

Changes made to the Foreign Employment Regulation 2064:

Amendments made to the provisions:

Rule no.	Second amendment(2071/6/30) [Sept. 22, 2014]	Third amendment(2074/4/16) [July 31, 2017]
2(d1)	“Ministry” means Labor and Transportation Management Ministry.	The term “Ministry of Labour and Transportation Management” has been replaced by “Ministry Responsible for the Matters Relating to Labor and Employment”
24	The workers shall deposit amount as specified by Government of Nepal before going for foreign employment.	The term “amount specified by the government of Nepal” has been replaced by “Rs.1500 for 3 years period of contract and Rs.2500 for more than 3 years contract term”.
26	The use of fund shall be for the following purposes: a. To help for the educational development of family of migrant workers working abroad and returnee migrant workers.	The fund shall be used for the following purposes: a. For assistance in educational development of the families of the workers who have gone for foreign employment and those returned from foreign employment,
28	1. If any worker who has gone for foreign employment in accordance with the act or these rules dies due to any cause during the contract period , the nearest heir to the deceased worker may make an application to the board for financial assistance , no later than 1 year after the certification of the death of the deceased worker. 2. If upon making necessary examination of the application received pursuant to sub rule	(1) In Sub rule (1), the term “during contract period” has been replaced by “during contract period and within 1 year after completion of contract period” and the term “certified” has been replaced by “certified and received the dead bodies”.

	<p>(1),the contents are found reasonable, the board shall provide financial assistance of three hundred thousands from the fund to the heir of the deceased worker.</p> <p>3. If any worker who has gone for foreign employment in accordance with the Act or these rules get mutilated due to any caused during the contract period,such worker may make an application accompanied by the following details, to the board for financial assistance ,no later than one year, after such worker has returned to Nepal:</p> <ol style="list-style-type: none"> a. Copy of the contract b. Prescription of the hospital proving mutilation 	<p>(2) In Sub rule (2) the term “three hundred thousand” has been replaced by “seven hundred thousand”</p> <p>(3) In Sub rule (3),</p> <ol style="list-style-type: none"> a. the term “during contract period” has been replaced by “during contract period and within 1 year after completion of contract period” b. The term “or suffering from severe illness” has been added after the term “mutilate”
46(b)	<p>1. Any worker who has gone for foreign employment after passing medical examination from health institution as per section 72 of the Act, if considered incompetent due to his/her health and is compelled to return to Nepal because of the false health checkup report, s/he can submit an application to the ministry within thirty five days of return to reimburse the expenses incurred while going and returning from the destination country along with the</p>	<p>Any worker who has gone for foreign employment after passing medical examination from health institution as per section 72 of the Act, if considered incompetent due to his/her health and is compelled to return to Nepal because of the false health checkup report, s/he can submit an</p>

	<p>documents provided in sub rule 2. However, in relation to the matters included in bilateral agreement with the destination country, it shall be accordingly.</p>	<p>application to the ministry within thirty five days of return to reimburse the expenses incurred while going and returning from the destination country along with the documents provided in sub rule (2).” However, in relation to the matters included in bilateral agreement or understanding with the destination country, it shall be done accordingly.</p>
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Provisions Added by Third Amendment:

Rule no	Third amendment
2(e1)	“Expert committee” means expert committee as per rule 46 of this regulation.
24(a)	Listing and renewal amount to be paid to the fund: The listing and renewal amount required to be paid by the health institutions as per rule 45(a) shall be deposited in the fund.
26	<p>The welfare fund shall be used for the following purposes:</p> <ul style="list-style-type: none"> d) For the operation of safe homes to rescue the workers who are helpless due to the loss of employment, e) For the operation of rehabilitation and reintegration program to the returnee migrant workers who are unable to complete their period of contract by the reason of accidents or illness or being helpless by any other reasons,

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| | <ul style="list-style-type: none">f) For the reimbursement of the fees paid by the women who have been selected for foreign employment to obtain the orientation training,g) To provide legal assistance to the workers gone for foreign employment who is arrested or charged for any offence in the destination country,h) To repatriate the dead bodies of an undocumented worker who dies in the destination country and his or her dead body is not attended by any one,i) To repatriate worker who is helpless and could not return back due to lack of money by legal convictions, accident or illness or any other reasons or who is required to return back for any reason and to repatriate the workers in foreign employment who has not exceeded 2 years stay after the completion of the period of contract,j) To provide financial assistance to the family of the worker who has gone for foreign employment and died during the process of treatment in abroad or Nepal within time period of the contract,k) To pay the required amount for remuneration and facilities for the employee appointed on contractual basis as per rule 43(a),l) To operate the day to day functions of the Board,m) To work for the preparation relating to Labor Agreement,n) To study about the situation of migrant workers abroad,o) To conduct orientation training program on foreign employment,p) To work for the improvement of laws and policies on foreign employment,q) To carry out or cause to carry out following functions relating to the promotion of foreign employment:<ul style="list-style-type: none">(1) Study and research regarding foreign employment(2) Explore and investigate international labor market |
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	<p>(3) Publication of materials regarding foreign employment</p> <p>(4) To operate public awareness program regarding foreign employment</p> <p>(5) To establish and operate communication center relating to foreign employment</p> <p>(2) Notwithstanding anything mentioned in clause (1) of sub regulation (1), the operation cost of the Board shall be not more than 25% of interest amount earned by the Board annually.</p> <p>(3) The utilization of fund as per clause (q) for the promotion of foreign employment shall be done within the limitation approved by the Board in its annual program.</p>
28(3)(a)	The Board shall after making necessary examination to the application received for financial assistance refer it to the Expert Committee for recommendation.
28(5)(6)	<p>(5)The Board shall provide the financial assistance to the concerned applicant within 7 days after having been recommended from the expert committee.</p> <p>(6)If the family of the deceased migrant worker or the migrant worker himself/herself who is mutilated or gets ill during foreign employment applying to the board for financial assistance cannot be provided with such assistance,the Board shall provide total sum of Rs.10,000 to such heir or worker.</p>
28(A)	To aid in the conveyance of dead body: The board shall assist in the conveyance of dead body from International airport to the residential address of migrant working who has gone for foreign employment by taking the labor permit.
43(A)	Appointment of local official on contractual basis: if it is difficult for the Nepali diplomatic mission to deliver labor related services due to insufficient human resources and if asked for addition human resources in abroad-based Nepalese diplomatic mission, on recommendation of the Ministry of Foreign Affairs, the board shall appoint a local official for a term of one year under a service contract as per the existing law.
45(A)	<p>Provision regarding the listing of health institutions: (1) For the provision of Section 72 (1) of the act, for the purpose of listing the health institution, the Ministry shall publish a public notice in the daily newspaper of national circulation, by giving time limitation of thirty days.</p> <p>(2) After the publication of notice pursuant to Sub Rule (1), the interested health institutions, within the time period notified for listing, must submit the application and documents setting out the</p>

following details to the Ministry:

- a. A certified copy of the institution registration certificate.
- b. A certified copy of the health institution operation approval letter provided by the Ministry of Health.
- c. Copy of the tax payment certificate and permanent account number certificate.
- d. Details specified by the Ministry

(3) After receiving the application along with the documents pursuant to sub rule (2), the Ministry upon examination of application, shall send it to the Expert committee for recommendation.

(4) If upon making necessary inquiry into the documents received pursuant to Sub rule (3), the contents seem to be reasonable, the Expert Committee shall recommend for the listing of that health institution to the Ministry.

(5) If the Ministry deems the recommendation received pursuant to Sub rule (4) appropriate, it shall enlist and publish the name of such health institution(s) in public.

(6) The health institution as listed in Sub rule (5), must deposit amount of three hundred thousand rupees in the Department of Foreign Employment and transfer rupees twenty five thousand as listing fee to the Department's account.

(7) Before the commencement of this rule, the health institutions listed in the Ministry shall deposit rupees three hundred thousand in the Department of Foreign Employment within three months after the commencement of this rule.

(8) The listed health institutions shall pay five thousand rupees as license renewal fee before the month of Poush and renew the listing.

	(9) No provisions in this rule shall prohibit the government of Nepal from conducting the health checkup of workers through the health institution owned by the government of Nepal
46(c1)	Director of Foreign Employment Promotion Board – Member (added to Committee)
46(A)(b1)	To perform an investigation as required and make recommendation to the application received for financial assistance pursuant to rule 28 of this regulation.
46(B)(2a)(2b)	<p>(2a) Pursuant to Sub clause 2a, the health checkup report shall have been prepared within 90 days of conducting the health check up by the health institution listed as per rule 45(A).</p> <p>(2b) Upon receiving the application pursuant to sub rule (1), after examining the documents along with application, the Ministry shall forward it to the Expert committee for recommendation.</p> <p>3) Sub clauses 6, 7, 8, 9, 10, 11, 12 have been added to the Previous Rule after sub rule (5) of Rule 46(B), as mentioned:</p> <p>“(6) If, upon reviewing the application pursuant to Sub Rule (1) or (5), it is proved that the health institution has provided with a false health checkup report, the Expert committee shall send recommendation of the details to the Ministry.</p> <p>(7) Upon receiving the recommendation, pursuant to sub clause 6, the Ministry shall send a written notice to the health institution to bear the expenses incurred in going for foreign employment and returning to Nepal to the respective worker within fifteen days.</p> <p>Explanation: For the purpose of this rule, the “in going for foreign employment and returning to Nepal” includes, health checkup fee, visa fee, airfare to and from the foreign country, Government of Nepal’s fee for countries with free visa and ticket and for countries with no free visa or ticket, the amount paid by the worker as specified by the Nepal government.</p>

(8) Upon receiving the written notice pursuant to sub rule (7), the health institution shall provide such expense to the worker within 15 days.

(9) If the health institution fails to provide such expenses pursuant to sub rule (8) timeline, the concerned worker shall submit the application to the Ministry

(10) Upon receiving and examining the application pursuant to Sub rule (9), if deemed appropriate, the ministry shall write to the department to reimburse the expenses to the worker from the deposit furnished by the health institution. Upon receiving the written order from the Ministry, the department shall provide the amount to the worker from the deposit furnished by the health institution and reimburse the amount from the concerned health institution.

(11) Upon receiving the written order from the Ministry pursuant to Sub rule (10), in deducting the amount from deposit, reimbursing or refunding the amount from deposit of health institutions, the department shall follow the same procedure of deduction of deposit, reimbursement and return of deposit of licensed institutions as provided in the Act and regulation.

(12) If any health institution fails to reimburse the deposit amount as per Sub rule (10), the Ministry shall remove such institution from the list as per rule 45 (a) and take necessary

	action as per the prevailing law to reimburse the amount deficient from the deposit, from such institution.
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Provisions repelled by the regulation:

Rule no	Second amendment	Third amendment
28(4)	If the expert committee after the examination of the application received pursuant to clause (3) finds its contents reasonable, the committee shall recommend to the board to provide financial assistance up to Rs. three hundred thousand on the basis of hospital prescription, gravity and nature of mutilation .	If, upon making necessary examination of the application received pursuant to Sub-rule (3), the contents are found reasonable, the Board shall recommend to provide a financial assistance not exceeding Seven Hundred Thousand Rupee, based on the prescription of hospital, nature and gravity of mutilation and severe illness. Explanation: For the purpose of this Rule, “Severe Illness” means condition diagnosed with illness by certified doctor such that s/he cannot perform the work as per contract for the reason of undergoing operation or requirement of long intake of medicine.
29(d)	Functions, rights and duties of Board: To establish and operate safe home stay for the female migrant workers who have gone for foreign employment	Functions, rights and duties of Board: To establish and operate safe home stay for the migrant workers who have gone for foreign employment.
31,46,52		The term “Labor and Transportation Management Ministry” has been changed to “Ministry” only.