



► Regulatory Guidelines and Legislative Regulation for Private Employment Agencies (PEAs)



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▶ **Regulatory Guidelines and Legislative Regulation for Private Employment Agencies (PEAs)**

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► Foreword

The Federal Government of Somalia remains committed to promoting safe, orderly, and regular labour migration while protecting the rights, dignity, and welfare of Somali workers at all stages of the employment and migration process. In the context of increasing labour mobility and growing demand for overseas employment opportunities, strengthening the governance and regulation of private employment services has become a national priority.

The “*Regulatory Guidelines and Legislative Regulation for Private Employment Agencies (PrEAs)*” represents an important milestone in advancing Somalia’s labour migration governance framework. The regulation establishes a clear and comprehensive system for the licensing, oversight, and operation of PrEAs, aimed at ensuring the recruitment practices are transparent, ethical, accountable and fully aligned with national legislation and international labour standards.

Grounded in the principles of decent work, fair recruitment, non-discrimination, transparency, accountability, and the protection of migrant workers’ rights, this framework promotes a rights-based and worker-centred approach to labour migration management. It seeks to enhance trust and confidence among workers, employers, recruitment agencies and public institutions, while facilitating safe and regular labour mobility pathways for Somali workers.

The regulation introduces important measures to strengthen governance and accountability within the recruitment sector, including provisions related to fair recruitment practices, prohibition of recruitment fees charged to workers, transparent employment contracts, worker protection mechanisms, data protection and confidentiality, monitoring and inspection systems, complaints and dispute resolution procedures, and sanctions for non-compliance. It further reinforces the Ministry of Labour and Social Affairs’ role as the central regulatory and oversight authority for private employment agencies in Somalia.

The development of these Regulatory Guidelines and Legislative Regulation was informed by an inclusive and consultative process involving government institutions, workers’ and employers’ organizations, private sector representatives, civil society organizations, and international partners. The framework draws upon international best practices and reflects Somalia’s commitment to aligning its labour migration governance systems with relevant International Labour Organization (ILO) standards, including the ILO General Principles and Operational Guidelines for Fair Recruitment, as well as regional and global migration governance frameworks.

The Ministry acknowledges with appreciation the technical support provided by the International Labour Organization (ILO) through the Better Regional Migration Management (BRMM) Programme, funded by the UK Foreign, Commonwealth & Development Office (FCDO). Their collaboration has contributed significantly to strengthening Somalia’s institutional capacity for labour migration governance and promoting regional cooperation within the IGAD frameworks.

The Ministry of Labour and Social Affairs is pleased to present this regulatory framework as part of the Government’s broader efforts to establish a fair, transparent and well-regulated labour migration system. The regulation complements ongoing national initiatives, including the development of Somalia’s National Labour Migration Policy and reaffirms the Government’s commitment to expanding access to safe and regular employment opportunities while safeguarding the rights and welfare of Somali migrant workers.

It is our hope that this document will serve as a practical tool for government institutions, private employment agencies, workers, employers, and other stakeholders in promoting responsible recruitment practices, strengthening labour migration governance, and advancing decent work opportunities for Somali workers everywhere.


Prof. Salim Alio Ibro
 Minister of Labour and Social Affairs
 Federal Republic of Somalia



► Preamble

Recognizing the increasing interest among Somali job seekers to work abroad, the Somali government acknowledges the need to establish and streamline procedures facilitating safe and orderly overseas employment. This framework is essential to meet the demand for international job opportunities while safeguarding the rights, safety, and dignity of Somali workers contributing to foreign labour markets.

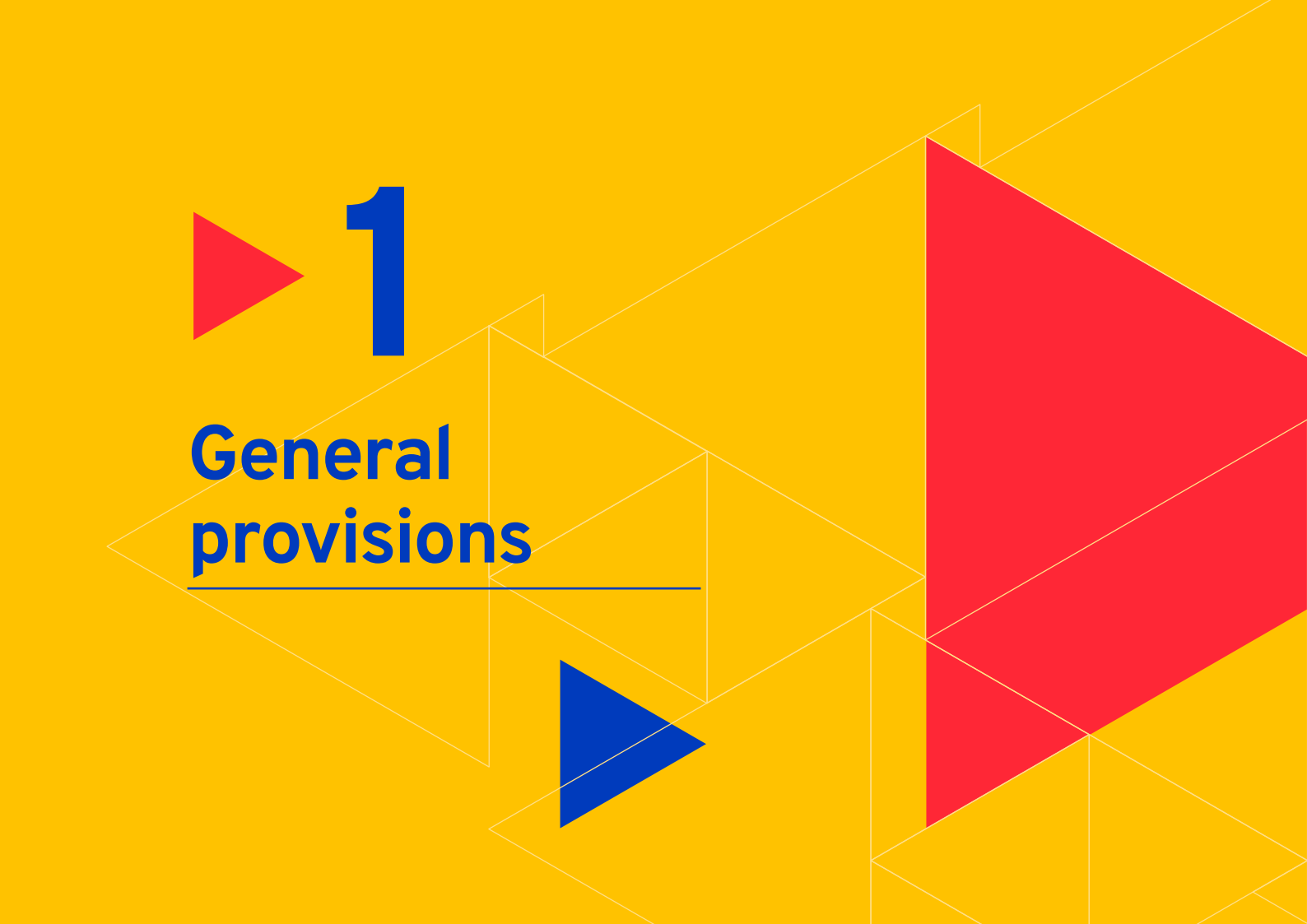
To address the high domestic unemployment rate, the Somali government is committed to reducing unemployment within the nation. Efforts focus on protecting the rights, safety, and honour of Somali workers aspiring to leverage their skills and knowledge in international employment opportunities.

The Somali government has reinvigorated bilateral labour agreements, such as the 1983 agreement with Qatar, highlighting the importance of creating lawful, well-structured pathways for Somali workers abroad. These renewed agreements aim to mitigate risks associated with irregular migration and facilitate regular employment channels for Somali workers.

Recognizing the critical role of Somali private companies and organizations in domestic and international employment services, the government will enhance their contribution to employment facilitation for Somali labourers. A dedicated system and guidelines will ensure that these agencies function transparently, with government oversight, safeguarding worker welfare.

The Somali government formalizes a framework regulating and supporting private employment agencies to facilitate secure and ethical job placements for Somali workers in foreign countries, ensuring a sustainable and lawful approach to employment abroad.





1

General provisions

Article 1. Name of The Regulation

This Regulation may be cited as the “Private Employment Agencies Regulation.”

Article 2. Legal Basis

1. This Regulation is issued in conformity with the Somali Labour Code, Law No. 36 of 24 December 2024, and:
2. International ILO Conventions, such as:
 - a. ILO Convention C181 (1997) Articles 1, 1(1), 2, 3(2), 4, 5, 5(c), 7, 8, 10, 14, and 15;
 - b. ILO Convention C143 (Supplementary Provisions) (1975) Articles 2, 5, 6, 7, 8, 9, 10, and 11;
 - c. ILO Convention C155 (1981) Articles 4–5, 16–19, and 17–22; and
 - d. ILO Convention C097 (Revised 1949) – Articles 1 and 5, and Annex 5 to Convention C097.
3. Prime Minister’s Decree No. 134 of 17/06/2021 Regulation on the Procedures and General Services for the Overseas Employment of Somali Migrant Workers.
4. Law No. 10 of 09/12/2015 – Approval and Endorsement of the Law on the Recruitment of Foreign Workers.

Article 3. Purpose

1. The purpose of this Regulation is to recognize and formalize the role of Private Employment Agencies in the recruitment and placement of workers both domestically and abroad.
2. This Regulation provides guidance on the licensing and operational requirements of private employment agencies, and sets out the procedures for their supervision. Its aim is to ensure that these agencies, and the way they operate, protect the rights and welfare of workers and jobseekers who benefit from their services, while promoting safe and legal labour migration and expanding employment opportunities for Somali workers

Article 4. Definitions

For the purpose of this Regulation, and unless otherwise defined, the following terms shall have the meanings set forth above:

1. **“Authority”** means the Ministry of Labour and Social Affairs of the Federal Government of Somalia (FGS), or any office, unit, or official duly authorized by the Ministry to implement or enforce this Regulation.
2. **“Private Employment Agencies”** means any natural or legal person possessing legal personality and engaged in providing one or more of the following services to the public:
 - a. Recruiting or placing jobseekers for employment with a third-party employer, whether within Somalia or abroad;
 - b. Recruitment conducted through an intermediary or another entity mandated to carry out recruitment on behalf of a third party; and
 - c. Any other form of recruitment carried out for profit or for matching workers with employers

3. **“Licence”** means an official authorization or certificate issued by the Ministry in accordance with this Regulation, permitting a Private Employment Agency to operate and to provide recruitment and placement services.
4. **“Licensed Agency”** means a Private Employment Agency that holds a valid licence issued pursuant to this Regulation.
5. **“Minister”** means the Minister of Labour and Social Affairs of the Federal Government of Somalia.
6. **“Worker”** means any person who seeks or obtains employment whether domestically or abroad through the services of a Private Employment Agency.
7. **“Employer”** means any person, company, or organization seeking to recruit workers through a Private Employment Agency.
8. **“Registration”** means the conferral of written authorization permitting a Private Employment Agency to recruit workers for employment within or outside Somalia.
9. **“Manager”** means any person responsible for directing, supervising, administering, or exercising control over the operations of a Private Employment Agency or any of its branches.
10. **“FGS”** means the Federal Government of Somalia.
11. **“Regulatory Authority”** means the Ministry of Labour and Social Affairs of the Federal Government of Somalia, which is mandated to implement this Regulation. The Ministry is responsible for issuing, renewing, suspending, and revoking licences of Private Employment Agencies and to oversee and regulate their activities in accordance with this Regulation.

Article 5. Registration Requirements for Private Employment Agencies

1. Any applicant seeking registration to operate as a Private Employment Agency shall submit an application either electronically (online) or in person to the Ministry. The application shall be filed as follows:
 - a. At least 51% of the members of the senior management or board of directors of the company must be Somali nationals, and proof of nationality shall be attached to the application.
 - b. A written application requesting the registration of a Private Employment Agency.
 - c. A certified copy of the certificate of incorporation as a limited liability company.
 - d. The company's Memorandum and Articles of Association.
 - e. Minimum Capital Requirement:

The applicant shall demonstrate a minimum paid-up capital or available financial assets of USD 60,000, or the equivalent in Somali Shillings, available for operational use. Financial capacity shall be evidenced through sealed bank statements for the most recent three (3) months.

- f. A valid company registration certificate.
- g. A copy of the business licence issued by the Benadir Regional Administration or the Federal Member State in which the company operates.
- h. A valid Tax Compliance Certificate (TCC) issued by the Somali Tax Authority must be attached to the application. This certificate must confirm, from the Ministry of Finance, that the company has fully fulfilled all its tax obligations and has no outstanding taxes.
- i. The applicant must demonstrate the existence of a valid, operational office address in Somalia from which it will conduct its business activities. Acceptable proof includes a duly executed and notarized lease agreement from a recognized public notary, or a property ownership document for the business premises.

- j. The company's Manager shall submit the following documents:
 - i. Copy of the Somali National ID or passport;
 - ii. Two (2) passport-sized photographs;
 - iii. A Police Clearance Certificate (CID);
 - iv. Work permit and residence permit if the manager is a foreign national;
 - v. Must have at least a high school diploma or equivalent recognized by the Ministry of Education.
- k. The company's Director/General Manager shall also submit:
 - i. A university degree related to business, obtained from an accredited institution and verified by the Ministry of Education;
 - ii. An appointment letter, signed by the employer, specifying the terms of employment and confirming acceptance; and
 - iii. A copy of the manager's national identification card or passport.
- l. **Somali Shareholding Requirement:**
Somali nationals must own and control at least 51% of the company's shares or ownership interests. The ownership structure agreement must be fully disclosed in the application.
- m. **Payment of Licensing Fees:**
The applicant shall pay the applicable licensing fees and attach proof of payment. The fees shall correspond to the scope of services applied for, as indicated in the fee schedule below:

Fee Schedule

	Description	Amount (USD)
1	Initial application fee for registering a company engaged in domestic and overseas recruitment	\$2,000
2	Initial application fee for registering a company engaged in recruiting foreign workers	\$1,500
3	Initial application fee for registering a company engaged solely in domestic recruitment (Somalia labour market only)	\$1,000
4	Renewal fee for foreign recruitment agencies	\$750
5	Renewal fee for domestic-only recruitment agencies (Somalia labour market)	\$500
6	Fee for amending a registration certificate, upon client request	\$100

- o. The applicant must be a member of a recognized association of private employment agencies.
 - p. The applicant shall deposit a financial guarantee with the Central Bank of Somalia in the amount of **US\$25,000** (twenty-five thousand United States dollars) or the equivalent in Somali Shillings. The financial guarantee shall be used to cover wages, compensation, or any other liabilities owed to workers in the event that the employer fails to fulfil such obligations. This guarantee requirement authorizes the competent authority to take action against the employer, on behalf of the affected workers, where necessary. Proof of the completed guarantee deposit shall be submitted together with the application.
2. The Ministry may request additional information or documentation as deemed necessary on a case-by-case basis. If any required document or detail is missing, the Ministry shall notify the applicant to provide the requested information within a specified period. Failure to comply may result in **rejection** of the application.
 3. Providing of falsified, misleading, or omitted information at any stage of the application process is prohibited. If any information contained in the application is proven to be false, the application shall be immediately rejected. Furthermore, if a license is issued on the basis of false information, it shall be immediately revoked once discovered, and the company and responsible individuals

may face legal action. Applicants are therefore strongly advised to ensure that all information and documents submitted are accurate and truthful.

4. **The applicant** must specify the scope of the license requested in the application, including the types of recruitment and employment activities to be undertaken, which may include one or more of the following:
 - i. Domestic recruitment of Somali workers;
 - ii. **Recruitment for both domestic and overseas employment:** recruiting Somali nationals for employment within Somalia and in foreign countries (overseas employment). This may be general or international in scope, depending on the license requested.
 - iii. The applicant must clearly indicate the level or category of recruitment they intend to carry out. The Ministry shall issue a license that specifies the authorised scope, such as “domestic only” or “domestic and overseas”.
5. **Disqualification of the agency from Licensing:** Notwithstanding paragraph (1), the Ministry shall reject any application for a new license or for renewal of an existing license if the applicant (or, in the case of a company, any of its directors or senior management officials) meets any of the following disqualifying conditions:
 - a. **Criminal Convictions:** The applicant has been convicted by a court for any offence involving unauthorised or illegal recruitment, trafficking in persons, smuggling of migrants, organised crime, drug trafficking, money laundering, corruption, or any offence related to moral turpitude or the violation of workers’ rights (including offences related to child labour or forced labour). An applicant facing such a conviction is deemed disqualified. Where the applicant has been formally charged and is currently undergoing trial for any of the above-mentioned offences (and the case is pending before a court), the Ministry shall defer consideration of the application until the matter is resolved.
 - b. **Previous Regulatory Violations:** If the applicant has previously violated the licensing requirements under this Regulation or former regulations, or has breached the provisions of this Regulation or the Labour Code, resulting in the suspension or revocation of a prior licence issued by the Ministry. If such suspension or revocation remains in effect and has not been lifted or completed, the applicant shall be disqualified. Likewise, if the applicant is found to have committed a legal violation resulting in a penalty, the licence shall not be renewed until the expiry of a specified period or until compliance with conditions set by the Ministry.
 - c. **Unauthorised Transfer of Licence:** Licences may not be transferred, as provided under Article 11 of this Regulation. Any applicant who attempts to transfer, or has previously transferred, the licence or work authorisation to another person or agency without the Ministry’s approval shall have their licence application rejected. Any such conduct shall result in disqualification; and
 - d. **Loss of Required Qualifications:** The applicant no longer meets the requirements listed in paragraph (1) for the issuance of a licence because changes occurring since the issuance of the previous licence have not been rectified. If a previously licensed agency undergoes changes in ownership or management such as failing to maintain a Somali manager, falling below the minimum required capital, or lacking the necessary managerial certifications the agency shall be disqualified from obtaining a new licence or renewal until all missing documents and requirements are fully completed.
6. Any licence holder, as well as any applicant awaiting the issuance of a licence, shall be required to notify the Ministry in writing within fourteen (14) working days of any changes to the information provided in the application. This obligation includes changes occurring during the application verification period, such as changes in company managers, address, or significant financial alterations. The immediate submission of updated information ensures that administrative decisions are based on accurate and current data.

- 7. Application Fee:** Every application must be accompanied by payment of the prescribed fees to cover administrative costs, in accordance with **Article 1, paragraph (n)** of the Fee Description Schedule. The Ministry may amend the fees based on regulations and may adjust them depending on the scope of the license. Proof of payment must be attached to the application. Failure to pay the fees will result in the application being suspended until payment is completed.
- 8. Fees for Non-Profit Employment Agencies:** The Ministry may exempt or reduce fees for non-profit employment agencies by establishing different fee levels depending on the type of services they provide, such as non-profit employment services. Applicants must be informed of any fee reduction or exemption before submitting their applications.
- 9. Review of Applications and Issuance of the License:** After receiving the completed application and supporting documents, the Ministry shall exert the necessary efforts to verify the accuracy and authenticity of the information provided. This includes verifying the agency's registration status, checking references and certificates, and confirming the validity of financial guarantees.
- 10.** The Ministry shall inspect the applicant's workplaces and services to verify their operational capacity as part of the assessment. The applicant must allow and facilitate such inspections or inquiries, grant access to their offices and records, and respond to questions so that the Ministry can verify compliance with the requirements of this Regulation.
- 11. Decision-Making Period(Decision Timeline):** The Ministry shall strive to issue a written decision on the application within thirty (30) working days from the date the fully completed application — containing all required information — is received. The decision may either grant the license or reject the application, with reasons provided. If the application is incomplete, it may be suspended.
- 12. Incomplete Applications:** If, during its review, the Ministry finds that the application is incomplete or requires additional evidence, it must notify the applicant in writing, specifying the additional information, documents, or evidence needed. The applicant must be given a reasonable opportunity to submit the missing information or clarify any ambiguities. In such cases, the 30 working-day decision period shall be recalculated starting from the date on which the Ministry receives the complete information or evidence. If the applicant fails to provide the required information within the prescribed period, the Ministry may reject the application.
- 13. Approval and Issuance of the License:** If the Ministry is satisfied that the applicant has fulfilled all requirements, it shall approve the application and issue a license permitting the operation of private employment agency activities. The license must follow the prescribed format and clearly state the company name, owner or manager, place of business, approved scope of work, date of issuance, expiry date, and the unique license number.
- 14. Rejection:** If the application is rejected, the Ministry shall issue its decision in writing, including the reasons for the rejection. These reasons may include failure to provide certain required certificates, security-related concerns, a criminal record, or the submission of false information. The rejection notice must also inform the applicant of their right to appeal the Ministry's decision within the period allowed by law.
- 15. Use of the License as Proof:** A license issued by the Ministry under this Regulation must serve as complete proof of licensing eligibility, allowing employers, workers, and other concerned parties to verify that the agency is legally authorized. The agency may use the original license certificate or a certified stamped copy to demonstrate its lawful licensing status to employers, workers, and any other relevant parties.

Article 6. Display of the License

1. Every private agency must display the original license issued by the Ministry in a clearly visible place at its main office. The license must be placed in a prominent location where customers and visitors can easily see it such as the reception area in order to verify the agency's legal authorization.
2. In addition to displaying the license at the office, the license number, issuance date, and expiry date must be included on all official documents and promotional materials of the company. This includes the company's official letterhead, email signature, brochures, advertisements, website, and social media pages, so that the public and the Ministry can easily verify the company's licensing status.
3. Any press release, announcement, or advertisement issued by the company must use the official company identity. The company must ensure that the announcement clearly states the company name, license number, and validity period. No official publication issued by the company may omit the company's license number.
4. The company may not alter the format of the license, nor may it lend or transfer the license to another person or company. If the license certificate is lost or damaged, the company must promptly notify the Ministry and may request that a new copy be reissued for display.

Article 7. Registration of Private Employment Agencies

1. The Ministry shall maintain an official register of all legally authorized private employment agencies.
The register may be kept electronically or in paper form, and must include at least the following information for each licensed agency:
 - a. The serial license number or unique identifier assigned to the license
 - b. The name of the private employment agency (company name) to which the license is issued
 - c. Ownership and management details, including the names of the company's directors
 - d. The address of the company's main office where operations are conducted, and any branch offices, if applicable
 - e. The company's contact information (telephone number, email, website, or other online contact details, if available)
 - f. The scope of the license, including the categories of approved activities such as: local, foreign, and any special conditions or restrictions related to the license
 - g. The initial issuance date of the license and its expiration date
 - h. License history including renewal dates, suspensions, cancellations, and references to relevant decisions; the date the license holder received the license certificate from the Ministry, including the identity and signature of the recipient.
2. The Ministry may add any additional information it considers necessary for the register, such as compliance reports, inspection findings, names of key company officers, and records of violations or major awards.
3. The register of private employment agencies shall be open for public inspection during official working hours at Ministry offices. Any person may view the register to verify the licensing status of private employment agencies and to review the scope of the issued license.
4. If a person requests a copy of information from the register or a certified extract, the Ministry may provide such copy and may impose reasonable administrative fees to cover the cost of searching, printing, or copying the register, in accordance with the approved fee schedule.

Article 8. Renewal of the License

1. **Duration of the License:** A license issued under this Regulation is valid for one (1) year from the date of issuance, unless it is suspended or revoked. The expiry date shall be stated on the license certificate.
2. **Renewal Application:** A private employment agency must submit a license renewal application, which must be filed no later than fifty (50) working days, and not less than twenty-five (25) working days, before the license expiry date.
3. **Same Requirements as New Applications:** The renewal requirements are the same as those for new applications. The company must provide all updated documents and evidence required under this Regulation, including company documents, a tax-compliance certificate, the business address, identity and conduct records of board members, and the identification and qualifications of managers.
4. **Consequences of Delayed Application:** If the company fails to submit the license-renewal application at least twenty-five (25) working days before the license expiry date, it may not operate on an expired license. The company must stop operations and reapply for a new license. The authority is not obligated to treat a late renewal application as an incomplete ongoing application.
5. **Evaluation and Verification Committee:** In addition to the standard requirements mentioned above, the Evaluation and Verification Committee shall review the company's compliance records, general conduct, and performance, including:
 - i. Compliance with licensing requirements and legal obligations; and
 - ii. Absence of unresolved complaints, penalties, or violations.
6. **Employment Records:** Companies that demonstrate verifiable employment records and strict compliance with the law—especially regarding overseas recruitment—will receive special consideration. Companies that have facilitated a high number of lawful and ethical employment placements shall be given priority during license renewal.
7. **Renewal Decision:** The decision of the Evaluation and Verification Committee may be:
 - a. **Renewal Approved:** The company's license may be renewed for a period of one (1) year in accordance with this Regulation.
 - b. **Renewal Rejected:** The renewal application may be rejected if the company fails to meet the requirements or if it is found to be non-compliant with this Regulation.
8. **Effective Date of Renewal:** The Ministry may approve the renewal of an expired license, and the renewed license shall take effect from the day immediately following the expiry date of the previous license. The renewed license will remain valid for one (1) year, unless there are other administrative issues.
9. **Transitional Period:** If a company submits a renewal application within the prescribed timeframe but the Ministry's decision is still pending when the license expires, the Ministry may issue a temporary notification letter allowing the company to continue operating temporarily until the renewal decision is made. However, if preliminary findings indicate serious reasons that justify non-renewal, the Ministry may order the company to suspend its operations until a final decision is issued.

Article 9. Transfer of the License

1. A license issued under this Regulation is personal to the license holder and the company to which it was granted. A private employment agency may not transfer, sell, or otherwise pass on its license to any other person or entity. Any claimed transfer or sharing of the license is invalid and constitutes a violation of this Regulation.
2. If a change occurs in the ownership of a licensed company — such as the sale of the business, a merger, acquisition by new shareholders, or any other arrangement that fully transfers the management of the company to another person or entity — the license shall immediately become invalid. The new owners must apply for a new license in the name of their new business structure before continuing operations. Operating under the former owner's license is not permitted.
3. The Ministry must be notified of any changes affecting the legal status of the company or the structure of the license. The Ministry will determine whether a new license is required or whether the change can be approved under the existing license.

Article 10. Revocation of the License

1. The Ministry may suspend or completely revoke the license of a private employment agency if it determines that such action is necessary based on one or more of the following grounds:
 - a. **Failure to Meet Licensing Requirements:**
If evidence emerges showing that the company does not meet the requirements set out in this Regulation, or if it falls under any of the disqualifying conditions after the license was issued — for example, if company officials are found to have committed any of the crimes that justify revocation of the license.
 - b. **Performance-Related Issues:** If the performance of the licensed company falls below the expected standard related to recruitment and placement of Somali jobseekers, or if the company engages in activities outside the scope and purpose of the license. These issues include:
 - i. Continuous failure to successfully place workers in accordance with the company's commitments; or
 - ii. Placing or sending workers illegally to countries with which the Ministry has no agreement.
 - iii. Such matters may result in suspension or revocation of the license in accordance with this Regulation.
 - c. **Violation of Licensing Conditions:** Failure to comply with the conditions attached to the license or breaching specific directives issued by the Ministry may result in license revocation.
 - d. **Reporting and Submission of Information:** Failure to submit any report, information, or other data requested from the company in accordance with these Regulations including the submission of semi-annual reports, annual reports, or any other requested information.
 - e. **Non-Compliance with Official Notices:** Failure to comply with an official notice or corrective order issued by the Ministry, such as an order to rectify a regulatory violation or to cease unlawful conduct.
 - f. **Complaints and Misconduct:** Where serious and repeated complaints are lodged against the company submitted by workers, employers, or other parties — and the investigation confirms misconduct, or where evidence shows the company is involved in unethical behavior, violations of workers' rights, or breaches of this Regulation.
2. Violation of any of the above provisions may result in the suspension or permanent revocation of the company's license to operate.

Article 11. Procedures Prior to Disciplinary Actions

1. Except in situations that require immediate action, the Ministry must follow the procedures below before suspending or revoking a license:
 - a. **Purpose of Notification:** The Ministry shall notify private employment agencies in writing of its intention to take proposed measures that may include suspension or revocation. The notification shall clearly state the reasons or grounds for such immediate action and must be accompanied by sufficient evidence or findings supporting those reasons.
 - b. **Opportunity to Respond:** Private employment agencies shall be given a reasonable opportunity to respond to the notification. Generally, the agency will be given five (5) working days, or a longer period if specified by the Ministry in the notice, starting from the date the notice is received, to submit a written defense or to correct the violation if it is correctable. The agency may present a defense, explanation, or corrective actions taken.
 - c. **Consideration of the Response:** The Ministry shall consider any response or evidence submitted by the agency within the permitted period before making a final decision.
 - d. **Decision and Notification:** After considering all available information and any responses received, the Ministry shall make a decision and notify the private employment agency in writing. If the decision is to suspend or revoke the license, the notification shall contain the reasons for that decision.
 - e. **Updating the Registry:** If a license is suspended or revoked, the Ministry must promptly update the registry in accordance with Article 9 of these Regulations to reflect the change in status.
2. Period of Suspension Decision
 - a. Any suspension imposed on a license must have a defined duration or must remain in effect until specific conditions are fulfilled. The suspension notice must clearly specify the start and end dates of the suspension, or the condition required for reinstatement of the license — for example: suspension lasting until salaries are paid and evidence of payment is provided.
 - b. During the suspension period, the company must cease all recruitment and placement activities.
3. If the company fulfils the conditions that led to the suspension, it must notify the Ministry and request reactivation of the license.
4. Effect of Revocation of the License: When a license is revoked or withdrawn, the company must immediately cease all its operations. The company is required to return the original license certificate to the Ministry within the specified timeframe. The names of companies whose licenses have been withdrawn shall be publicly announced in accordance with Article 13 of these Regulations to inform the public.
5. Voluntary Surrender (Giving Up the License):
 - a. Licensed companies may voluntarily surrender their license by notifying the Ministry in writing and stating the reasons, such as closure of the business.
 - b. The Ministry shall cancel the license from the date of surrender and update the registry. Voluntary surrender does not exempt the company or its officers from liability for any previous violations.

Article 12. Public Register and Information Data Repository for Private Employment Agency Offices

1. The Ministry must ensure transparency by publishing and regularly updating a list of all licensed Private Employment Agency Offices. This list must be published at least on the official website of the Ministry of Labour, and may also be disseminated through other media or official bulletins. The published list must contain, **at minimum**, the name of each licensed private employment agency office and its license number. Additional details such as the scope of the license or contact information may also be included.
2. The list of licensed private employment agency offices must be updated regularly to reflect newly issued licenses, expired or non-renewed licenses, as well as suspended or revoked licenses. This enables jobseekers and employers to easily verify the official status of the offices they engage with.
3. The Ministry must also develop and maintain a comprehensive **electronic database** containing information on all licensed private employment agency offices. The database must reflect the information contained in the official register as outlined in Article 9 of this Regulation, and must comply with approved public-information standards. It may include summarized data on the profile of each office, services provided, license validity dates, and performance statistics.
4. The database must also include information obtained from the reports that licensed employment agencies are required to submit in accordance with Article 17 of these Regulations, as well as any other information the Ministry collects in the course of performing its inspection duties—such as summarized data on complaints or enforcement actions. The purpose is to establish a centralized system for monitoring private employment agencies and tracking ongoing trends in labour migration.
5. When the Ministry develops and maintains this database, it must fully comply with all applicable laws concerning privacy and data protection. Personal data of workers or staff members must be strictly safeguarded. Publicly accessible sections of the database must not reveal personal identities or sensitive information that could infringe upon privacy rights.
6. The database, or at minimum the list of currently valid licensed agencies, must be freely accessible to the public through an electronic platform. The Ministry may also provide a verification service that allows citizens to inquire about the legal status of a specific agency.
7. The Ministry shall cooperate with other relevant government entities—such as the Immigration and Citizenship Agency or the Police—to share relevant information from the Ministry's electronic database concerning employment matters. Such information-sharing must comply with data-protection standards and contribute to the overall management of labour migration.



2

Obligations of private employment agencies

Article 13. Advertising

1. A private employment agency must advertise all vacant positions for which it is recruiting by using newspapers, television, radio, websites, and social media platforms, so that jobseekers have a fair opportunity to apply for the advertised positions. If a job opportunity arises, agencies may only in rare circumstances rely on the existing jobseeker database, and only for legally justified reasons. Transparent and accessible advertising ensures that all jobseekers can benefit from employment opportunities equally.
2. **Mandatory Information in Advertisements:** All advertisements made by private employment agencies through newspapers, TV, radio, websites, social media, or any other platform must include the following information:
 - a. The name of the agency, its license number, and the date of issuance and expiry of the license.
 - b. The address and other contact details of the agency, such as telephone numbers and email addresses, enabling jobseekers and the Ministry to contact the agency easily.
 - c. The name or profile of the employer, the location of the job, the city and country (if abroad), and proof that the employer is legitimate, such as being a registered and existing company.
 - d. The job title, type of work being offered, and the number of available vacancies.
 - e. A summary of the terms and conditions of employment, including at minimum: the expected contract duration, salary or income level, working hours, major benefits or allowances, leave and rest days, and who is responsible for costs such as visa processing, travel tickets, and medical examinations. The advertisement must clearly state if the employer provides accommodation, food, or transportation.

- f. The basic qualifications and experience required, including the education level, years of experience, specific skills, language proficiency, and any other essential job requirements
 - g. Application instructions, deadline for submission, how to apply, and the closing date for applications.
3. **Protection Against Fraud and Misrepresentation:** All information in the advertisement must be accurate and truthful, and must not contain any misleading statements. The private employment agency must avoid disseminating false information or claims that are not based on fact regarding the job. The use of the employer's trademarks or business logos must be authorized to prevent fraud.
 4. **Non-Discrimination:** The advertisement must not contain any discriminatory language or requirements contrary to the Somali Labour Code or international labour standards—such as preference based on clan, religion, gender, or other prohibited grounds, except where there is a genuine occupational requirement. The advertisement must encourage all qualified candidates to apply.
 5. **Notification to the Ministry:** A private employment agency must notify the Ministry of all advertisements it intends to publish. The agency must submit a copy of the advertisement before publication or broadcast through email or the Ministry's electronic system. The Ministry shall review the advertisement to ensure compliance with these Regulations and other applicable labour laws.
 6. The Ministry may issue additional guidelines on advertising standards for private employment agencies, including mandatory wording or disclaimers that must be attached to all advertisements.
 7. If a private employment agency fails to comply with these regulatory requirements—such as advertising unauthorized jobs, omitting license details, or issuing misleading advertisements—enforcement actions shall be taken, including orders to cease the advertisement or the imposition of penalties.

Article 14. Prohibition of Recruitment Fees

1. A private employment agency is prohibited from charging or accepting any fee, payment, or commission from a jobseeker or worker in connection with recruitment services, job placement, or any related activity. This prohibition applies to any form of money collection—whether direct or indirect such as cash payments, salary deductions, or extra charges imposed in order to obtain a job.
2. All lawful costs related to recruitment, documentation, and job placement must be covered by the agency or the employer. The agency may recover such costs from the employer as per their contract, but these costs may never be transferred to workers. These costs may include advertising expenses, interviews, documentation, visa processing, and recruitment services.
3. The employer is responsible for covering the travel expenses of workers recruited from their place of residence or the agreed point of departure to the workplace. This includes airline tickets (for overseas employment), ground transportation, suitable accommodation during travel, and subsistence or per-diem allowances where applicable. Medical examinations, vaccinations, or COVID-19 tests required prior to employment must also be paid by the employer. **None of these costs may be charged to the worker.**
4. The payments and costs that must be covered by the agency or the employer in accordance with paragraphs 2 and 3 may not be deducted from the worker's salary or from any employment-related benefits at any time. The worker's salary must be paid in full as stated in the employment contract, with no hidden deductions made to cover recruitment expenses.

5. **Clarification in Contracts:** When a private employment agency is involved in recruiting Somali workers for employment abroad or recruiting foreign workers for employment inside the country, the employment contract must clearly specify who is responsible for paying the following costs: visa fees or work permit fees, travel expenses, airfare, medical examination costs, insurance, and other recruitment-related expenses, as outlined in paragraph 3 above. The purpose is to ensure transparency and prevent workers from being charged these costs.
6. **Exceptional Circumstances:** If the employer does *not* cover any costs—such as visa fees, airfare, medical examinations, or other travel-related expenses—the private employment agency is permitted only in these specific exceptional circumstances to charge the worker who is travelling abroad an amount equal to one month of their salary. These exceptions must be strictly limited to the circumstances described above and must be clearly disclosed to the worker migrating abroad. Written consent from the worker must be obtained before they accept any job offer. The Ministry shall continuously monitor the implementation of such exceptional cases to ensure fairness and prevent abuse.
7. **Enforcement:** Any private employment agency that violates these Regulations by collecting money from workers shall be required to **refund all amounts taken from the workers travelling abroad**, and enforcement actions shall be imposed as provided in these Regulations. The Ministry has the authority to **suspend or revoke** the license of any agency that engages in such violations.

Article 15. Employment Contracts

1. **Fair Labour Standards:** Private employment agencies must ensure that the employment contract arranged between the worker and the employer complies with the procedures set out in these Regulations and aligns with the Somali Labour Code when the job is in Somalia, or with the labour laws of the host country when the job is abroad. The contract must follow whichever standard is **more favourable to the worker** and must protect the rights of the worker. The agency must **never** facilitate any contract that violates the fundamental rights guaranteed under the Somali Labour Code, the labour laws of the host country, or international labour standards.
2. **Contract Approval:** Before a worker is deployed abroad, private employment agencies must submit a signed copy of the employment contract to the Ministry of Labour for review and registration. The Ministry shall examine the contract to ensure that it complies with all requirements of the Somali Labour Code, these Regulations, and other applicable laws or bilateral agreements. The Ministry may reject or request amendments to any contract that does not meet the required standards.
3. **Written Contract and Language Requirements:** All employment contracts facilitated by private employment agencies must be in writing and written in a language the worker can understand, and also in a language the employer can understand. If the contract is written in a foreign language, the worker must be provided with a translated copy in Somali or another language the worker understands. The worker's signature or thumbprint must appear on the translated version if it exists, and the contract must ensure clear mutual understanding and agreement between both parties.
4. **Standard Employment Contract Template:** The Ministry shall develop a standard employment contract template attached to these Regulations, which contains all mandatory clauses required for overseas employment. Employment contracts that follow this standard template, or contain all the essential terms included in it, shall be considered valid when prepared by private employment agencies. Any deviation from the standard template must first receive approval from the Ministry. The standard template covers provisions relating to salary, working hours, compensation, overtime, rest days, accommodation and food (if provided), medical care, insurance, repatriation, renewal and termination of contract, dispute resolution, and similar matters.
5. **Worker's Copy:** A private employment agency must ensure that the worker receives a signed copy of the employment contract well in advance of departure when the job is abroad, or before

starting work when the job is in Somalia. The agency must explain the contract to the worker in a language they understand, highlighting their rights and obligations so the worker is fully informed.

6. **Prevention of Contract Substitution:** The agency must never allow or facilitate the worker being presented with a substitute contract—or one that is substantially different from the contract previously approved—either at the workplace in the host country or after arrival, if such changes reduce the agreed terms. If any modification is required due to unforeseen circumstances, the amendment must be approved by the Ministry, and the worker must consent to it in writing, without any form of pressure.
7. **Contract Duration and Renewal:** The employment contract must clearly specify its duration. If renewal or extension is possible, the conditions for renewal must be outlined in a mutually agreed contractual procedure, including any advance notice requirements. The agency must monitor the expiry dates of the contracts of workers it has deployed and assist, where needed, in the procedures for repatriation or renewal of the contract, based on the decision of the worker and the employer.

Article 16. Data Collection and Reporting

1. Every licensed Private Employment Agency shall submit regular reports to the Ministry regarding its operations. A monthly report shall be submitted at the end of each month for the entire duration of the licence. The Ministry shall notify the Agency of the exact reporting dates and any specific reporting format that must be used.
2. The Ministry reserves the right to request additional reports where there is concern or doubt regarding the Agency's performance or compliance. Where complaints have been received, or where the Agency is newly licensed, the Ministry may require the Agency to submit reports more frequently until it is satisfied that the Agency complies with this Regulation. The Agency must comply with any directive relating to the submission of supplementary reports.
3. Each Agency shall maintain accurate and updated records relating to its recruitment and placement activities. These records must be sufficient to prepare all required reports and shall include, at minimum:
 - a. information on candidates or jobseekers;
 - b. job orders;
 - c. employment contracts;
 - d. worker placements; and
 - e. any additional documentation required for verification. Records must be stored securely to ensure accuracy and availability for inspection, and they must be retained for at least **three (3) years** following the relevant recruitment or placement activity.
4. **Protection of Personal Data:** When collecting or submitting data, a Private Employment Agency must ensure that all personal data of workers fully complies with applicable laws and principles governing data protection and privacy. Where possible, reports shall be anonymised—particularly where such reports are intended for publication—to avoid disclosing personal identifiers. Personal or sensitive data of workers or employers shall be strictly protected. The transmission of personal data to the Ministry must be conducted securely, and the Ministry shall likewise treat such information as confidential and use it solely for lawful purposes.
5. **Required Contents of Periodic Reports:** The Ministry shall provide a standard reporting template. In general, each periodic report must contain the following information:
 - a. **Agency Information:**

- i. name of the Agency;
 - ii. licence number;
 - iii. contact details;
 - iv. organisational structure;
 - v. key personnel;
 - vi. any changes to these elements during the reporting period;
 - vii. evidence of licence validity and any related details.
- b. **Advertised Vacancies:**
- i. number of job advertisements or vacancy announcements issued;
 - ii. classification by job category or sector;
 - iii. classification by whether the vacancies relate to domestic or overseas employment.
- c. **Applications Received:** Total number of job applications received during the reporting period, disaggregated by:
- i. origin of the applicant (within Somalia or abroad);
 - ii. nationality;
 - iii. sex (male/female);
 - iv. age;
 - v. educational level or skills profile.
- This information provides a general overview of the jobseekers using the Agency's services.
- d. **Number of Workers Placed:** Total number of individuals successfully placed into employment, disaggregated by:
- i. worker characteristics (sex, age, education, skills);
 - ii. type of placement—number of Somali workers placed domestically and number deployed abroad;
 - iii. destination countries and number deployed to each;
 - iv. job categories or sectors (e.g., domestic work, construction, healthcare, hospitality, security);
 - v. contract duration—short-term (under one year), medium-term (one to two years), or long-term.
- e. **Summary of Contract Terms and Conditions:** Evidence demonstrating that all deployed workers received employment contracts meeting mandatory requirements. The Agency may provide anonymised sample contracts or highlight atypical cases (e.g., exceptionally high or low wages). Information shall also indicate whether workers were provided with social protection and occupational safety arrangements.
- f. **Incidents and Complaints:** Information on:
- i. complaints received from workers or employers;
 - ii. significant disputes or issues encountered and how they were resolved;
 - iii. workplace accidents or incidents involving workers deployed through the Agency.
- g. **Collaboration:** Information relating to:
- i. cooperation with government labour services;
 - ii. participation in training programmes;

- iii. participation in job fairs;
- iv. training of candidates in specific skills.

h. Other Relevant Information:

- i. any information requested by the Ministry;
- ii. any additional information the Agency considers important, including:
 - labour market trends,
 - challenges encountered,
 - recommendations for improving this Regulation.

6. Requests for Additional Information: The Ministry may require the Agency to provide information beyond the standard reporting requirements whenever such information is necessary for analysis. The Agency shall comply fully with any lawful and reasonable request for supplementary data.

7. Data Privacy and Confidentiality: When collecting or submitting information, a Private Employment Agency must ensure that all personal data of workers is fully compliant with applicable data-protection and privacy laws and principles. Where possible, reports shall be presented in an aggregated or anonymised manner, particularly where publication is anticipated, so that individual identities are not disclosed. All personal or sensitive information relating to workers or employers must be strictly safeguarded. The transmission of personal data to any third party must occur through secure means. The Agency is responsible for ensuring the confidentiality of all personal information and may only use such data for lawful purposes in accordance with this Regulation.

8. Contents of Periodic Reports: The Ministry shall provide a standard, unified template for submitting reports. Generally, each periodic report shall include the following information:

a. Agency Information:

- i. Agency name;
- ii. licence number;
- iii. contact information;
- iv. organisational structure;
- v. key personnel;
- vi. any changes in the above during the reporting period;
- vii. evidence of licence validity and related details.

b. Advertised Vacancies:

- i. number of job advertisements or vacancy notices issued;
- ii. classification by job category or sector;
- iii. indication of whether the vacancies relate to domestic or overseas employment.

c. Applications Received: Total number of job applications received during the reporting period, disaggregated by:

- i. origin of the applicant (region within Somalia or abroad);
- ii. nationality;
- iii. sex (male/female);
- iv. age;
- v. educational or skills level.

This information provides a general overview of jobseekers using the Agency's services.

- d. **Workers Placed:** Total number of individuals successfully placed into employment during the reporting period, disaggregated by:
 - i. worker characteristics: sex, age, educational level, and skill level;
 - ii. type of placement: number of Somali workers placed domestically and number deployed abroad;
 - iii. destination countries and the number of workers deployed to each;
 - iv. job categories or sectors (e.g., domestic work, construction, healthcare, hospitality, security);
 - v. contract duration: short-term (less than one year), medium-term (1–2 years), or long-term.
 - e. **Summary of Contract Terms and Conditions:** Evidence or summaries demonstrating that all deployed workers received employment contracts that meet the required standards. The Agency may submit anonymised sample contracts or highlight exceptional cases (such as very high or very low wages). Information shall also indicate whether workers were provided with social security or occupational safety protections.
 - f. **Incidents and Complaints: Information regarding:**
 - i. complaints received from workers or employers;
 - ii. significant disputes or problems encountered, and how they were resolved;
 - iii. workplace accidents or incidents involving workers deployed by the Agency.
 - g. **Cooperation:** Information relating to:
 - i. the Agency's collaboration with government labour services;
 - ii. participation in training programmes;
 - iii. participation in job fairs;
 - iv. training of candidates in specific skills.
 - h. **Other Relevant Information:**
 - i. any information the Ministry requires;
 - ii. any information the Agency considers important, such as:
 - labour market trends,
 - challenges encountered,
 - recommendations for improving this Regulation.
9. **Further Requests for Information:** The Ministry may require the Agency to submit additional data beyond periodic reporting whenever necessary for analysis, including:
- i. labour-market demand;
 - ii. trends in labour migration;
 - iii. compliance-related information—for example, details concerning employer recruitment fees or exceptional placement cases; and
 - iv. any other legally reasonable instructions.

The purpose and necessity of such additional data shall be explained by the Ministry when requested.

10. Use of Agency Data by the Ministry:

- a. **Upon receiving Agency reports, the Ministry shall:**

- i. collect the data;
- ii. analyse the data;
- iii. use the data to inform policy decisions; and
- iv. monitor overall labour-migration systems.
- b. **The Ministry may compile general statistics, including:**
 - i. total number of Somali workers deployed abroad annually;
 - ii. most common destination countries.
- c. Key data shall be recorded in the Ministry's electronic database, with full protection of its integrity and security.

11. Publication of Trends: Although individual Agency data remains confidential, the Ministry is encouraged to publish:

- i. general statistical information;
- ii. aggregate trends arising from reports;
- iii. information that promotes transparency; and
- iv. data that enhances public awareness.

Examples include:

- i. To disclose number of active licensed Agencies;
- ii. Total number of workers deployed abroad;
- iii. Overall outcomes achieved.

Article 17. Functions of Private Employment Agencies

12. Any company holding a valid employment agency license under this Regulation shall comply with the following obligations at all times during the conduct of its business:

- a. **Compliance with the Regulator:** Agencies must fully commit to and comply with this Regulation, the Somali Labour Code, and all other applicable labour laws, as well as directives and policies issued by the Ministry of Labour. Agencies must also respect international labour standards and bilateral agreements on labour migration to which Somalia is a party.
- b. **Responsibility for Conduct of the Agency and its Staff:** Agencies are fully responsible for all acts of their officials, employees, representatives, and any person acting on their behalf in connection with recruitment and placement activities. They may **not disclaim liability** for misconduct committed by their staff or contractors. All staff must be properly trained and supervised to ensure compliance with this Regulation, and they shall be held accountable for their actions.
- c. **Reporting Violations:**
 - i. The Ministry must be notified immediately of any violation, act, or information that contradicts the Labour Code, this Regulation, or any other applicable labour laws.
 - ii. If the agency becomes aware of any illegal recruitment activity, trafficking network, or fraudulent scheme by any individual or company, it must officially report the matter to the Ministry so that appropriate legal action can be taken.
- d. **Facilitating Inspections:** Agencies must not obstruct any inspection or investigation conducted by the Ministry or its authorized officers. This includes granting access to premises and employee records. Agency staff must cooperate fully and must not conceal, alter, or provide false information.

- e. **Periodic Reporting:** Agencies must regularly submit statistical and other required information to the Ministry in accordance with this Regulation. All reports must be **accurate, complete, and submitted on time.**
- f. **Valid License Requirement:** Agencies may only operate recruitment and placement activities **while holding a valid license** and within the scope of that license. They may not operate beyond the authorized activities, use an expired or suspended license, or recruit workers for overseas employment when the license permits domestic recruitment only.
- g. **Fair Selection:** Agencies must use transparent, fair, and merit-based recruitment processes. Recruitment must be based on competence and integrity, free from bribery, favoritism, or discrimination. Clear criteria must be used for evaluating candidates, and selection procedures must promote accountability and fairness.
- h. **Prohibition of Unauthorized Fees:** Agencies may not charge any fees or costs to jobseekers except those expressly permitted by law and approved by the Ministry. Agencies are prohibited from forcing jobseekers to purchase services or training unless formally authorized.
- h. **Prohibition of Illegal Charges to Jobseekers:** Agencies are prohibited from charging jobseekers any unauthorized recruitment fees, hidden fees, or compulsory payments for services or training as a condition for placement unless such fees are explicitly recognized and approved by the Ministry.
- i. **Protection of Personal Data:** Agencies may collect and store personal data only when necessary for evaluating a jobseeker's suitability for employment. Data must be deleted when no longer required or when the jobseeker requests deletion, unless there is a legal reason to retain it. All information must be kept confidential and used strictly for lawful recruitment purposes. Personal data may not be shared without the jobseeker's informed consent.
- j. **Pre-Departure Orientation:** Agencies must provide or facilitate appropriate pre-departure training before employment begins, especially for overseas workers. Agencies must ensure workers understand the job description, contract terms, rights and obligations, cultural norms, laws of the destination country, and all safety and welfare information. Where required, agencies must verify that workers have completed all mandatory orientation programs.
- k. **Use of Standard Employment Contracts:** Agencies must use only the standard employment contract approved by the Ministry, particularly for overseas recruitment. Agencies may not require workers to sign alternative contracts or contracts that contradict the approved format. All employment contracts must protect the rights of workers and comply with Somali labour law.
- l. **Post-Placement Follow-Up:** Agencies must monitor the welfare of workers after placement, particularly when employment begins. They must verify compliance by employers and ensure that workers are not subjected to abuse or unacceptable conditions. Agencies must support dispute resolution or promptly report serious issues to the Ministry.
- m. **Assistance to Workers:** If a worker experiences issues such as non-payment of wages, breach of contract, abuse, or any other problem, the Agency must provide advice, mediation, or refer the matter to the labour attaché of the relevant Somali embassy. The Agency must promptly report serious violations such as exploitation, abuse, trafficking, or worker death.
- n. **Accuracy of Documents:** Agencies must never provide false information or forged documents in applications to the Ministry. All documents, reports, and communications must be truthful, accurate, and verified.
- o. **Accurate Advertising:** Agencies must avoid publishing false or misleading job advertisements. All advertised job opportunities must be genuine and factual. It is prohibited to advertise non-existent or inaccurate job vacancies.
- p. **Non-Discrimination:** Agencies must treat all jobseekers equally regardless of nationality, clan, ethnicity, colour, gender, religion, age, disability, or any protected characteristic. They may not assist an employer seeking to impose discriminatory practices unless justified by law.

- q. **Ethical Placement of Workers:** Agencies must not place workers in jobs involving unacceptable conditions, abuse, discrimination, or human rights violations. Agencies must conduct due diligence on employers and workplace conditions to ensure workers are not sent to hazardous, abusive, or illegal employment. Workers must be informed of any known risks, and safety measures must be taken to prevent harm.

Employee Placement: The Company must avoid placing workers in jobs where there are unacceptable practices, abuse, discrimination, or violations of human rights that conflict with this regulation or the Somali Labour Code. Every company must conduct a careful and thorough preliminary assessment of the employer and the working conditions to prevent workers from being sent to jobs that endanger their rights or health. This includes situations involving forced labor, extremely hazardous work without adequate equipment and safety measures, or work that is harmful to health, public well-being, or societal morals.

If the work environment is known to have visible and tangible risks, the Company must ensure that workers are fully informed of those risks and that adequate safety measures are taken to reduce or prevent potential harm. The Company bears responsibility for ensuring compliance with labour regulations in accordance with the national Labour Code, international labour protection standards, and international agreements on labour rights that Somalia has ratified.

- r. **Prohibition of Illegal Recruitment:** The Company shall not engage in any form of illegal recruitment activities, including human smuggling, forced labor, child labor, or providing employment through the informal or black market for irregular workers. The Company must remain vigilant against activities involving corruption or money laundering and must avoid conflicts of interest, particularly in situations where its employees have financial relationships with the employer.

Prohibition of Illegal Recruitment Practices: Agencies may not engage in human trafficking, forced labour, child labour, or black-market recruitment. Agencies must avoid conflicts of interest, particularly where staff have financial ties to employers.

- s. **Employer Independence in Hiring Decisions:** The Company may not influence the employer's decisions, nor may it compel the employer to hire any specific individual. Likewise, the Company cannot prevent an employer from hiring workers on a permanent basis or from using alternative recruitment sources other than the Company.

The Agency is also not permitted to obstruct an employer's right to permanently employ a worker who was initially placed on a temporary basis, provided that both parties reach a formal agreement. The Company may not impose conditions on the employer that force the employer to continue using its services beyond what is stated in the contract.

The agency's role is to facilitate access to employment opportunities and connect employers with workers. It does not have the authority to restrict the freedom of workers seeking alternative job opportunities or the employer's freedom to choose another recruitment provider for future hiring.

Any action by the agency that disrupts or interferes with a free and voluntary agreement between the employer and the worker constitutes a violation of the law and the principles of fair labour practices.

Agencies may not influence or coerce employer hiring decisions or prevent employers from hiring workers permanently. Agencies may not restrict workers' freedom to seek new employment. Any attempt to obstruct free contract negotiation is unlawful.

- t. **Freedom of Movement for Workers**

- i. The Company must refrain from engaging in practices that entice or pressure workers to leave their current jobs in order to move to another job that appears more favourable. It is prohibited to induce workers to transfer to another employer, especially when the worker is already in a formal employment arrangement. Engaging in such solicitation is unethical and

may amount to misconduct, unless the worker themselves freely seeks a new employment opportunity and consents to any terms arising from their existing contract.

- ii. Companies must not restrict the freedom of workers to leave their current job in search of other employment opportunities. No financial penalties may arise from a worker's decision to leave, nor may the company interfere with the worker's ability to access new job opportunities that are offered to them. Any change of employment must be lawful, in accordance with these regulations, and must respect the rights and freedoms of workers as well as the contractual obligations owed to their previous employer.
 - iii. Agencies may not instigate or encourage workers to leave existing employment to take another job unless the worker independently seeks it.
 - iv. Agencies may not penalize workers for leaving employment or restrict their freedom to seek alternative opportunities.
- u. **Prohibition of Unlawful Contracts: Illegal Contracts:** The Agency may not compel workers to sign any contract that does not comply with the Somali Labour Code, this regulation, or any other applicable labour laws. The Agency must clearly and honestly explain to workers all the provisions contained in the employment contract and must never exploit the workers' lack of understanding or limited knowledge.

Any contract that violates national labour laws—particularly those that undermine or remove fundamental workers' rights or lower the minimum standards established by law—is prohibited. The Agency must not participate in the preparation, facilitation, or enforcement of any illegal employment contract.

Agencies may not force workers to sign illegal contracts or contracts violating Somali labour law or this Regulation. Agencies must clearly explain all contract provisions and may not exploit workers' lack of understanding.

v. **Cooperation in Improving Overseas Employment:**

- i. Recruitment agencies, employers, workers' unions, and government institutions involved in employment matters must cooperate in improving both domestic and overseas recruitment. The goal is to promote best practices based on merit-based hiring, transparency, and fairness.
- ii. This cooperation includes participation in joint initiatives, adherence to mutually agreed labour ethics and standards within the recruitment sector, and the promotion of professional standards in the country. The Agency is specifically encouraged to share data and insights with the Ministry in order to support the development of the labour market.
- iii. Agencies must work closely with the Ministry to ensure full coordination rather than creating unnecessary competition or fragmentation. Where appropriate, agencies should advertise job vacancies on the Ministry's digital labour platform, their own platforms, and other well-known job portals. It is essential that they also use social media responsibly, ensuring that all parties follow a recruitment process that protects workers' rights and safety.

v. **Cooperation for the Development of the Overseas Recruitment Sector:**

- i. Agencies, employers, workers' organizations, and government bodies must cooperate to enhance domestic and overseas recruitment practices.
- ii. Cooperation includes participation in joint initiatives, adherence to agreed codes of conduct, and contribution to professional standards.
- iii. Agencies must work closely with the Ministry and use official job platforms where appropriate.

- w. **Response to Reports of Employer Abuse.** When the Agency is informed that an employer has committed an abuse—such as mistreatment of Somali workers abroad—the Agency has a duty to assist in resolving the issue. It must follow procedures that enable access to compensation or fair justice, in cooperation with the Ministry of Labour, rather than ignoring or concealing the matter.

Article 18. Principles Guiding Professional Labour Ethics

While performing recruitment and worker-placement activities, Agencies must adhere to the general principles of labour ethics and dignified employment practices, including the following:

1. **Equal Employment Opportunities:** Agencies must promote and uphold the principle of equal employment opportunities so that all jobseekers receive fair and non-discriminatory access to available jobs. This means ensuring that every individual is matched with a job suited to their skills and aspirations, regardless of their background or circumstances, in accordance with national laws on equal employment opportunities.
2. **Non-Discrimination in Recruitment:** All jobseekers and workers must be treated fairly, eliminating all forms of discrimination in employment and professional activities. Agencies must avoid and actively prevent bias based on clan, gender, religion, age, disability, or any other protected ground prohibited under the Somali Labour Code or international human rights standards. Agencies must require every employer to refrain from discriminatory practices and must refuse any employer request that clearly discriminates against a particular jobseeker, such as excluding applicants from a specific clan.
3. **Supporting Vulnerable Workers:** The Agency must give special consideration to vulnerable or marginalized workers by providing tailored services or support programmes. These may include empowering women, youth, internally displaced persons, persons with disabilities, or individuals from underdeveloped regions. Support may take the form of skills training, CV preparation, or assistance with job-interview preparation. Agencies must play a meaningful role in implementing labour-market policies, particularly government-led programmes aimed at achieving fair and equitable employment.
4. **Confidentiality and Data Protection:** The Agency must securely manage the personal data of jobseekers, safeguarding their privacy and dignity. Information collected must be strictly limited to what is necessary for assessing jobseekers' skills and qualifications. The Agency must not request or use information irrelevant to the job—such as clan affiliation, religion, or family status. If data is stored electronically, the Agency must implement strong security measures to prevent unauthorized access or data breaches.
5. **Protection of Migrant Workers:** The Agency must take all possible measures to safeguard the rights of migrant workers and prevent their abuse or exploitation. Such protection includes raising workers' awareness so they understand their rights and providing them with information on who to contact when they face problems abroad, such as the Ministry, the Embassy, or the employer.

If the Agency becomes aware that another company or broker is involved in fraud, exploitation, or abuse against workers, it must immediately report the matter to the Ministry so that legal action can be taken. Addressing abusive agencies or brokers collectively enhances the overall reputation and quality of recruitment services.
6. **Respect for Bilateral Agreements:** The Ministry must respect all bilateral labour agreements or Memoranda of Understanding (MoUs) concluded between the Federal Government of Somalia and other states. These agreements outline specific requirements such as recruitment procedures, minimum employment standards, and dispute-resolution mechanisms. When the Agency recruits workers destined for a country with which Somalia has signed such an agreement, the Agency must fully comply with the terms and procedures set out in that agreement to prevent fraud and abuse.

- 7. Freedom of Association and Workers' Rights:** When the Agency places workers into employment, their employment contracts must clearly specify their fundamental rights. Placed workers must receive:

- the freedom of association and the right to engage in collective bargaining, where applicable
- the minimum wage or the applicable sector wage
- rights relating to normal working hours and overtime
- occupational health and safety protections
- access to social security benefits as required by law
- insurance for workplace accidents and occupational diseases

Migrant workers must not receive rights inferior to those granted to domestic workers. Employment contracts must cover maternity leave, employment benefits, and protection of workers in cases such as employer bankruptcy.

All these matters must be based on Somalia's obligations under international labour conventions and the laws of the destination country where the worker is placed.

- 8. Prevention of Gender-Based Violence and Harassment:** The Agency must take appropriate measures to prevent gender-based violence and harassment occurring during recruitment or in workplaces. These measures include:

- establishing a clear policy that prohibits offering employment in exchange for sexual favours
- providing workers with training on how to identify and address harassment or abuse
- screening and assessing employers, especially household employers, to avoid placement of workers in environments with a history of abuse
- ensuring that if a worker submits a complaint of harassment, the Agency handles the case confidentially, carefully, and fairly through the employer's internal grievance mechanism, while also facilitating access to legal assistance, support services, or reporting to the embassy or labour attaché where appropriate

The Agency must take appropriate steps to prevent gender-based violence and harassment during recruitment or in workplaces. Such steps include:

- implementing a clear policy prohibiting sexual exploitation in exchange for job opportunities
- training workers on identifying and addressing harassment
- verifying employers—especially household employers—to prevent placement into abusive environments
- handling harassment complaints confidentially, cautiously, and fairly through the employer's grievance process, and facilitating access to legal support, external agencies, or the relevant embassy as needed

- 9. Use of Licence:** Only Agencies that have been formally granted a licence under this Regulation are permitted to identify themselves as a "Private Recruitment Agency" operating within the country. Licensed Agencies alone may claim the right to use the licence. Any entity without a licence is prohibited from falsely presenting itself as a licensed Agency.

This principle helps the public distinguish legitimate Agencies from unlicensed or unauthorized actors. The Ministry will take legal action against anyone using a forged or fraudulent licence.

- 10. Prohibition of Brokers and Middlemen:** Agencies must not use brokers, *malaal* (informal agents), or unlicensed intermediaries to carry out recruitment activities.

The use of *mukhalas* (unregulated brokers) is strictly prohibited as it leads to exploitation and lack of accountability. All recruitment activities must be carried out by the Agency's trained staff or by official representatives directly supervised by the Agency.

If the Agency intends to operate in other regions, it must open a branch or hire its own staff in those locations, rather than relying on independent brokers.

The use of any unregistered agents is considered a serious violation of this Regulation. However, the Agency may employ or contract knowledgeable individuals in a manner equivalent to its official staff to deliver services in different regions. The key requirement is that the Agency must be fully responsible and accountable for the actions and supervision of such individuals.

- 11. Collaboration with Government Agencies:** Businesses are encouraged to collaborate with government agencies to complement, rather than see them as a barrier to, the recruitment services of government agencies. This collaboration could include: Sharing information on job vacancies that are not available locally, Collaborating on referrals of job seekers, or participating in forums to promote the smooth functioning of labor markets. The role of businesses is recognized as important, however, they must actively collaborate with government job creation programs to ensure the availability of ample job opportunities and the maintenance of employment standards.

- 12. Implementation of the Principles:** If a recruitment Agency is found to have violated any of the fundamental principles outlined in this Regulation, the Ministry shall issue a written notice directing the Agency to correct the violation within a reasonable and specified period. The notice shall clearly identify the nature of the violation and the corrective action required from the Agency.

If the Agency fails to comply with the notice and does not rectify the violation within the timeframe provided, the Ministry shall take legal action in accordance with the enforcement provisions of this Regulation. Such actions may include suspension or revocation of the Agency's licence, or other penalties specified under this Regulation or the Somali Labour Code, to address the violation and preserve the integrity of labour regulatory standards.





3

Enforcement and penalties

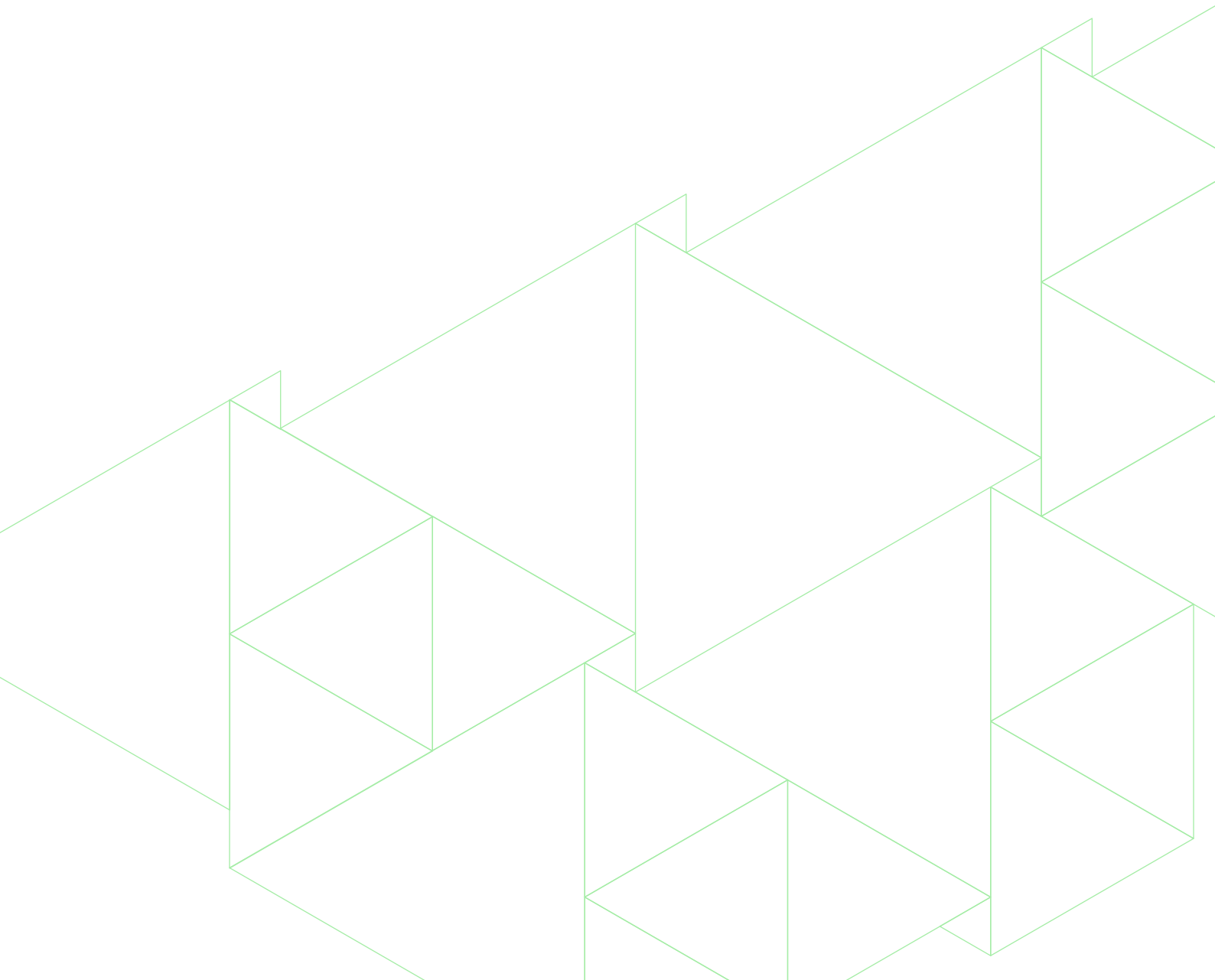
Article 19. Inspections and Compliance

1. **Power of Entry and Inspection:** Only authorised officers of the Ministry—including labour inspectors or other officials formally designated by the Ministry—shall have the legal authority to enter and inspect, at any reasonable time, the premises or offices of any Agency engaged in recruitment activities, whether licensed or suspected of operating unlawfully. Authorised officers shall inspect, monitor, and verify compliance with this Regulation and other applicable labour laws. They may conduct inspections with or without prior notice during normal working hours, except in private residential premises, which require consent or a court order.
2. **Scope of Inspection:** During an inspection, an authorised officer shall have the following powers:
 - i. To examine records and documents related to the Agency's recruitment and placement activities, including but not limited to: jobseeker registries, copies of employment contracts, financial records showing fees charged to employers, advertisement records, correspondence with overseas partners, and reports submitted to the Ministry.
 - ii. To request or make copies of such documents, or temporarily remove them from the Agency's premises for further examination, provided that the Agency is issued a written receipt acknowledging the removal of those documents.
 - iii. To inspect the Agency's office facilities to verify compliance with required labour standards, including confirming that the office physically exists, operates as represented, and displays internal notices informing workers of their rights.
 - iv. To interview the Agency's staff or representatives regarding recruitment practices and procedures, and to confirm their understanding of and compliance with this Regulation.

The inspector may also request contact details of workers or employers who have been served by the Agency for follow-up verification where necessary.

- v. To raise any inquiry the inspector considers necessary to verify full compliance with this Regulation. Such inquiries may include the examination of complaints or intelligence reports related to the Agency's conduct.
- 3. Duty to Cooperate with Inspectors:** The management and staff of the Agency must fully cooperate with authorised inspectors. They must not obstruct, delay, or deceive an inspector performing official duties. In particular, the Agency shall:
- i. Allow the inspector access to all areas of the Agency's workplace.
 - ii. Promptly produce all records, accounts, or documents requested for inspection.
 - iii. Provide accurate and timely responses to any questions asked by the inspector.
 - iv. Provide the inspector with the necessary facilities and support—including a desk, chair, and computer access—to perform inspection duties.
 - v. Any attempt to conceal or destroy documents, provide false information, or interfere with the inspection process constitutes a violation of this Regulation and shall result in legal penalties in accordance with the relevant provisions of this Regulation and the Somali Labour Code.
- 4. Record Keeping**
- a. Every Agency must retain all records related to recruitment activities for a minimum of five (5) years from the date such records were created.
Relevant recruitment records include, but are not limited to:
 - i. the employment contract;
 - ii. the receipt (payment record) showing the fees charged to the employer;
 - iii. records showing the training or orientation provided to workers; and
 - iv. complaint records.
 - b. If there are ongoing legal proceedings or investigations, the records must be kept until a formal conclusion is reached, even if this exceeds the five-year period. The records must be properly organised and stored to facilitate review and inspection.
- 5. Inspection Report:** After completing an inspection, the labour inspector or authorised official shall prepare a formal written report detailing all observations and findings. A copy of relevant sections of the report particularly where non-compliance is identified may be provided to the Agency's management, enabling them to understand the violations found and the required corrective actions. The Ministry shall maintain this report in its official records to track the compliance history of the Agency.
- 6. Enforcement of This Regulation**
- a. If an inspection reveals a violation or suspected violation of this Regulation, the Ministry may take appropriate legal action proportional to the breach. Such actions may include:
 - i. issuing an order directing the Agency to correct the identified violations;
 - ii. issuing an official warning;
 - iii. granting a specified period for the Agency to rectify improper practices;
 - iv. initiating the process for suspension or revocation of the Agency's licence; or
 - v. referring the matter for prosecution if criminal offences are suspected.

- b. Following the inspection, the Agency shall be notified in writing of any required actions or penalties imposed.
- 7. **Cooperation with Other Authorities:** Inspectors may collaborate with other government bodies such as the police, immigration authorities, or human rights agencies where the inspection reveals matters within their jurisdiction, such as forged documents. In such cases, the police may be contacted to initiate legal proceedings. Joint investigations may also be conducted to combat issues such as human smuggling or networks exploiting migrant workers.
- 8. **Confidentiality of Information:** Inspectors and the Ministry must handle all recruitment-related information and personal data obtained during inspections with caution and strict confidentiality. Information obtained may only be used for compliance verification and enforcement of this Regulation. The identity of individuals who provide information must be fully protected to the greatest extent possible to prevent retaliation or harm.





4

Miscellaneous provisions

Article 20. Awards and Recognition

1. The Ministry of Labour may establish award, recognition, or incentive programmes to reward and encourage Private Recruitment Agencies that demonstrate exemplary conduct in line with this Regulation and ethical recruitment standards. Such awards may be issued annually or biennially and may be categorised into different levels or classifications. The purpose of this award programme is to promote healthy competition and to recognise Agencies that strive to exceed minimum legal requirements by adopting international best practices in worker protection and ensuring quality job placement.
2. The award criteria must be transparent and may include:
 - a. a strong compliance history with this Regulation, without major violations and with only minor corrective observations;
 - b. the number of workers successfully placed in decent and dignified employment;
 - c. innovative practices promoting fair recruitment;
 - d. contributions to worker training and skills development programmes;
 - e. cooperation with government institutions; and
 - f. positive feedback from workers and employers.

3. The Ministry may establish an evaluation committee comprising representatives from workers' organisations, employers' associations, and civil society to review, assess, and nominate Agencies eligible for the award. Recognition granted to Private Recruitment Agencies in accordance with this Regulation shall be formally announced by the Ministry of Labour.

Award-winning Agencies may be granted certain privileges, such as:

- a. hosting public ceremonies celebrating their achievements;
- b. priority access in consultations regarding procedures, this Regulation, or other labour-related rules; or
- c. permission to use a special emblem or prestige title in their promotional materials, in accordance with specific conditions set by the Ministry.

However, **no privileges may be granted that create unfair competitive advantage** or undermine fair competition in the licensing and oversight system.

4. Any award or recognition granted to an Agency does not exempt it from complying with this Regulation; rather, it serves only as an additional incentive to strengthen adherence to the Regulation. The Ministry shall ensure that awarded Agencies remain subject to the same legal scrutiny and inspections as all other Agencies. An award may be revoked if evidence emerges showing that the Agency engaged in conduct that undermines or contradicts the reasons for which the award was granted.

Article 21. Membership in Associations and Regulatory Compliance

1. **Associations of Recruitment Agencies:** Agencies are encouraged to establish or join an employers' association or a representative body that advances their collective interests within Somalia. Such an association must be legally registered and must operate in accordance with national laws governing civil society organisations or associations.
2. **Objectives of the Association:** The association established by Agencies may undertake, without limitation, the following activities:
 - a. **Consultative Platform:** Creating a platform for members to exchange ideas, share experiences, and discuss challenges and solutions related to recruitment and placement activities.
 - b. **Coordination and Development:** Facilitating coordination among Agencies to prevent malpractice and to promote compliance with the association's code of professional conduct. Members are expected to adhere to standards that exceed the minimum legal requirements. The association may develop ethical standards, monitor compliance, and impose disciplinary measures—including peer review—on member Agencies.
3. **Participation in Policy Development:** The association may participate in shaping policies, laws, and regulations by consulting with its members and engaging in advocacy to improve the legal framework. Members may propose practical recommendations aimed at enhancing the governance of labour migration, addressing challenges within the recruitment sector, and strengthening worker protections.
 - a. **Training and Capacity Building:** The association may organise training programmes, workshops, or seminars to familiarise members with new regulations, international recruitment standards, and best practices. This may include training on fair recruitment, new destination-country requirements, or technological tools for matching jobseekers with employers.
 - b. **Dispute Resolution:** The association may establish an internal mechanism for resolving minor disputes among members, workers, or employers through dialogue and mediation before referring unresolved matters to the Ministry.

4. Promotion of Legal Compliance

- a. The association shall encourage its members to fully comply with all national laws and its code of professional conduct by establishing an internal accountability system. It shall form an ethics committee responsible for examining allegations of misconduct or breaches of the association's code and recommending disciplinary measures, such as:
 - i. a formal written warning;
 - ii. temporary suspension of membership; or
 - iii. referral of the member Agency to the Ministry.
- b. While the association cannot replace the government's formal oversight role, it may serve as a self-regulatory layer that promotes adherence to legal and ethical standards among its member Agencies.

5. Membership in the Association

- a. All Agencies are required to join a legally registered and recognised association representing private recruitment Agencies in Somalia. This association must serve as a unified platform for:
 - i. joint self-regulation and oversight;
 - ii. training and capacity building;
 - iii. Advocating the interests of the agencies ; and
 - iv. coordination of recruitment-sector activities.
- b. Membership in the association is **not** a prerequisite for obtaining or renewing a recruitment licence. The government recognises the value of association membership in:
 - i. promoting ethical recruitment practices;
 - ii. protecting workers' rights; and
 - iii. strengthening cooperation among Agencies.
- c. The government must not interfere with the lawful objectives or operations of associations operating in compliance with national laws, provided that their activities align with the public interest and improve the recruitment sector.

6. Government Support: The Ministry of Labour shall facilitate or support the formation of associations where Agencies express interest. Such support may include:

- a. organising initial meetings for establishing the association;
- b. providing legal advice and guidance on drafting the association's constitution or bylaws;
- c. sharing information on licensed Agencies to encourage broad participation; and
- d. ensuring that any Ministry support remains neutral and solely intended to strengthen the Agencies' ability to organise freely.

7. Consultation with Agencies: The Ministry shall maintain an open and continuous consultative relationship with associations representing the Agencies. An association may be invited to nominate a representative to participate in the Ministry's Inspection Committee or other relevant consultative forums concerning labour migration and recruitment services. The role of such representative shall be advisory only and shall not carry voting rights.

This consultative process ensures that the perspectives of the recruitment sector are fully considered in policy development and regulatory oversight, and it promotes joint cooperation to address challenges facing the recruitment industry.

8. **Notification to Associations:** The Ministry may notify or forward important messages to the association representing the companies to be delivered to that meeting when appropriate regarding new methods and specific forms for submitting reports or upcoming legal changes. This can be an effective channel that facilitates the transmission of information. However, each licensed company is solely responsible for complying with all instructions and orders given.
9. **No Exemption from Compliance:** Membership in an association and compliance with its constitution does not exempt or reduce any Agency's legal obligations under this Regulation. The association shall function as a supportive structure, not a substitute for formal regulatory procedures. The Ministry shall exercise oversight and accountability over each Agency in accordance with national laws.

Article 22. Entry into Force

This Regulation shall enter into force upon its approval by the Council of Ministers of the Federal Government of Somalia, its issuance through a Decree of the Prime Minister, and its publication in the Official Gazette of the Government of the Federal Republic of Somalia.

