulars of emigrants and recruiting agents;
- (b) to process the demand papers, if the number of emigrants is 25 and the demand papers in respect of their employment are attested by the relevant Bangladesh Mission:

Provided that, to process such demand papers with approval of the Government, if the number of emigrants is more than 25;

- ¹[(c) to issue emigration clearance to a labour who has received approval of the Government under clause (b) on the basis of demand for employment;]
- (d) to ensure that the emigrants are fully aware of the terms and conditions of employment;
- (e) to render assistance to the emigrants about going abroad and returning to Bangladesh;
- (f) to inspect conveyance carrying emigrants going abroad and returning to Bangladesh;
- (g) to enquire about conduct of emigrants;
- (h) to inspect offices of recruiting agents and places for selection of candidates for employment;
- (i) to render assistance for collection of papers ect. in respect of travels of emigrants;

- (j) to render assistance to recruiting agents for excellence of overseas employment;
- ¹ [(k)];
- (l) to issue visas according to list sent by the Registrar to the Embassy after finalisation of recruitment;
- (m) to set up consultation centers for emigrants, recruiting agents, employers and other relevant persons;
- (n) to supervise the activities and conduct of recruiting agents and to advise them according to situation;
- (o) to collect information about activities of recruiting agents and submit report to the Government;
- (p) to inquire into allegations against recruiting agents having special regard to their competence;
- (q) to preserve information in the data bank in respect of overseas employment; and
- (r) to provide briefing to the outgoing overseas employees before issuance of emigration clearance.

5. Procedure of registration of emigrants.—(1) Any person, before leaving Bangladesh for overseas employment, shall personally or through the recruiting agent appear before the Registrar for registration and shall present the following particulars, such as—

- (a) attested photocopy of contract of overseas employment;
- (b) attested photocopy of terms and conditions of employment;
- (c) passport;
- (d) attested photocopies of other relevant papers in respect of overseas employment.

(2) If the Registrar is satisfied after perusal of papers mention in sub-rule (1), he shall, record in a register necessary information about the emigrant and his dependant and the recruiting agent, endorse the passport of the emigrant and accord permission for departure in Form-1.

6. Appointment of Labour Attache.—(1) The Government shall, subject to qualification and experience prescribed by the Government, appoint on deputation from among government officers, necessary number of Labour Attaches, in the Bangladesh Missions abroad.

(2) The Labour Attache shall have all the powers of the Registrar.

(3) In case of absence of the Labour Attache or when no Labour Attache has been appointed, the Government shall direct any officer working in the Bangladesh Mission abroad to exercise the powers and perform the duties of the Registrar.

(4) The Labour Attache shall act also as the agent of the government;

Provided that, the Government may, if necessary, appoint any other person as agent, and after such appointment, such agent, shall perform such duties and functions as shall be determined by the Government.

¹omitted by notification dated 10th April, 2003 vide S.R.O. No. 96-Law/2003.

7. Duties of the Labour Attache.—In addition to the powers and duties of the Registrar, the Labour Attache shall also perform the following duties, such as—

- (i) to make efforts for collection of demand through promotion of relations with the Government and other authorities of the relevant country;
- (ii) to assist in remittance into the country of money of the emigrants;
- (iii) to work for welfare and protection of interests of emigrants;
- (iv) to provide assistance to the emigrants in respect of accommodation, treatment and other facilities, and to provide legal aid, if necessary;
- (v) to examine the demand collected by recruiting agent and to inform the Government and the recruiting agent of its informative comments;
- (vi) to submit reports to the Government, from time to time, as regards trends in labour market;
- (vi) to help sort out any problem of emigrants relating to their employment conditions and emigration and to appoint lawyers; and
- (vii) to preserve in the data bank, information relating to overseas employment.

8. Registration of emigrants working abroad.—The emigrants who have not been registered under the Ordinance and are working abroad, shall, appear before the Labour Attache appointed for the purpose in the Bangladesh Mission in the relevant country and, be registered, and the Labour Attache shall enter into a register necessary information about them and shall inform the Bureau of the matter.

9. Submission of curriculum vitae of the manpower of the recruiting agent.—A recruiting agent shall submit to the Registrar curriculum vitae, together with two passport size photos, of each of its all Directors of the Board, officers and employees, and, with permission of him, shall inform the public through the press.

10. Appointment of sub-agents.—No recruiting agent shall, without permission of the Registrar, appoint any sub-agent or set up any sub-office or branch office; but, subject to the prior permission of the Registrar, the recruiting agent may appoint representatives abroad.

11. Change of business address.—(1) No recruiting agent shall, without prior permission of the Government, set up new office or change business address, and the Registrar shall accord permission in this respect after application is made to him with following papers, such as—

- (a) copy of the decision of the Board of Directors of the recruiting agent (in case of company); and
- (b) title deed or rental agreement in order to prove the title of the building in which the office is situated.

(2) The recruiting agent, after receiving permission from the Registrar, shall inform the public by notice, published in newspapers, of the matter of change of business address or setting up of new office.

12. Collection of demand and processing by the Registrar.—The Registrar or BOESL may collect demand for overseas employment and process that as agent on behalf of the Government, and the Registrar shall not claim any fee for that.

13. Procedure for processing permission of employment.—(1) the recruiting agent or the BOESL shall apply to the Registrar in Form-2 for processing the employment of the demand after receipt of any demand from the employer, together with the following papers, such as :-

(a) in case of the recruiting agent—

- (i) the duplicate copy of the power of attorney, issued by the employer, in order to prove the demand received by the recruiting agent;
- (ii) true copy of the contract or any other similar paper, containing description of details of the demand, signed between the employer and the recruiting agent; and
- (iii) papers containing description of facilities relating to class of labour, proposed wages, accommodation, food, treatment facilities, means of conveyance to and return from the place of work, tenure of contract, facilities to be provided, compensation in case of death or injury during employment, transportation of dead body to Bangladesh, etc.;

(b) in case of BOESL—

- (i) properly attested request letter containing description of details of the demand;
- (ii) attested copy of employment contract; and
- (iii) papers containing description of facilities relating to class of labour, proposed wages, accommodation, food, treatment facilities, means of conveyance to and return from the place of work, tenure of contract, facilities to be provided, compensation in case of death or injury during employment, transportation of dead body to Bangladesh, etc.

(2) If the Registrar is satisfied about the propriety of the demand and conformity of the terms and conditions of the employment to the government rules, he shall accord permission, in Form-3, for processing demand in prescribed form, and such permission shall remain valid for three months from the date of issuance.

(3) A copy of that permission shall be displayed in the notice board of the offices of the Registrar and the recruiting agent.

(4) If permission is received for processing demand, the recruiting agent shall recruit labours of all classes according to qualifications described in demand.

14. Signing of contract.—(1) The contract for appointment in overseas employment shall be signed between the recruiting agent and the emigrant, and the Registrar or, any officer nominated by him, shall countersign that, and copy of such contract shall be supplied to the emigrant.

(2) A person appointed in government, semi-government, autonomous body or nationalised industry shall not be a candidate for overseas employment without clearance from his employer.

15. Examination of emigrants.— The Registrar, if he deems necessary, may direct the emigrants to appear in person or through recruiting agent, before the Registrar or, any officer nominated by him, on fixed date, place and time for examination as per terms of employment.

16. Advertisements etc.— (1) If advertisement is necessary for selection of emigrants, the recruiting agent shall apply to the Government, together with draft advertisement and necessary papers, for publication of that advertisement.

(2) After receipt of application under sub-rule (1), if the Registrar finds that proper, he shall accord permission for publication of that, and in this case, the decision of the Government shall be deemed as final.

(3) No recruiting agent shall publish any advertisement for selection of emigrants without permission of the Government.

17. Transportation cost.— (1) Efforts shall be undertaken to make the employer bear all the necessary travel expenses for going to and returning from the place of work.

(2) In case where the employer does not agree to bear the travel expenses of the emigrants, the recruiting agent shall bear such travel expenses and shall realise those travel expenses from the employer.

(3) If the recruiting agent appoints any emigrant and the employer refuses to accept that emigrant, the recruiting agent shall bear all the travel expenses of such emigrant.

18. Direct employment.— (1) The Bureau may accord permission for processing the employment of the following classes, such as—

- (a) direct employment on the basis on personal visa; and
- (b) direct employment on the basis of group visa.

(2) The Bureau shall not accord permission to divide the group visa into a group of fewer than 8 (eight) persons of personal visa:

Provided that, the Government may, on special grounds, accord permission for processing the subject of visa of employment of more than 8 (eight) persons on the basis of group visa.

(3) The person having visa for direct employment shall collect the letter of contract, the contract or employment letter of overseas employment duly signed by the employer, and shall, together with passport, present before the Registrar for endorsement.

19. **Inspection.**— The Registrar may appoint one or more officers to carry out the purposes of section 17, and such officer or officers shall have the following powers, such as—

- (a) to enter into any office or premises concerned with appointment of emigrants in overseas employment;
- (b) to inspect books of accounts and records of recruiting agents; and
- (c) to interrogate and record evidence of any person in relation to the subject.

20. **Fee, dues, etc.**—(1) Each emigrant shall deposit in "36-miscellaneous—1" head, the fixed amount of money, as shall be determined by the Government, through publication in the Gazette, for endorsement of passport.

(2) Each emigrant shall deposit in the welfare fund for the welfare of the emigrants, such amount of money, as may be fixed by the Government, through publication in the Gazette.

21. **Training, orientation and counseling centers.**— (1) The Registrar or the recruiting agents shall set up counseling centers to conduct counseling and orientation sessions so that the emigrants earn knowledge about prevalent rules, regulations and contracts relating to overseas employment.

(2) The Registrar or recruiting agents shall publish documentary films, booklets, cassettes, etc, in order to educate the emigrants.

22. **Translation into Bangla of vouchers etc.**— The recruiting agents shall supply to the Registrar, copies of contract and other documents translated into Bangla.

23. **Disposal of complaint by the Registrar.**— (1) The Registrar shall arrange to inquire into any allegation received against any emigrant or recruiting agent.

(2) During inquiry, the emigrant or recruiting agent shall be given the opportunity of personal hearing.

(3) The Registrar may, if he deems necessary, send copy of inquiry report to the police or Court.

24. **Disposal of complaint by the Government.**— (1) If any complaint is directly received against any emigrant or recruiting agent, the government shall send that to the Registrar for inquiry.

(2) If any request for inquiry is received under sub-rule (1), the Registrar shall take measures under rule 23.

25. **Disposal of complaint by Labour Attache.** —(1) If any complaint is received against any emigrant, employer or recruiting agent, the Labour Attache shall take the following measures, such as—

- (a) if the complaint is against the employer, then, he will assist in compromising the complaint between the employer and the complainant ; or

- (b) if the complaint is not compromised as per clause (a), then, he will assist the complainant in instituting case in such Court in which he may get relief in respect of the complaint, or
- (c) if the complaint is against any agent, then, he will refer the matter to the Government or the Registrar with necessary information and recommendation.

(2) If any employer lodges any complaint against the recruiting agent, then the Labour Attache shall send report to the Government or the Registrar with his recommendations for taking necessary action against the agent, after conducting such inquiry as he may deem appropriate.

(3) If any complaint is lodged by the employer against the emigrant, then, the Labour Attache shall pursue the emigrant to abide by the terms and conditions of the contract, and in case of serious misconduct, shall take measure for repatriation of the emigrant to the country.

26. Breach of contract. —(1) If any employer violates the terms and conditions of the contract, the emigrant shall complain against the employer in Bangladesh Embassy and shall send a copy of that complaint to the Registrar.

(2) After receipt of complaint as per sub-rule (1), the Bangladesh Embassy shall render assistance to make the employer agree to abide by the contract and, if fails, shall place the matter before the local authority for relief.

(3) The Labour Attache shall send his report to the Government and the Registrar and the Registrar shall direct the recruiting agent to communicate with the employer.

27. Appeal. —Appeal can be preferred to the Government within next 30 (thirty) days of delivery of decision, against the decision taken by the Registrar or the Labour Attache, and the decision of the Government, in this respect, shall be deemed to be final.

28. Repeal and saving. —(1) All previous relevant notifications and orders shall be deemed to be repealed after coming these rules into force.

(2) Notwithstanding anything contained in sub-rule (1), any act done or measure taken under repealed notification or order shall be deemed to have been done or taken under these rules.

By order of the President

Md. Dalil Uddin Mandol
Secretary-in-charge.

Form-2

{ Rule 13(1) }

Application for permission for processing employment

1. Employer's Name :

2. Full Address :

Telephone No.-----Telex No.....

Tel Address :

(a) Description of the type of overseas employment :

(a) Whether the employer did employ labour in the past, If did, the name of the recruiting agent :

(b) Whether for employer's own necessity or for the necessity of any other organisation :

3. Whether the employer has taken entitlement clearance from the appropriate authority of the employing country for overseas employment (attach the attested copy of contract) :

4. Detailed description of the terms and conditions of employment (If space is deficient, extra papers may be used) :

Sl. No.	Class (Designation)	Salary	Travel expense	Work hour	Over time	Annual vacation	Food & lodging	Treatment	Social insurance	Other terms

Affidavit

I do, hereby, declare that, the information given in this application and the attached papers are true and correct.

Signature of the Applicant

Address :

(Seal)

Date :

Form-3

{ Rule 13(2) }

Permit for processing employment

Permit No.

Date :

Hereby, in view of his/their application for granting employment permit, this permit is issued to M/S. -----, to be effective from the date of issuance, and he/they is/are conferred entitlement to recruit labours of classes, mentioned below, on the basis of terms and conditions specified against each of the labours, subject to terms mentioned below, such as—

Terms :

- (1) This permit is not transferable.
- (2) This permit shall remain valid for three months from the date of issuance.
- (3) The holder of this permit shall sign contracts with labours.
- (4) The holder of this permit shall be responsible for resolving general welfare of labours and specific claims.
- (5) The prior permission of the Bureau of Manpower, Employment and Training shall have to be collected before sending curriculum vitae and list of selected labours from the relevant employer.
- (6) The holder of this permit shall be responsible for all expenses including air fair and other financial losses, if any labour is sent back during probation.
- (7) The agent shall not claim any fee in advance. Taka 12,000/- and Taka 8,000/- shall be claimed as service charges from skilled and unskilled labours respectively, only from among the finally selected labours, before issuance of emigration clearance, subject to appropriate receipts.

Schedule

Signature of the authorised officer

শেখ মোঃ মোবারক হোসেন (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারী মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।
মোঃ আমিন জুবেরী আলম, উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,
তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।