

Impact of COVID-19 on Nepali Migrant Workers

A Case Study of Migrant Workers in Saudi Arabia,
the UAE, Qatar and Malaysia



Centre for the Study of
Labour and Mobility

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the UAE, Qatar and Malaysia

Sadikshya Bhattarai, Jeevan Baniya and Dogendra Tumsa

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The large number of Nepalis leaving the country to find work overseas has allowed many households to improve their economic circumstances and prospects for the future. Migration for foreign employment has become a major source of income for many Nepali households. Remittances have become a major contributing factor for increasing household income as well as the national GDP. However, it is also important to recognize that this continued out-migration related to foreign employment has created problems and hardship for the migrants and their families. Nepali migrant workers have been exploited and abused both by recruiters at home and employers and authorities in destination countries on many occasions, their rights have been curtailed, and their welfare neglected, placing them at risk of serious physical and mental health issues, even death.

PNCC is grateful to all its partners, supporters and well-wishers for their cooperation despite the difficulties brought about by the pandemic. PNCC has been engaged in implementing rescue, repatriation and reintegration activities in countries of destination and in Nepal. The achievements of the year 2021 would not have been possible without the kind support of all our partners, supporters and well-wishers. We are also grateful to our donor partners, namely, the International Labour Organization (ILO) Nepal, International Organization for Migration (IOM), Winrock International, Open Society Policy Center, Safer Migration Project (SaMi)/HELVETAS and Migrant Forum in Asia (MFA). Further, we also appreciate the support extended by government authorities, Nepali embassies in destination countries, the National Human Rights Commission, National Network for Safe Migration, migrant diaspora networks, Non-Resident Nepali Association, Pourakhi Nepal, AMKAS, People Forum and other civil society organisations, community stakeholders and well-wishers for supporting us to fight for the social justice and the rights of Nepali migrant workers.

PNCC is grateful to the ILO Nepal for giving us this opportunity to implement the project activities in destination countries and conduct this research in collaboration with the Centre for the Study of Labour and Mobility (CESLAM) at Social Science Baha. We would also like to take this opportunity to thank our research partner, CESLAM, for undertaking the responsibility to carry out the research and produce this report.

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Lastly, we express our sincere gratitude to all individuals, our media partners and all our supporters and well-wishers for their support and solidarity in our efforts toward the protection and promotion of the rights of Nepali migrant workers.

With thanks,
PNCC Family

Chairman's desk

The years 2020 and 2021 proved challenging for migrant workers. Migrant workers were among those hit hardest by the outbreak of the global COVID-19 pandemic. A majority of them were left without jobs and those with jobs were compelled to work under high-risk conditions. Tens of millions of migrant workers were forced to return home empty-handed in the wake of the COVID-19 pandemic after turning jobless in countries of destination. By working together to assist migrant workers in distress, PNCC managed to extend support to more than 16,000 migrant workers in destination countries.



Achievements made in the years 2020-2021 would not have been possible without the support from our dedicated Executive Committee, advisors, general members, our staff members and several stakeholders. The results achieved during this period, is the total sum of our integrated efforts carried out in coordination and collaboration with different partners and stakeholders. In this regard, I would like to sincerely thank Nepali embassies in the destination countries for their continuous cooperation. The support provided to us by different intergovernmental agencies such as MoFA, MoLESS, DoFE, FEB, CCMC, DAO, and Tokha Municipality is also highly appreciated.

I express my sincere appreciation to the International Labour Organization (ILO) Nepal for giving us this opportunity to implement the project activities in destination countries and conduct this research in collaboration with the Centre for the Study of Labour and Mobility (CESLAM). I would also like to take an opportunity to extend my sincere gratitude to our research partner CESLAM for undertaking the responsibility to carry out the research and produce this report.

The research would not have been possible without the generous support of our funding partners, partners, and volunteers. I would like to express my special gratitude to Open Society Policy Center (OSPC), Safer Migration Project (SaMi)/HELVETAS, the International Labour Organization (ILO) Nepal, Winrock International and Migrant Forum in Asia (MFA). Likewise, my sincere thanks go to NNSM, Pourakhi, AMKAS, People Forum and other civil society organisations for their continued encouragement and support.

It is encouraging to see the global commitment toward protecting the rights of migrant workers continue to grow despite the difficulties brought about by the COVID-19 pandemic. Together we can achieve immediate and lasting changes for the protection of the rights of migrant workers.

Kul Prasad Karki
Chairperson



Researchers' desk

This study was carried out by the Centre for the Study of Labour and Mobility (CESLAM), Social Science Baha for Pravasi Nepali Coordination Committee (PNCC), Nepal, with financial and technical support provided by the ILO Country Office, Nepal. We would like to thank all the research participants and key informants for giving us their valuable time during the survey and interviews. We are grateful to Bipin Upadhyaya at Social Science Baha and Satish Thakur for their support in data collection. Sincere gratitude is also extended to Manesh Shrestha and Sudeshna Thapa for their support in editing the report.

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Abbreviations and Acronyms

AMKAS	Aaprabasi Mahila Kamdar Samuha
CCMC	COVID-19 Crisis Management Centre
CDO	Chief District Officer
CESLAM	Centre for the Study of Labour and Mobility
CoD	Country of Destination
COVID-19	Coronavirus Disease
CSO	Civil Society Organisation
DoFE	Department of Foreign Employment
FEB	Foreign Employment Board
GCC	Gulf Cooperation Council
GoN	Government of Nepal
IOM	International Organization for Migration
MICIC	Migrants in Countries in Crisis
NIDS	Nepal Institute of Development Studies
NNSM	National Network for Safe Migration
NPR	Nepali Rupee
NRNA	Non-Resident Nepali Association
PMEP	Prime Minister Employment Program
PNCC	Pravasi Nepali Coordination Committee
PRA	Private Recruitment Agency
SARTUC	South Asian Regional Trade Union Council
USD	United States Dollar
WHO	World Health Organization
WOREC	Women's Rehabilitation Centre

Executive Summary

Migrant workers, including Nepali labour migrants, have been among the most affected by the health and economic impact caused by the COVID-19 pandemic. Obstacles in accessing justice, a long-standing problem for migrant workers, has been further exacerbated by the pandemic. This study looked at the impact of COVID-19 on Nepali migrant workers in four major destination countries—Malaysia, Qatar, Saudi Arabia, and the UAE. Additionally, the situation of access to justice for migrant workers in destination countries and at home and the reintegration experience of returnee migrants was examined. The study used a mixed-method approach, consisting of literature review, survey and in-depth interviews with current and returnee migrants as well as key informant interviews to collect information on the impact of the COVID-19 pandemic on Nepali migrant workers. The key findings from the study are presented below.

Migrant workers continued to pay high recruitment and other migration-related fees. The findings from the study show that migrant workers paid exorbitant amounts to migrate for employment. They reported spending an average of nearly NPR 150,000 for their overall migration process, which include an average payment of around NPR 100,000 to recruitment agencies to go to three of the Gulf Cooperation Council (GCC) countries—Qatar, Saudi Arabia and the UAE—and Malaysia. These amounts are higher than the prescribed ceiling cost for these destination countries as per existing Nepal government policy and bilateral agreements.

Migrant workers lost their employment and income due to the pandemic. Nepali migrant workers have faced one or more challenges due to economic disruptions caused by the pandemic. More than two-fifths of the research participants reported losing their employment and facing non-payment of or reduction in wages while 13 per cent mentioned experiencing forced labour. Similarly, one-third of the research participants mentioned being subjected to unsafe working environments in the destination countries.

The issue of wage theft from migrant workers continued during the pandemic. Many migrant workers have been deprived of proper wages during the COVID-19 crisis. About two-fifths of the research participants reported facing issues of wage theft, ill-treatment and abuse because of the COVID-19 pandemic. Of them, around 71 per cent mentioned facing non-payment or delayed payment of salary and 67 per cent mentioned facing reduction in salary. Similarly, more than one-fifth of the research participants stated having suffered from forced lay-offs and long working hours.

Various barriers hindered migrant workers from registering grievances and seeking compensation. Two-thirds of the research participants who reported having faced wage

theft, ill-treatment and abuse had filed complaints in the destination countries. Besides, a fifth of the research participants mentioned registering complaints in Nepal. On the other hand, almost two-fifths of the research participants mentioned not seeking any compensation in destination countries. Similarly, around three-fourths of returnee migrant workers who had faced problems during their employment abroad and who were surveyed for this study reported not seeking any compensation in Nepal. In the case of those who did not register their grievances or seek compensation, lack of information about where to file complaints, cumbersome reporting processes, unwillingness to engage in legal hurdles, fear of retaliation from employers and wanting to return home at the earliest were mentioned as major reasons for not filing complaints.

Most migrant workers were not adequately informed about migrant workers' rights and the process for accessing justice. Around one-fourth of the research participants reported having slight or no awareness about their rights relating to access to justice and the process for seeking justice.

Three quarters of the research participants were approached by organisations or individuals to discuss their experience and the issues they faced. These organisations included diplomatic missions, the NRNA, and PNCC, among others. One-third of the research participants mentioned receiving support from PNCC in the destination countries of which 87 per cent rated the support received from PNCC in the destination country as 'very helpful'.

Sixty-two per cent of the returnee migrant workers interviewed were engaged in one or more income-generating activities since their return. Most of the returnee migrants reported being engaged in self-employment in agriculture (29.2 per cent) and daily wage work in non-agriculture sectors (20.8 per cent). However, it is interesting to note that only 11 per cent of the returnees were able to find jobs matching the skills and knowledge acquired during their employment abroad.

Most migrant workers are not aware of the existing employment and loan schemes of the Nepal government for returnee migrant workers. More than a third of the research participants reported not being aware about PMP. Similarly, more than half were not aware about the subsidised loan programme for returnee migrant workers.

Based on the findings, the study has made the following recommendations:

- Record of migrant workers' grievances has to be maintained and their access to justice ensured. For this, a transnational justice mechanism needs to be developed through diplomatic coordination. CSOs can help collect information on grievances of migrant workers through their national and international networks and collaborations.
- The Government of Nepal should collaborate with CSOs, trade unions and other

stakeholders during the formulation of plans and policies for migrant workers, including on their access to justice at home and in destination countries. Also, existing labour agreements with destination countries and foreign employment policies need to be amended in consultation with relevant stakeholders to include guidelines for protection of migrant workers, including those who have migrated through irregular channels or at times of crisis such as the one presented by the COVID-19 pandemic.

- There is a need for raising awareness among migrant workers about their rights and the process for accessing justice. Fair and ethical recruitment of migrant workers, especially in the current situation, should be ensured.
- Data should be collected on returnee migrant workers, their skills and expertise as well as their grievances. CSOs can facilitate collection of data on returnee migrants through their national, provincial and local networks.
- Skill development and vocational training based on the market demand and interest of returnee migrants should be conducted to facilitate their reintegration in the labour market. Similarly, access to existing employment and concessional loan programmes of the government for returnee migrant workers needs to be ensured.
- The crisis caused by the COVID-19 pandemic has highlighted the need for development of a disaster preparedness and response plan for migrant workers.
- It is imperative that the existing directive for rescue and repatriation of Nepali migrants facing problems is simplified and made implementable through simplification of the process and requirements for assessing the gravity of problems and the needs of migrant workers. It should also not discriminate against Nepali migrants based on their status, legal or otherwise, in destination countries.
- The directive needs to also include mandates and provisions for diplomatic missions to work with Nepali diaspora communities and organisations providing support to migrant workers in distress. As such, inclusion of provision to also allocate funds to such organisations and migrant workers' groups/networks could be very useful and practical.

1. INTRODUCTION

1.1. Background

The global COVID-19 pandemic has had a devastating impact on people worldwide and migrant workers are among the most affected population.¹ The pandemic has exacerbated long-standing challenges and difficulties faced by migrant workers and has also created new ones. Measures to curb the spread of the COVID-19 virus, which was declared as a pandemic on 11 March 2020,² in the form of nationwide lockdowns, border shutdowns and travel bans, have severely limited peoples' mobility.³ Additionally, social, economic and health impacts of the pandemic on migrant workers have been amplified by precarious working conditions, the informal nature of employment in the case of most migrant workers, and lack of access to social security and public services. The COVID-19 pandemic has disproportionately affected the global migrant population, including Nepali migrant workers engaged in foreign employment.

During the past year, there have been many studies and media reports on the spread of COVID-19 and its impact on Nepali migrant workers. These studies show that COVID-19 has rendered Nepali migrant workers all the more vulnerable to death, disease and uncertainty.⁴ Migrant workers have been forcibly expelled from their jobs without due payment of salaries and benefits by employers in destination countries.⁵ They have been subjected to violation of basic human rights such as being forced to live in unhygienic conditions without access to health care—indispensable during the pandemic.⁶

1 International Labour Organization (ILO), *Protecting Migrant Workers During the COVID-19 Pandemic: Recommendations for Policymakers and Constituents* (Geneva: ILO, 2020).

2 'WHO Announces COVID-19 Outbreak a Pandemic,' World Health Organization (WHO), accessed 29 June 2021, <https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/news/news/2020/3/who-announces-covid-19-outbreak-a-pandemic>.

3 Jeevan Baniya, Sadikshya Bhattarai, Binay Jung Thapa and Vibhav Pradhan, *COVID-19 and Nepali Labour Migrants: Impact and Responses* (Kathmandu: Centre for the Study of Labour and Mobility, 2020); Rameshwar Nepal, Jeevan Baniya and Kamal Thapa Kshetri, *Covid-19 Mahamariko Chapetama Nepali Aaprabasi Shramikko Adhikaar: Drut Adhayan Pratibedan (Rights of Nepali Migrant Workers in the Clutches of the COVID-19 Pandemic: Rapid Assessment Report)* (Kathmandu: National Human Rights Commission, 2020).

4 Ibid.

5 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*; Pravasi Nepali Coordination Committee (PNCC), *Brief Report on the Cases Received in COVID-19 Online Form: An Urgent Call for Action to Government for the Protection of Nepali Migrant Workers During the Pandemic of COVID-19* (Kathmandu: Pravasi Nepali Coordination Committee, 2020).

6 Lorenzo Guadagno, 'Migrants and the COVID-19 Pandemic: An Initial Analysis,' *Migration Research Series*, No. 60 (2020); ACAPS, *Migrant Vulnerability in Bangladesh, India, and Nepal: COVID-19 and Labour Migration* (Geneva: ACAPS, 2020).

Over the last few decades, international labour migration and remittance generated from the same have emerged as integral factors contributing to the economic growth of Nepal. Remittances received from migrant workers abroad are equal to a significant proportion of Nepal's gross domestic product (GDP) and forms an important income source for migrant workers' households.⁷ Excluding those going to India or migrating via irregular routes, more than 4 million Nepalis received labour permits between 2008/09 to 2018/19 from the Department of Foreign Employment (DoFE).⁸ The majority of migrant workers from Nepal are headed for India, one of the six Gulf Cooperation Council (GCC) countries—Qatar, Saudi Arabia, the United Arab Emirates (UAE), Oman, Bahrain and Kuwait—or Malaysia.⁹

Migrant workers have been supporting the growth and development of both countries of origin and destination. Despite this, they are marginalised and vulnerable to experiencing numerous problems during their migration cycle. Migrant workers continue to face human and labour rights abuses, discrimination, exploitation and ill-treatment in both the countries of origin and destination.¹⁰ Access to justice for migrant workers at home and in destination countries has remained the biggest challenge in protecting the rights of migrant workers. Various obstacles hinder migrant workers' access to justice with regard to abuses faced at the hands of recruitment agencies and employers, among others. Studies on labour migration and access to justice mention that inadequate information about the available complaint redressal and justice mechanism and legal procedure as well as the high cost for seeking legal assistance; lengthy judicial processes; and lack of evidence create challenge for migrant workers in seeking justice.¹¹ Additionally, inadequate communication and coordination between the embassies, relevant ministries and governments of destination countries, lack of monitoring and formal legal redressal mechanisms in destination countries also create barriers in access to justice for migrant workers.¹² Inaccessibility of

7 Dilip Ratha, Eung Ju Kim, Sonia Plaza, and Ganesh Seshan, *Migration and Development Brief 34: Resilience: COVID-19 Crisis through a Migration Lens* (Washington, DC: KNOMAD-World Bank, 2021); Bandita Sijapati, Ang Sanu Lama, Jeevan Baniya, Jacob Rinck, Kalpana Jha & Amrita Gurung, *Labour Migration and the Remittance Economy: The Socio-Political Impact* (Kathmandu: Centre for the Study of Labour and Mobility, 2017), 19. <https://www.ceslam.org/our-publications/the-socio-political-impact>.

8 Ministry of Labour, Employment and Social Security (MoLESS), *Nepal Labour Migration Report 2020* (Kathmandu: MoLESS, 2020).

9 The data is from Nepal Labour Force Survey 2017/18; Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*, 16; MoLESS, *Nepal Labour Migration Report*.

10 Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, *Migrant Workers' Access to Justice at Home: Nepal* (New York: Open Society Foundation, 2014); Benjamin Harkins and Meri Åhlberg, *Access to Justice for Migrant Workers in South-East Asia* (Bangkok: ILO, 2017); National Human Rights Commission (NHRC), *Research-Report on the Situation of the Rights of Migrant Workers: Recruitment Practices and Access to Justice of Migrant Workers* (Kathmandu: National Human Rights Commission, 2019).

11 Migrant Forum Asia, *Challenges on Access to Justice for Migrants* (Quezon City: Migrant Forum Asia, n.a.), NHRC, Research-Report on the Situation.

12 Migrant Forum Asia, *Challenges on Access to Justice for Migrants*.

justice for migrant workers has been exacerbated by the ongoing COVID-19 Pandemic.¹³ The issue of wage theft, lay-offs and exploitation has increased tremendously in the wake of the global health crisis.¹⁴

In this context, this study aimed to understand the experiences and difficulties encountered by Nepali migrant workers during the COVID-19 pandemic in four destination countries reviewed as part of this study. Conducted by the Centre for the Study of Labour and Mobility (CESLAM) at the Science Baha, it also explores the roles and experiences of the Pravasi Nepali Coordination Committee (PNCC) in providing support to migrant workers in distress. Specifically, this study aims to achieve the following objectives:

- Identify impacts of the COVID-19 pandemic on Nepali labour migrants in Malaysia, Qatar, Saudi Arabia, and the UAE.
- Examine the situation of access to justice of Nepali migrant workers in relation to the COVID-19 pandemic.
- Explore experiences about the reintegration of returnee Nepali migrant workers and their aspirations for remigration.
- Identify whether and how Nepali migrant workers and returnees have benefitted from the support provided by PNCC.
- Document experiences and lessons learnt by PNCC and its volunteers while providing support to distressed migrants and returnees. Capture their experiences with regard to collaboration with government agencies, the Nepali diaspora, migrant workers and international and national organisations.

PNCC was one of the prominent organisations working in response to the impacts of the pandemic. PNCC, in collaboration with Nepali missions and international organisations, is working for the welfare of Nepali migrant workers. PNCC has been working in several areas, including supporting migrant workers and their families by ensuring protection of the human rights of Nepali migrant workers, lobbying and advocating on behalf of migrant workers, strengthening migrant workers' networks, providing para-legal remedies to migrant workers in need, building the capacity of migrant workers and advocating for ratification of international instruments as well as reform of international plans and policies governing migrant workers. Furthermore, PNCC also has been facilitating the reintegration of migrant workers in Nepali society.¹⁵ It also works with the Ministry of Labour, Employment and Social Security (MoLESS) towards concretising regional and global policy engagement and

13 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*.

14 Ibid.

15 PNCC, 'Project Details.' Accessed 5 July 2021, Retrieved from: <https://pncc.org.np/migrant-rights- and-decent-work- project-running/>.



providing advisory support.¹⁶ In the context of the pandemic, PNCC provided various kinds of support to Nepali migrant workers in some key destination countries such as the UAE, Qatar, Saudi Arabia, Bahrain, Oman, Kuwait and Malaysia.

1.2. Methodology

This study primarily utilised a mixed-method approach to the collection of data. A desk review of literature relevant to migration and the pandemic was done. The review was complemented by a survey along with key informant interviews and in-depth interviews with various stakeholders.

1.2.1. Review of Literature

A review of the existing literature related to labour migration in Nepal, access to justice for migrant workers and their return and reintegration was carried out. Additionally, publications on the impact of COVID-19 on migrant workers, including Nepali labour migrants, as well as the impact of the pandemic migrant workers' access to justice, return and reintegration were also reviewed.

16 'Migrant Rights and Decent Work (MIRIDEW) Project,' ILO, accessed 5 July 2021, https://www.ilo.org/kathmandu/whatwedo/projects/WCMS_676254/lang-en/index.htm.

1.2.2. Survey

A survey was carried out with 90 Nepali migrant workers: 72 returnees and 18 in four destination countries, namely, Qatar, Saudi Arabia, the UAE and Malaysia. Research participants were identified based on the list provided by PNCC. The survey followed a random sampling approach in selecting the participants from the list provided.

Survey data was collected using smartphones or tablets. The ODK software was used to collect real time data which was transmitted to the CESLAM office in Kathmandu. The data received was monitored regularly for any inconsistencies and rectified. Upon the completion of the survey, the data collected was cleaned and analysed using SPSS.

1.2.3. In-depth Interviews with Migrant Workers

A total of 20 in-depth interviews were carried out with migrant workers. They were purposively selected among the survey respondents based on their experiences relating to the impact of COVID-19, access to justice, return and reintegration and the support received from government and non-government organisations. Interviewees were selected to ensure diversity in terms of age, gender, caste/ethnicity and country of destination. In-depth interviews were conducted with 18 men and two women migrant workers, including returnee migrant workers and migrant workers in countries of destination.

The in-depth interviews attempted to capture detailed information on the experiences of migrant workers during the COVID-19 pandemic and helped in triangulating information collected through surveys. An interview checklist was prepared and finalised in consultation with PNCC. All the interviews were conducted remotely, either over the phone or through phone messaging services such as WhatsApp, Imo and Viber.

1.2.4. Key Informant Interviews

A total of 9 key informant interviews (KIIs) were carried out. The KIIs were carried out with PNCC outreach officers, team leaders and volunteers.

1.2.5. Multi-stakeholder Consultation

A multi-stakeholder consultation with representatives of relevant government agencies (such as DoFE, FEB), (international) non-government agencies, trade unions and migrant workers' networks (SARTUC, NNSM) and civil society organisations (such as AMKAS, Pourakhi, People Forum), research organisations and individual experts, among others, was held on 21 December 2021. The consultation not only helped in validating the preliminary findings but also in acquiring feedback for improving the study as well as identifying priorities and recommendations for the future.



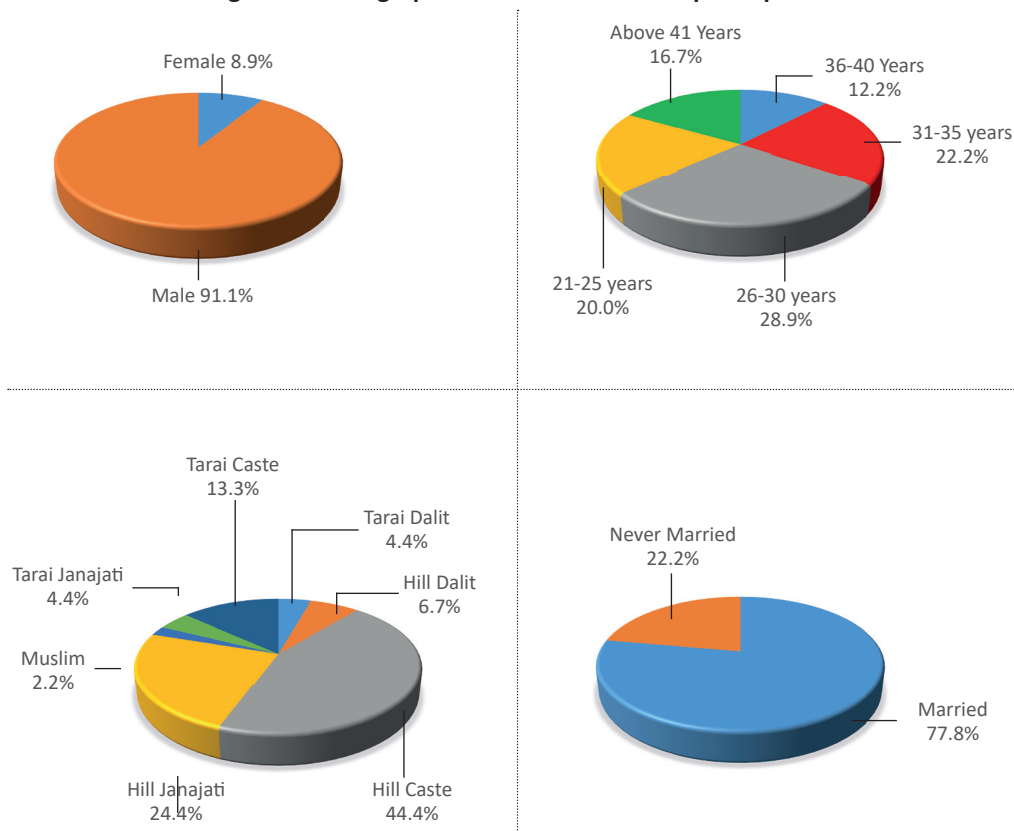
1.2.6. Limitations

The focus of the study is on understanding the impact of COVID-19 on migrant workers with primary focus on wage theft, access to information, support received and access to justice. Therefore, this study does not look into other issues related to migration and foreign employment such as remittance, occupational safety and health. This study focuses only on four major destination countries of Nepali migrant workers. Hence, the study cannot claim that these findings are necessarily not generalisable across all destination countries.

2. FINDINGS

2.1. Demographic Features

Labour migration from Nepal is dominated by men. Labour permits issued to men accounted for more than 90 per cent of the permits issued by DoFE between 2008/09

Figure 1: Demographic features of research participants

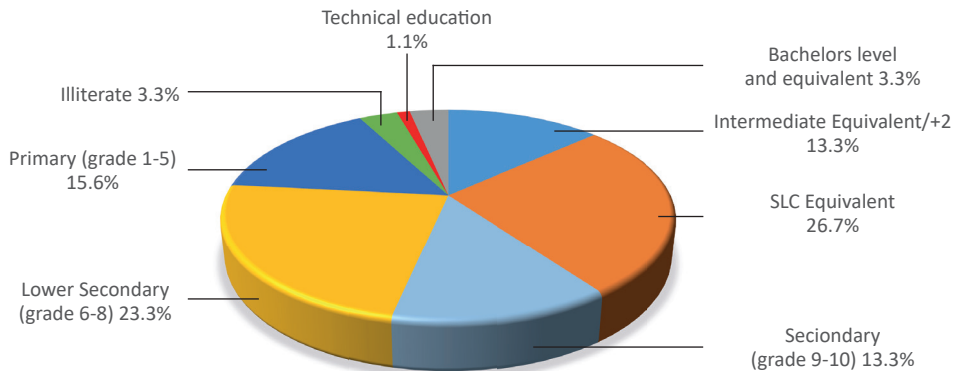
and 2018/19.¹⁷ The share of women receiving labour permits in 2018/19 accounted for 9 per cent of the total permits issued. In the present study, of the 90 research participants 9 per cent were women. In terms of age, national surveys show that migrants from Nepal, irrespective of the reason for migration, are young, i.e., between the ages of 15 and 29 years.¹⁸ Almost half of the research participants were between the ages of 21 and 30 years.

Hill caste and hill Janajati are the major caste and ethnic groups in Nepal constituting 31 per cent and 26 per cent of the total population of Nepal respectively.¹⁹ Findings from national surveys in Nepal show that hill caste and hill Janajati groups dominate

¹⁷ MoLESS, *Nepal Labour Migration Report*.

¹⁸ Based on calculation from raw data from Nepal Labour Force Survey 2017/2018.

¹⁹ According to the National Population and Housing Census 2011. The caste and ethnic grouping is based on Pitamber Sharma, *Some Aspects of Nepal's Social Demography* (Lalitpur: Himal Books, 2014).

Figure 2: Educational qualification

international migration in Nepal.²⁰ The survey for this study was also dominated by the same two groups, with 44 per cent from hill caste groups with 24 per cent hill Janajatis (Figure 1).

Corroborating findings from other studies as well as national level surveys, such as the Nepal Labour Force Survey 2017/18, this study also found that a large proportion (37 per cent) of research participants, primarily those going to GCC countries, have completed their secondary level (Grade 10) education. This is in contrast to those going to destinations such as South Korea and Japan where a large proportion have comparatively higher educational qualifications.²¹

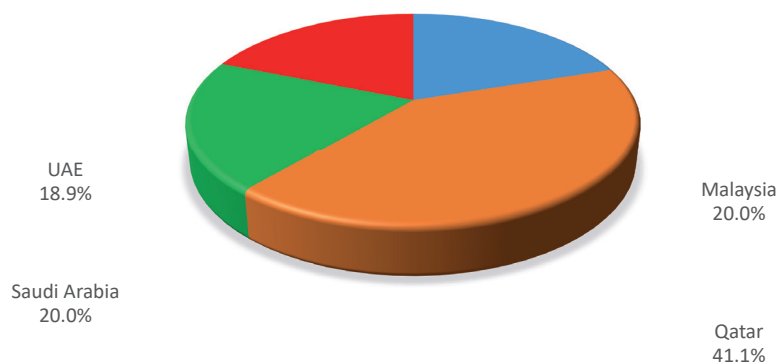
2.2. Economic Background

Self-employment and daily wage work in the agriculture sector were major sources of income for households of the research participants (Table 1). Remittances were also a key source of income for migrant workers' households. This is in line with a recent study carried out by CESLAM on returnee migrant workers, which reported that self-employment in agriculture formed the main source of income in 69 per cent of the migrants' households.²²

20 Sanjay Sharma, Shibani Pandey, Dinesh Pathak and Bimbika Sijapati-Basnett, *State of Migration in Nepal* (Kathmandu: Centre for the Study of Labour and Mobility, 2014).

21 The calculation of raw dataset from NLFS 2017/18 shows that 45.1 per cent of international migrants who migrated to Japan for work, education or other reasons have completed higher secondary or grade 12, 26.3 per cent have completed bachelor's level education or above. Similarly, 45.3 per cent of those who migrated to South Korea had completed grade 12 and 28.2 per cent had completed bachelor's level education or above.

22 Jeevan Baniya, Sadikshya Bhattarai, Binay Jung Thapa, Dogendra Tumsa and Nilima Rai, *Situation of Nepali Migrant Workers' Access to Justice: A Scoping Study* (Kathmandu: SARTUC and ITUC-NAC, forthcoming).

Figure 3: Destination of research participants

2.3. Migration Experience

2.3.1. Recent Migration Destination

Migration of Nepalis for employment abroad is driven by various factors. Lack of employment opportunities at home, prospects of higher salary in destination countries, the desire to provide better education for children, and poverty and financial problems are the main push and pull factors driving Nepalis to migrate for foreign employment.²³ As put succinctly by one of the research participants:

I have to educate my children, and the financial situation of my family is also not good. Hence, I had to migrate abroad. I wanted to earn and save some money for the future.²⁴

Table 1: Source of income

Source of Income	Male	Female	Total
	Per cent	Per cent	Per cent
Self-employed (agriculture)	64.6	37.5	62.2
Remittance	25.6	25.0	25.6
Daily wage (non-agriculture)	22.0	0	20.0
Self-employed (non-agriculture)	14.6	37.5	16.7
Private sector job	11.0	25.0	12.2
Daily wage (agriculture)	4.9	0	4.4
Don't want to answer	2.4	25.0	4.4
Government service	1.2	12.5	2.2
Pension	1.2	0	1.1

²³ Based on in-depth interviews with 20 returnee migrants.

²⁴ In-depth interview conducted with 38-year-old male returnee from Qatar.

Social security allowance	1.2	0	1.1
Involvement in politics	1.2	0	1.1
Total %	150	162.5	151.1
Total number	82	8	90

Note: multiple responses

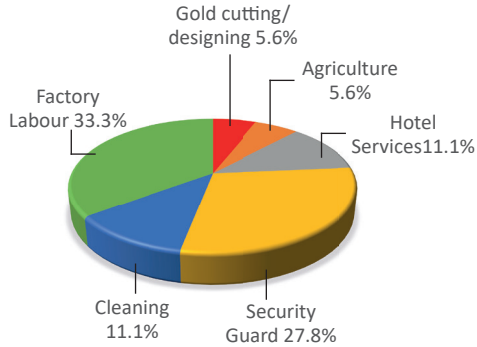
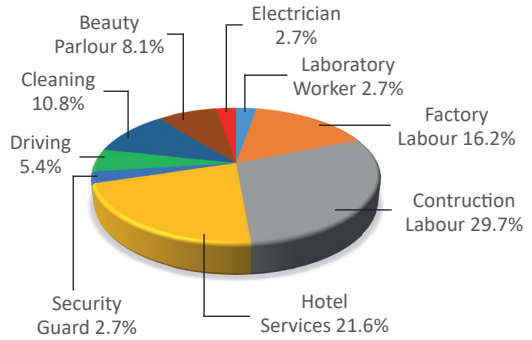
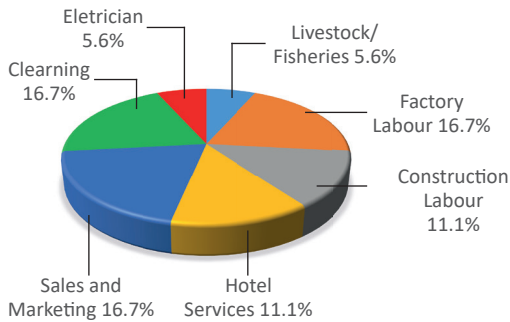
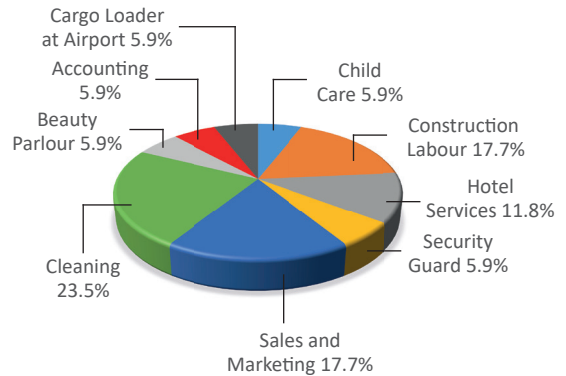
Migration from Nepal for foreign employment has been mainly directed towards the GCC countries and Malaysia.²⁵ According to data on labour permits issued by DoFE, slightly more than 90 per cent of the labour permits issued in the period between 1993/94 and 2020/21 were issued to migrant workers headed to four main destinations—Qatar, Saudi Arabia, the UAE and Malaysia.²⁶ This study also focused on the same four destinations (Figure 3).

Table 2: Occupation of migrant workers

Occupation	Male	Female	Total
	Per cent	Per cent	Per cent
Construction labourer	20.7	0	18.9
Hospitality	20.7	0	18.9
Factory labourer	18.3	0	16.7
Cleaning	12.2	37.5	14.4
Security guard	8.5	0	7.8
Sales and marketing	7.3	0	6.7
Beauty parlour	0	50	4.4
Driving	2.4	0	2.2
Electrician	2.4	0	2.2
Agriculture	1.2	0	1.1
Livestock/fisheries	1.2	0	1.1
Accounting	1.2	0	1.1
Laboratory worker	1.2	0	1.1
Gold cutting/Designing	1.2	0	1.1
Cargo loader at airport	1.2	0	1.1
Childcare	0	12.5	1.1
Total %	100	100	100
Total number	82	8	90

²⁵ MoLESS, *Nepal Labour Migration Report*.

²⁶ Based on labour permit data obtained from the Department of Foreign Employment.

Figure 4: Occupation of research participants in destination countries**Malaysia (N=18)****Qatar (N=37)****Saudi Arabia (N=18)****UAE (N=17)****2.3.2. Occupation and Monthly Income in Destination Countries**

Most Nepalis migrating to the GCC countries and Malaysia are unskilled, low-skilled or semi-skilled and are engaged in sectors such as domestic work, construction, agriculture, service and manufacturing.²⁷ The temporary and informal nature of their work, among other factors, makes them particularly vulnerable to violation of human and labour rights. Most of the male research participants in the study consisted of those working as

²⁷ Ministry of Labour and Employment, *Labour Migration for Employment: A Status Report for Nepal 2015/16-2016/17* (Kathmandu: Government of Nepal, 2017); MoLESS, *Nepal Labour Migration Report*.

Figure 5: Monthly income by country

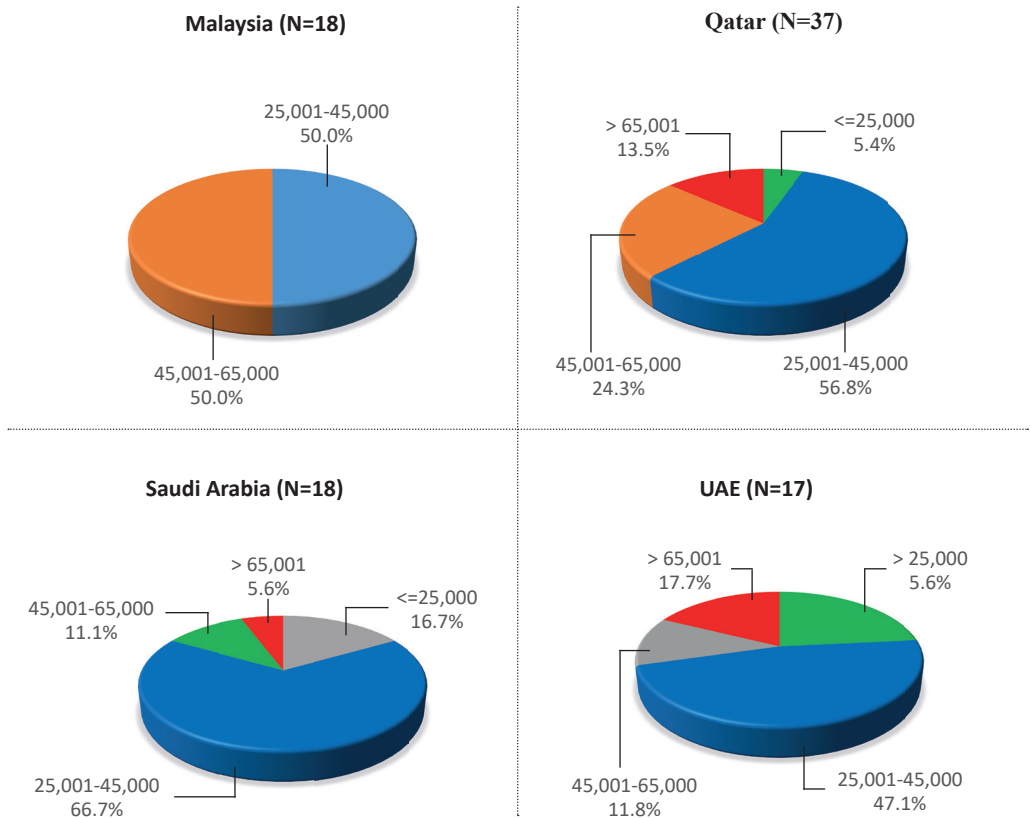
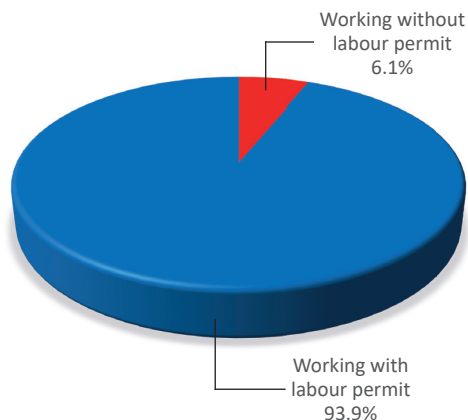


Table 3: Monthly income

Amount	Male	Female	Total
	Per cent	Per cent	Per cent
<=25,000	8.5	25.0	10.0
25,001-45,000	58.5	25.0	55.6
45,001-65,000	23.2	37.5	24.4
> 65,001	9.8	12.5	10.0
Total %	100	100	100
Total number	82	8	90

labourers in construction and factories, and in the service sector. In the case of female research participants, four worked in beauty parlours/salons and three as cleaners in the destination countries. Furthermore, of those who had migrated to Malaysia, Qatar

Figure 6: Legal status of migrants in destination

and Saudi Arabia, most worked as labourers in factories and in the construction sector while those migrating to the UAE worked as construction labourers and in the hospitality industry (Figure 4). It should be noted that these figures include both migrants who have returned to Nepal and those who are currently working in the destination countries.

The average monthly income of the research participants in these four countries was NPR 44,883 (c. USD 380). Most of the research participants were earning between NPR 25,001-45,000 per month (Table 3). The monthly incomes of research participants, disaggregated by destination country, is presented in Figure 5.

2.3.3. Legal Status in Destination Country

Nepalis engaged in foreign employment are required to get a labour permit from DoFE prior to their migration. However, due to various reasons, including, but not limited to, restrictive migration policies primarily for women migrants (aimed ostensibly at protecting Nepali women from exploitation, abuse and trafficking), complex and time-consuming migration procedures, bans imposed on migration to certain countries such as Iraq, and unscrupulous practices of recruitment agencies, some migrant workers use irregular channels to migrate and do not obtain labour permits as mandated by the Government of Nepal. In this study, five male research participants mentioned working without labour permits. Of them, two were returnees and three were currently working overseas.

There are also cases where migrant workers leave the company they were originally contracted to work for without following the required protocol and in turn become illegal residents. As they continue working illegally, they go through various challenges. Some of the challenges faced by 'illegal' migrant workers in destination countries is described in detail by one of the research participants:

When I first went abroad, I was working as an electrician for the first seven or eight months. Later, I left the company and started to work as security guard in a different company. The company where I was working as an electrician gave the salary on time in the beginning but later it stopped giving it on time, reduced my salary sometimes saying that my work was not good, and even suspended me. Because of these reasons, I left that company and started working as a security guard elsewhere...While working as a security guard, I got arrested three times for being undocumented... As I was working illegally, there was no guarantee of finding permanent work.²⁸

2.3.4. Intermediaries Involved in Migration

Various formal and informal intermediaries facilitate the migration of Nepalis seeking employment abroad. Private recruitment agencies (PRAs) play a pivotal role in matching prospective migrants with employment opportunities and provide support in the management and processing of documents required for migration. Nearly nine-tenths of the total 'new entry' labour permits issued in the fiscal year 2018/19 were processed through PRAs.²⁹ But, most of the PRAs formally involved in the migration process are based in the capital while most of the prospective migrants live outside the capital, including in rural areas and villages. Hence, there are various informal labour intermediaries, consisting of informal sub-agents/brokers, friends, relatives or neighbours, who play an important role in connecting jobseekers to employment opportunities abroad or to recruitment agencies or other intermediaries.³⁰

Research participants in this study reported that multiple intermediaries facilitated their migration. More than three-fourths of the migrants had migrated via recruitment agencies (Table 4). Similarly, informal intermediaries such as sub-agents, friends/neighbours and family members also facilitated the migration of research participants surveyed for this study.

2.3.5. Overall migration cost

Foreign employment brings economic benefits to migrants and their families but it is not without costs.³¹ Most Nepali labour migrants pay huge sums of money for recruitment

28 In-depth interview with 34-year-old male returnee migrant from Malaysia.

29 MoLESS, 'Report on Final Approved List New RA Wise from 2018-07-17 to 2019-07-16,' (Kathmandu: MoLESS, 2019).

30 ILO, *Promoting Informed Policy Dialogue on Migration, Remittance and Development in Nepal* (Kathmandu: ILO, 2016); Baniya, Bhattarai, Thapa, Tumsa and Rai, *Situation of Nepali Migrant Workers' Access to Justice*.

31 Md Mizanur Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries,' *International Migration* 53, No. 6 (2013): 205-19. <https://doi.org/10.1111/imig.12084>; Aiko Kikkawa Takenaka, James Villafuerte, Raymond Gasper and Badri Narayan, *COVID-19 Impact on International Migration, Remittances, and Recipient Households in Developing Asia* (Mandaluyong City: Asian Development Bank, 2020); Sijapati, Lama, Baniya, Rinck, Jha & Gurung, *Labour Migration and the Remittance Economy*.

or other related fees.³² The ILO General Principles and Operational Guidelines for Fair Recruitment defines recruitment fees or related cost as ‘any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection’.³³ Nepali migrant workers are found to be paying over NPR 175,000 in recruitment fees and associated costs for migration to Malaysia and over and NPR 100,000 for Qatar, Saudi Arabia and the UAE.³⁴ The ILO guidelines for fair and ethical recruitment stipulates that workers or jobseekers should not be charged with or made to bear any recruitment fees or related costs.³⁵

Table 4: Intermediaries in labour migration

Mode of migration	Male	Female	Total
	Per cent	Per cent	Per cent
Through recruitment agency ('manpower')	79.3	62.5	77.8
Through sub-agents	31.7	12.5	30
Through family members	9.8	25	11.1
Through neighbours/friends	9.8	12.5	10
Self-managed	1.2	0	1.1
Others	1.2	12.5	2.2
Total %	132.9	125.0	132.2
Total number	82	8	90

Note: multiple responses

Nepal has adopted the ‘employers pay’ principle as well as the ‘free-visa-free-ticket’ policy or the ‘zero cost’ migration model in order to reduce the financial burden on migrant workers and curb the unethical practice of charging migrant workers exorbitant fees. Under the ‘free-visa-free-ticket’ scheme, recruitment agencies can charge migrant workers only NPR 10,000 as service charge. However, research participants in this study were found to have spent nearly NPR 150,000 on average for their overall migration process and paid an average of around NPR 100,000 to recruitment agencies (Table 6). Almost half of the research participants had spent more than NPR 140,000 in overall migration-related costs (Table 5). Similarly, around 75 per cent of the research participants had paid NPR 60,000 to 140,000 to recruitment agencies.

32 Rahman, ‘Migrant Indebtedness: Bangladeshis in the GCC Countries’, 207.

33 ILO, *General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs* (Geneva: ILO, 2019), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.

34 ILO, *Promoting Informed Policy Dialogue*.

35 ILO, *General Principles and Operational Guidelines*.

Table 5: Cost of migration

Amount (in NPR)	Male	Female	Total
	Per cent	Per cent	Per cent
	Total cost of migration		
<=40,000	4.9	12.5	5.6
40,001-60,000	1.2	12.5	2.2
60,001-80,000	9.8	25	11.1
80,001-1,00,000	11	0	10
1,00,001-1,20,000	14.6	0	13.3
1,20,001-1,40,000	7.3	12.5	7.8
1,40,001-1,60,000	28.1	25	27.8
> 1,60,001	23.2	12.5	22.2
Total %	100	100	100
Total number	82	8	90
Amount paid to recruitment agencies			
20,000-60,000	15.1	20	15.4
60,001-1,00,000	41.1	60	42.3
1,00,001-1,40,000	32.9	20	32.1
1,40,001-1,80,000	10.9	0	10.3
Total %	100	100	100
Total number	73	5	78

Despite paying huge amounts in recruitment costs, migrant workers continue to become victims of unscrupulous activities of recruitment agencies. As noted by one of the research participants, migrant workers are often misinformed about the expected job and salary in destination countries:

At the age of 35, I had migrated via a manpower [recruitment agency] after preparing all the necessary documents and getting the labour permit. I had taken a loan of NPR 165,000 from a moneylender at the interest rate of 36 per cent per annum. I was told that I would be working as a waiter in a hotel, but I had to work as cleaner after reaching the destination. The salary was specified as 1000+100 Qatari riyal [c. NPR 36,300] for 10 working hours but after reaching there, I was paid 800+100 Qatari riyal [c. NPR 29,700] for 12 hours of work per day as a cleaner.³⁶

36 In-depth interview with 37-year-old returnee migrant worker from Qatar.

Table 6: Average cost of migration

Country	Minimum	Average	Maximum	N
Total migration cost				
Malaysia	20,000	148,611	281,000	18
Qatar	15,000	120,486	220,000	37
Saudi Arabia	50,000	127,500	250,000	18
United Arab Emirates	70,000	225,294	1,450,000	17
All countries	15,000	147,311	1,450,000	90
Amount paid to recruitment agency				
Malaysia	60,000	105,813	150,000	16
Qatar	20,000	97,303	180,000	33
Saudi Arabia	40,000	92,206	150,000	17
United Arab Emirates	60,000	104,750	160,000	12
All countries	20,000	99,083	180,000	78

2.3.6. Sources Used to Finance Migration

As discussed in Section 2.3.5, migrant workers were found to have paid huge amounts of money to finance their migration abroad. Migrant workers depend on various sources to finance their migration, including loans, savings, and sale of land, among others.³⁷ Consistent with past findings, migrant workers in this study had used multiple sources to finance their migration. Loans and savings were the most reported sources used to finance the migration (Table 7).

Table 7: Source of funds to finance their migration

Source of Fund	Male	Female	Total
	Per cent	Per cent	Per cent
Borrowing/Loan	91.5	50.0	87.8
Savings	25.6	50.0	27.8
Sold house/land	0	12.5	1.1
Remittance	1.2	0	1.1
Total %	118.3	112.5	117.8
Total number	82	8	90

Note: multiple responses

37 Sijapati, Lama, Baniya, Rinck, Jha & Gurung, *Labour Migration and the Remittance Economy*; ILO, *Promoting Informed Policy Dialogue*.

2.3.7. Use of Loans to Pay for Migration

Most migrant workers are found to rely on loans from family and relatives and traditional moneylenders to pay for migration.³⁸ While loans taken from family and friends are accessible at low or no interest, loans from financial institution and traditional moneylenders often come with high interest rates. As reported above, most of the research participants in this study used loans to pay their recruitment and other associated costs for migration (Table 7). Loans were secured from different sources to partially or fully fund the costs. Traditional moneylenders were the most common loan providers, followed by friends and neighbours.

The average loan amount was NPR 130,114, and ranged from NPR 100,001 to 150,000 for a large proportion of Nepalis migrating to the four countries covered by this study (Table 9).

A large proportion of the research participants had paid back their loans (Table 10). Among research participants who had fully or partially repaid their loans, most reported having used the remittances sent home to pay back the loans (Table 11).

Table 8: Source of loans

Loan providers	Male	Female	Total
	Per cent	Per cent	Per cent
Traditional moneylenders	52.0	25.0	50.6
Family members/relatives	25.3	50.0	26.6
Friends/neighbours	20.0	0	19.0
Informal groups	8.0	50.0	10.1
Banks/cooperatives	9.3	0	8.9
Others	1.3	0	1.3
Total %	116.0	125.0	116.5
Total number	75	4	79

Note: multiple responses

38 Amnesty International, *False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers* (London: Amnesty International, 2011); International Organization for Migration, *Debt and the Migration Experience: Insights from South-East Asia* (Bangkok: IOM, 2019); Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries'; Sijapati, Lama, Baniya, Rinck, Jha and Gurung, *Labour Migration and the Remittance Economy*.

Table 9: Loan amount

Amount	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
<=50,000	5.6	12.9	11.8	0	8.9
50,001-100,000	11.1	29.0	29.4	0	20.3
100,001-150,000	72.2	38.7	41.2	69.2	51.9
150,001-200,000	5.6	16.1	17.7	23.1	15.2
>200,001	5.6	3.2	0	7.7	3.8
Total %	100	100	100	100	100
Total number	18	31	17	13	79

Table 10: Repayment of loan

Status of loan repayment	Male	Female	Total
	Per cent	Per cent	Per cent
Full repayment of loan	70.7	50.0	69.6
Partial repayment of loan	22.7	50.0	24.1
Loan not paid	6.7	0	6.3
Total %	100	100	100
Total number	75	4	79



2.4. Impact of the COVID-19 Pandemic

The global COVID-19 pandemic that started as a health crisis slowly escalated and transformed into global economic crisis. The pandemic severely impacted the lives and livelihoods of migrant workers. The socio-economic and health impacts of the crisis on migrant workers, including Nepali migrants, have been well documented.³⁹ Loss of employment and the concomitant loss of income, reduction in wages, non-payment of salary and benefits, expulsion from job, forced labour and psychological stress have been the main impacts of COVID-19 on Nepali migrant workers.⁴⁰

Eighty-one per cent of the research participants stated that they faced one or more social and economic issues due to the pandemic. Among them, the most common impact of COVID-19 was reported to be loss of job (41 per cent) owing to the economic downturn caused by the pandemic. This was followed by non-payment (26 per cent) and reduction (19 per cent) in salaries. There is no considerable difference in the issues faced by Nepali migrant workers in each of the four destinations, i.e., Malaysia, Qatar, Saudi Arabia and the UAE. Loss of employment, wage theft, termination/non-renewal of employment contract,

39 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*.

40 PNCC, *Brief Report on the Cases Received in COVID-19*; IOM and NIDS, *Status of Nepali Migrant Workers in Relation to Covid-19* (Kathmandu: IOM, 2020); WOREC, *Survey on the Socio-economic Impact of COVID-19 on Returnee Migrant Women Workers in Nepal* (Kathmandu: WOREC, 2020).

expiration of labour permit and/or visa and unsafe working environment were the main issues faced by the research participants in the four destination countries (Table 13).

Table 11: Means used to repay the loan

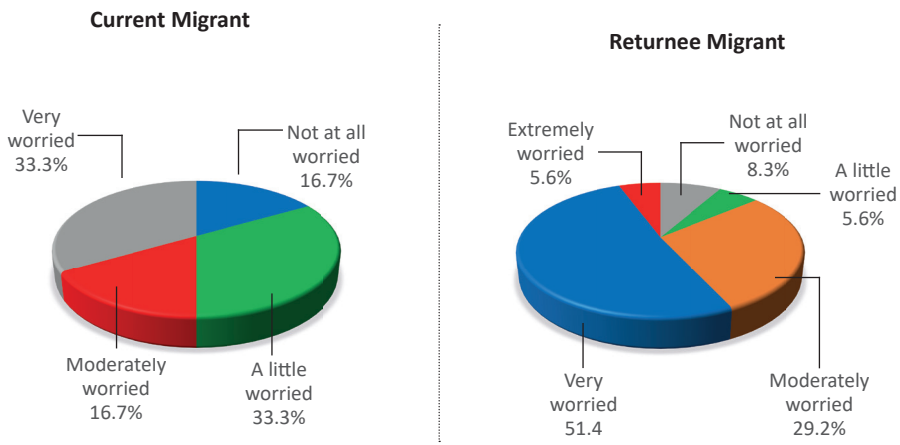
Means of loan repayment	Male	Female	Total
	Per cent	Per cent	Per cent
Used remittance sent by migrant worker(s)	97.1	100	97.3
Sold livestock	1.4	0	1.4
Took loan from bank, cooperative or other financial institution	1.4	0	1.4
Took loan from friends/relatives/neighbours	1.4	0	1.4
Others	1.4	0	1.4
Total %	102.9	100.0	102.7
Total number	70	4	74

Note: multiple responses

Table 12: Impact of COVID-19

Nature of Impact	Male	Female	Total
	Per cent	Per cent	Per cent
Loss of job	39.0	62.5	41.1
Unsafe working environment	35.4	12.5	33.3
Non-payment of salary	25.6	25.0	25.6
Expiration of labour permit/visa	25.6	12.5	24.4
Health problem	23.2	25.0	23.3
Reduction in salary	18.3	25.0	18.9
No impact of COVID-19	19.5	0	18.8
Termination/non-renewal of contract	13.4	25.0	14.4
Forced labour	14.6	0	13.3
Felt I would be safer in Nepal	11	0	10.0
Family issues/obligation	9.8	0	8.9
Fear of contracting COVID-19	3.7	12.5	4.4
Got stranded in destination	2.4	0	2.2
Closure of company	2.4	0	2.2
Worry about safety of the family back home	1.2	0	1.1
Challenge in access to food and accommodation	1.2	0	1.1
Difficulty in mobility	1.2	0	1.1
Total %	247.5	200	244.1
Total number	203	17	220

Note: multiple responses

Figure 7: How worried migrants were about contracting COVID-19

In addition to facing health problem after contracting the virus, migrant workers also suffered economic and psychosocial impacts such as increased mental stress because of the COVID-19 pandemic. This is reflected in what two migrant workers said:

I was in Qatar when the pandemic started. In the beginning, there was a lot of fear and stress. There was more fear because of the inability to practice social distancing. There was increasing news coverage of death caused by the pandemic, there were lockdowns everywhere, we could not go outside. A lot of negative thoughts started arising on my mind as to what was going to happen. Because of COVID-19, there was no work and that caused financial problems at home, we had loans to pay back. The pandemic also impacted my income.⁴¹

'At the time of my return, I did not get one and a half lakh [NPR 150,000] that I was owed by the company. I was forced to sign a document. The company asked us to leave as soon as possible, and they used to tell us not to go outside or talk to anyone'.⁴²

Similarly, the rapid spread of the COVID-19 virus across the world and the increasing death toll led to increased fear of contracting the virus among migrant workers. More than half of the returnee migrants and one-third of the current migrants reported being very worried about contracting the virus in the destination country.

2.4.1. Stranded in Destination Country

Migrant workers' 'right to return' is enshrined in various national and international legal instruments.⁴³ A person's right to willingly leave as well as return to their country of origin

41 In-depth interview with 37-year-old male returnee migrant worker from Qatar.

42 In-depth interview with 43-year-old male returnee migrant worker from Malaysia.

43 LAPSJ, *Policy Brief: Vulnerability of Migrant Workers*.

(CoO) has been secured by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990.⁴⁴ These legal instruments stipulate that no person should be denied their right to return and if denied, the victims have the right to legal remedies.

Table 13: Impact of COVID-19 on migrant workers by destination country

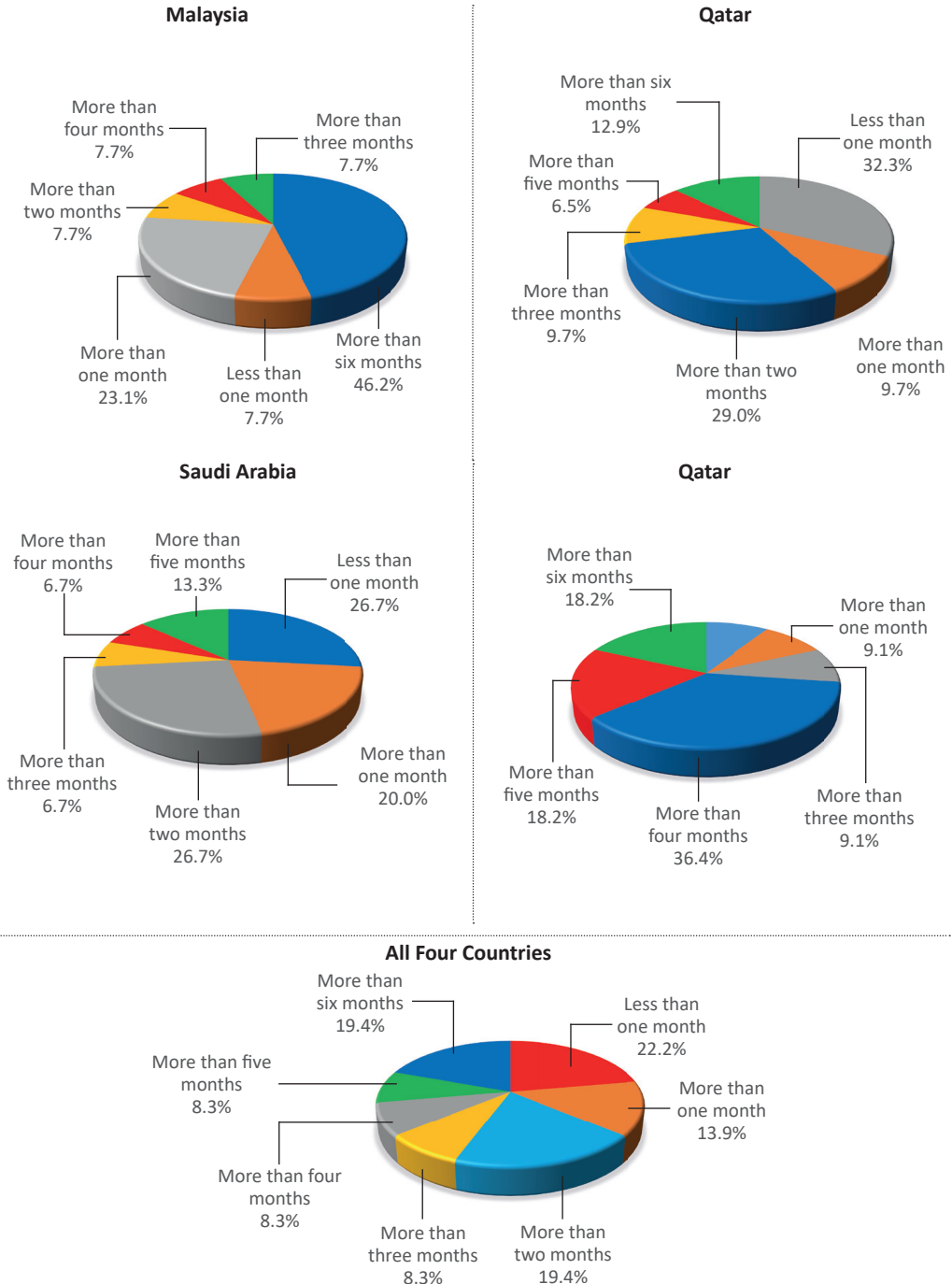
Nature of impact	Malaysia	Qatar	Saudi Arabia	UAE
	Per cent	Per cent	Per cent	Per cent
Health problem	61.1	13.5	22.2	5.9
Loss of job	22.2	35.1	66.7	47.1
Unsafe working environment	22.2	43.2	33.3	23.5
Reduction in salary	16.7	10.8	16.7	41.2
Forced labour	16.7	16.2	5.6	11.8
No impact	16.7	27.0	11.1	11.8
Non-payment of salary	11.1	24.3	27.8	41.2
Expiration of labour permit/visa	5.6	29.7	33.3	17.6
Got stranded in destination and could not return	5.6	0	0	5.9
Challenge in accessing food and accommodation	5.6	0	0	0
Expiration of labour permit/visa	5.6	0	0	0
Other impacts	5.6	32.4	22.2	0
Termination/non-renewal of contract	0	27.0	5.6	11.8
Worried about safety of family back home	0	2.7	0	0
Afraid of contracting COVID-19	0	2.7	5.6	11.8
Closure of company	0	5.4	0	0
Difficulty in mobility	0	0	0	5.9
Total %	194.7	270	250.2	235.5
Total number	35	100	45	40

Note: multiple responses, N=90

Yet, as the initial phase of the crisis unfolded, travel restrictions in destination countries as well as in Nepal halted the movement of migrant workers. Destination countries, including the GCC countries, adopted various stringent measures—lockdowns curfews and temporary halt of domestic and international flights, among others—to contain the spread

44 United Nations, *Universal Declaration of Human Rights*, article 13 (2) (Paris: United Nations, 1948); United Nations, *International Covenant on Civil and Political Rights*, article 12 (4), (New York: United Nations, 1966); United Nations, *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (New York: United Nations, 1990).

Figure 8: Duration stranded for due to COVID-19



of the virus.⁴⁵ Though such measures helped in controlling the spread of virus, they caused migrant workers to be stranded in the destination countries. Further, the imposition of a ban on international flights by the Nepal government added to the plight of migrant workers. As a result, many migrant workers were stranded in destination countries for months amidst uncertainty about their return.

There were numerous calls from civil society organisations (CSOs) and migrant rights' groups asking for the early, safe and dignified repatriation of Nepali migrant workers affected by the pandemic. According to the International Convention on the Protection of the Rights of all Migrant Workers and Their Families 1990, employer companies are contractually bound to assist the repatriation of migrant workers by bearing their cost of return as well as facilitating their safe return home. Also, the Foreign Employment Act 2007 of Nepal states that it is the responsibility of the Government of Nepal to rescue and repatriate Nepali migrant workers from destination countries at times of crisis such as war, pandemic and natural disasters.⁴⁶ However, it took several months for GoN to start the repatriation process.⁴⁷ Following an executive order on 25 May 2020 to facilitate the repatriation of Nepali citizens who had to return home due to inconvenient situations caused by the global COVID-19 pandemic, the government launched an action plan on 29 May and officially started repatriation from the first week of June.⁴⁸

The present study shows that Nepali migrants were stranded in the four destination countries for up to several months before they were able to return. Almost one-fifth of the returnee migrant workers interviewed reported having been stranded in the destination for more than six months before they were able to return home. Furthermore, there was considerable difference in the duration for which migrant workers were stranded in each of the four countries. Almost half of the research participants who returned from Malaysia stated they had been stranded for more than six months (Figure 8). The proportion was 18 per cent for the UAE, 13 per cent for Qatar and in the case of Saudi Arabia there were none stranded for more than six months. That was particularly challenging for most migrant

45 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*.

46 The Foreign Employment Act 2007 states: 'Where Nepalese workers have to be immediately brought back to Nepal due to a war, epidemic, natural calamity in the country where such workers are engaged in employment, the Government of Nepal shall make arrangements for repatriating such workers through the diplomatic mission or labour attaché'; Government of Nepal (GoN), *Foreign Employment Act* (Kathmandu: Government of Nepal, 2007), Article 75.

47 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*.

48 MoFAGA, 'Covid-19 ko Bishwobyapi Sankramanko Karan bata Utpanna Asahaj Paristhitima Swadesh Aaunaiparne Awasthama Raheka Nepali Nagariklai Swadesh Aauna Sahajikaran Garne Sambandhi Aadesh', 2077 (Order to Facilitate the Repatriation of Nepali Citizens Who Have to Return Home Due to the Inconvenient Situation Created by the COVID-19 Global Pandemic, 2020), <https://mofaga.gov.np/news-notice/1872>; 'Nepali Nagariklai Swadesh Auna Sahajikaran Garne Sambandhi Karya Yojana', 2077 (Action Plan to Facilitate the Return Home of Nepali Citizens, 2020), <https://www.opmcm.gov.np/wp-content/uploads/2020/05/Action-plan-2077.pdf>.

workers because being stranded in the destination country after the loss of job and income meant additional financial strain.

2.4.2. After the COVID-19 Pandemic: Situation at the workplace

Half of the returnee migrant workers surveyed in this study reported to have continued working after the onset of the pandemic and prior to their return (Table 16). Among those who continued to work, 73 per cent mentioned that they received full payment for their work. Similarly, one-third of the migrant workers who at the time of survey were working in the destination country, stated having changed jobs after the outbreak of the pandemic (Table 15).

Table 14: Employment status after outbreak of COVID-19

Status	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Continued working after outbreak of coronavirus and prior to return					
Yes	46.2	64.5	41.2	36.4	51.4
No	53.9	35.5	58.8	63.6	48.6
Total %	100	100	100	100	100
Total number	13	31	17	11	72
Got paid for the duration					
No, did not get any pay	0	10.0	0	75.0	13.5
Got full payment	83.3	70.0	100	25.0	73.0
Was paid partially	16.7	20.0	0	0	13.5
Total %	100	100	100	100	100
Total number	6	20	7	4	37

Table 15: Employment status of current migrants after the outbreak of COVID-19

Status	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Yes, changed job	20.0	33.3	0	50.0	33.3
No, engaged in same job as before	80.0	66.7	100	50.0	66.7
Total %	100	100	100	100	100
Total number	5	6	1	6	18

The majority of both current and returnee migrant workers said they had access to personal protective equipment (PPE) at their workplace after the spread of the virus (Table 16). The protective measures used by migrant workers at their workplace included masks (98.8 per cent), sanitiser (98 per cent) and soap (52 per cent). Around 35 per cent of the research participants also reported that social distancing measures were adopted at their workplace

(Table 17). The following quote explains the situation some migrant workers had to face as they continued working after the spread of COVID-19:

I continued working even during the lockdown. The company had not adopted any protective measures to be safe from the virus. We bought face shields, gloves, masks and sanitizers ourselves. Because of negligence by the company, a lot of [workers] contracted the virus. Thirteen of us from the same group got the virus at the same time.⁴⁹

Table 16: Access to PPE at workplace

	Migrant	Returnee	Total
	Per cent	Per cent	Per cent
Yes, had access to PPE	94.4	91.7	92.2
No, did not have access to PPE	5.6	8.3	7.8
Total %	100	100	100
Total number	18	72	90

However, not all migrant workers lacked access to PPE and not all employers failed to enforce the necessary protocols at the workplace. One returnee migrant worker stated, 'While working at the hotel, everyone working there got a PCR test every two weeks. The company had kept us safely.'⁵⁰

Table 17: Protective measures used at the workplace

Type of protective measure used	Male	Female	Total
	Per cent	Per cent	Per cent
Mask	98.7	100	98.8
Sanitiser	97.3	100	97.6
Soap	54.7	25.0	51.8
Maintaining social distance	32.0	62.5	34.9
Helmet	12.0	25.0	13.3
Others	2.7	0	2.4
Total %	297.3	312.5	298.8
Total number	75	8	83

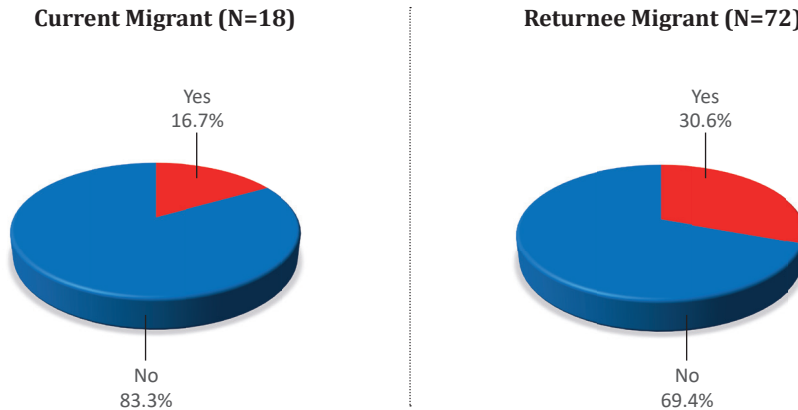
Note: Multiple responses

2.4.3. Change in Legal Status after COVID-19

According to a report from IOM, restrictions on travel and mobility and measures such as lockdown and closure of business and office to curb the spread of virus also affected

49 In-depth interview with 43-year-old male returnee migrant worker from Malaysia.

50 In-depth interview with 28-year-old male returnee migrant worker from the UAE.

Figure 9: Change in legal status of returnee and current migrants due to COVID-19

the legal status of Nepali migrant workers in destination as their visas expired.⁵¹ The labour permits of an estimated 1,500 Nepalis expired every day, rendering their status in destination countries 'illegal'.⁵² More than a quarter of the research participants reported becoming undocumented in the destination country because of the lockdown and other restrictions that caused their visas or labour permits to expire (Table 18). Among them, 31 per cent of the returnee migrant mentioned becoming 'illegal' because of Covid-19 and the related restrictions (Figure 9). As a result, 27.3 per cent of such returnees had to pay fines prior to their return.

Table 18: Change in legal status due to COVID-19

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Becoming undocumented because of the lockdown or of the expiration of labour permit or visa (For both current and returnee migrants)					
Yes	16.7	29.7	44.4	17.6	27.8
No	83.3	70.3	55.6	82.4	72.2
Total %	100	100	100	100	100
Total number	18	37	18	17	90
Paid fine for being undocumented before return (only for returnee migrants)					
Yes	100	0	50	0	27.3
No	0	100	50	100	72.7
Total %	100	100	100	100	100
Total number		10	8	2	22

51 IOM, *Status of Nepali Migrant Workers in Relation to Covid-19*.

52 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour Migrants*.

Research participants who had migrated without a labour permit and who reported being undocumented due to the COVID-19 crisis because of the expiration of labour permits or visas mentioned facing different challenges because of their legal status. These included difficulty in mobility, access to food, detention and arrest, among others.⁵³ One migrant worker said:

After the lockdown, the company did not renew our ID cards and it became difficult to go outside. The situation was such that I had to send my friends to buy food and ration.⁵⁴

Talking about the impact on their legal status and the subsequent challenges, another returnee migrant workers explained:

When I went abroad, my visa was only valid for three months. The manpower [recruitment agency] had told me that the company would change my visa to working visa once I reach the destination. The first three months were okay. But later when the lockdown occurred, there was no work. Because of this [the company] did not extend my visa and I had to stay there illegally. Because of my legal status, I could not go outside. Once when I was going to work during the lockdown, I was caught by the police and had to stay in jail for an hour after which the manager had me released.⁵⁵

2.4.4. Return and Repatriation

Loss of employment and income resulted in mass return of Nepali migrant workers from various destination countries. Between June and December 2020, more than 161,301 Nepalis had returned to Nepal via chartered and regular flights.⁵⁶ Among them, 49,240 were returnees from the UAE, 33,785 from Qatar, 20,622 from Saudi Arabia and 21,340 from Malaysia. With the suspension of regular international flights in Nepal as well as in destination countries, the government of Nepal began repatriating stranded Nepalis through chartered flights. This continued till 1 September 2020 when the suspension on international flights was lifted. More than half of the returnee migrants who were surveyed for this study had used flights chartered by the government for their return.

At the beginning of the repatriation process, returnee migrants had to pay the flight fare themselves. The fares prescribed by the government for chartered flights were two to four

53 Based on in-depth interview with research participants.

54 In-depth interview with 25-year-old male migrant worker in Saudi Arabia.

55 In-depth interview with 26-year-old male returnee migrant worker from Saudi Arabia.

56 'Covid-19 ka Karan Asahaj Paristhitima Bideshma Alapatra Pareka Haalsamma Uddar Gariyeka Nepali Nagarik haruko Bibaran Sankhya (Statistics On Repatriation of Nepalis Stranded Abroad Due to Uncomfortable Situation Created by COVID-19),' COVID-19 Crisis Management Centre (CCMC), accessed 18 April, 2021, https://ccmc.gov.np/ccmc_update/No.of%20Nepali%20Repatriated%202077.08.16.pdf.

times more than the fare for regular flights.⁵⁷

Table 19: Flights used by migrant for return

Type of flight	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Chartered flight	46.2	54.8	58.8	54.6	54.2
Regular flight	53.9	45.2	41.2	36.4	44.4
Not sure what kind of flight	0.0	0.0	0.0	9.1	1.4
Total %	100	100	100	100	100
Total number	13	31	17	11	72

According to the Foreign Employment Act 2007, the Foreign Employment Welfare Fund is to be mobilised to cover the cost of repatriation of migrant workers, provide compensation for their losses, and to provide financial relief to repatriated migrants and their families.⁵⁸ Furthermore, the bilateral labour agreements (BLAs) that Nepal has signed with various destination countries also obliges employers to facilitate the return of Nepali migrant workers.⁵⁹ Particularly, the bilateral agreement between Nepal and Qatar, and the recent Memorandums of Understanding (MoUs) between the government of Nepal and the governments of Malaysia and the UAE makes employers responsible for bearing the return airfare cost of migrant workers after completion of employment contract and in case of wrongful termination. Consequently, the government's arrangement of charging migrant workers for their flights despite existing legal provisions to the contrary was met with criticism. Subsequently, the Supreme Court issued an interim order to the government to use the Foreign Employment Welfare Fund for repatriation of highly vulnerable migrant workers that had migrated with labour permits.⁶⁰

In response, GoN introduced a directive for mobilising the Foreign Employment Welfare Fund for the repatriation of Nepali migrant workers stranded in various destination countries, albeit only those who had migrated with valid labour permits.⁶¹ This move

57 Rabindra Ghimire, 'Uddar Udanko Bhada Nityamit Bhanda Char Guna Mahango (Fare for Rescue Flights Four Times More Expensive than Regular Flights)', *Onlinekhabar*, 12 June 2020, <https://bit.ly/3u3FV0C>

58 GoN, *Foreign Employment Act*, Article 33 (1), (b).

59 As per the BLAs signed by Nepal with different destination countries. <https://www.ceslam.org/governance/bilateral-arrangements>.

60 Chandan Kumar Mandal, 'Supreme Court Orders Government to Use Welfare Fund to Repatriate Nepali Workers Stranded Abroad,' *The Kathmandu Post*, 27 March, 2021, <https://tkpo.st/3e9BgjA>.

61 MoLESS, *Covid-19 ko Bishwobyapi Sankraman ko Karan Baidheshik Rojgarika Kram ma Alapatra Pareka Nepali Kaamdar ko Udaar Gari Swadesh Phirta Garne Sambandhi Nirdeshika, 2077* (Directive for the

from the government was welcomed by stakeholders, including CSOs and was considered praiseworthy. However, fewer migrant workers were repatriated under this programme than expected and the lack of effective implementation of the guidelines, lack of coordination among concerned authorities and the lengthy procedure to avail of this facility were stated to be the major reasons behind this.⁶² By the end of March 2021, only 217 migrant workers were reported to have benefitted from the programme.⁶³ As per the directives, the government was required to bear the expenses of return and repatriation, such as those related to air tickets, health check-ups and the transportation of stranded workers who had gone for foreign employment with the necessary labour permit. But migrant workers who migrated via irregular channels or those without valid labour permits were excluded in the government's rescue and repatriation directive. Further, the directive included a lengthy verification process to confirm eligibility of migrant workers to return home under this programme. Also, Nepali diplomatic missions abroad and recruitment agencies were tasked with ensuring that eligible migrant workers had received their get air tickets, salary and other benefits from their employers, as per the directive.⁶⁴ But recruitment agencies expressed dissatisfaction as the Nepal Association of Foreign Employment Agencies claimed that fulfilling such responsibilities was beyond their capacity.⁶⁵ Nepali ambassadors in various destination countries claimed that the directive was impractical. According to Nepali ambassadors, the directive stipulated rescuing only those Nepalis whose employment contract had not expired but 80 per cent of the workers without money were those who had completed their two-year labour contract period.⁶⁶ In this regard, a Nepali ambassador to Malaysia said, 'There was challenges in implementation as there was no mention in the directive about the rescue of unregistered (illegal) workers ... The directive says that only those whose contract agreement period has not expired should be rescued free of cost'.⁶⁷

Among the returnee migrants interviewed for this study, 39 per cent mentioned that their

Repatriation of Nepali Labour Migrants Stranded Due to the COVID-19, 2020) (Kathmandu: MoLESS, 2020). Available at: <http://rajpatra.dop.gov.np/welcome/book/?ref=24157>.

62 Chandan Kumar Mandal, 'Only 217 Migrant Workers Availed of Pandemic Repatriation Scheme,' *The Kathmandu Post*, 27 March, 2021, <https://tkpo.st/3sryRbb>.

63 Ibid

64 Chandan Kumar Mandal, 'Recruiting Agencies Decry Government Directive on Repatriation of Migrant Workers,' *The Kathmandu Post*, 27 July, 2020, <https://kathmandupost.com/national/2020/07/27/recruiting-agencies-decry-government-directive-on-repatriation-of-migrant-workers>.

65 Ibid.

66 Onlinekhabar, 'Hajaraun Shramik Rin Kadera Pharkiye, Nisulka Uddar Paune 156 Jana Matrai [Thousands of Workers Returned Taking Loans, only 156 Availed Free Rescue],' *Onlinekhabar*, 28 December 2020, <https://www.onlinekhabar.com/2020/12/919498>.

67 Rudra Khadka, 'Nisulka Uddar Nirdeshika Karyanayanmai Almal [Confusion Over Implementation of Free Rescue Guidelines],' *Nagarik*, 17 September 2020, <https://nagariknews.nagariknetwork.com/economy/344191-1601000744.html>.

employer had paid for their flights (Table 20) while 47 per cent mentioned having paid themselves. Only four returnees from Malaysia and one from the UAE stated that their employer had paid for their return flight. Talking about this, one research participant stated:

I asked my family for money to pay the flight fare. I paid 56,000 rupees for the chartered flight to return to Nepal. The company told us to pay for the fare ourselves for now and asked us to come back to work for them once the situation got back to normal and said that they would work out the fare later'.⁶⁸

Another said:

I had some money with me, and I asked my friends who were also in the destination country for the rest. That is how I arranged for the money for the flight.⁶⁹

Table 20: Flight fare paid by migrant workers

Source of money to pay flight fare	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Self	46.2	48.4	47.1	45.5	47.2
Employer	30.8	54.8	35.3	9.1	38.9
NRNA	0	3.2	11.8	36.4	9.7
NGO	15.4	0	0	9.1	4.2
Nepali diplomatic mission/ embassy	7.7	0	0	0	1.4
Government of CoD	0	0	5.9	0	1.4
Others	0	6.5	5.9	9.1	5.6
Total %	100	112.9	105.9	109.1	108.3
Total number	13	31	17	11	72

Note: multiple responses

Table 21: Flight fare paid by returnee migrants

Amount	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
<= 40,000	0	21.7	7.14	14.3	14.0
40,001-60,000	83.3	69.6	78.57	57.1	72.0
60,001-80,000	0	8.7	14.29	14.3	10.0
> 80,001	16.7	0	0	14.3	4.0
Total %	100	100	100	100	100
Total number	6	23	14	7	50

68 In-depth interview with 31-year-old male returnee migrant worker from Saudi Arabia.

69 In-depth interview with 38-year-old male returnee migrant worker from Qatar.

Figure 10: Withholding of passport

All Migrant (N=90)

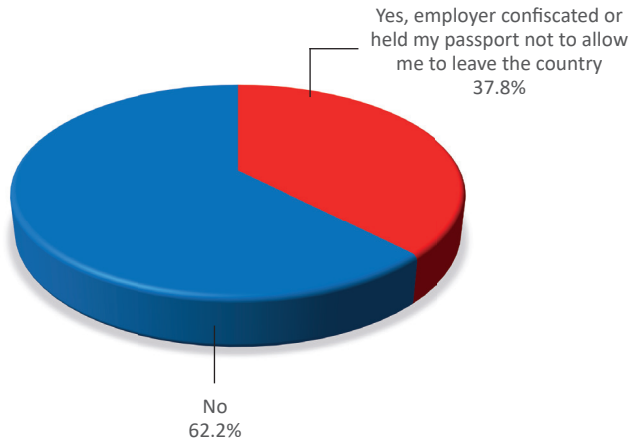


Figure 11: Withholding of passport in destination countries

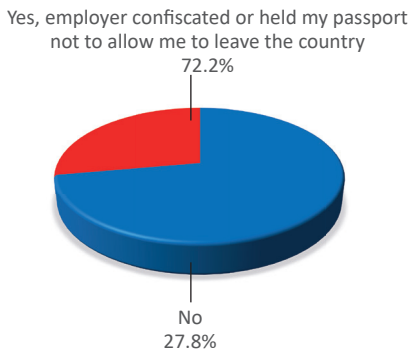
UAE (N=17)



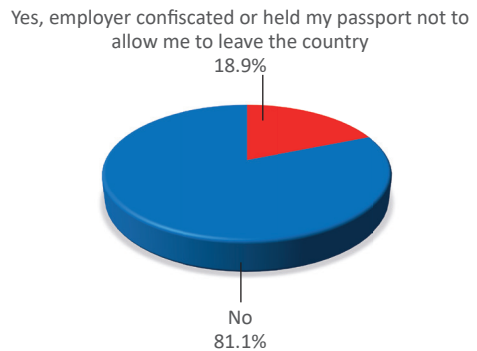
Saudi Arabia (N=18)



Malaysia (N=18)



Qatar (N=37)



At a time when migrant workers were suffering from loss of employment and income, the fare fixed by the government for chartered flights was beyond the financial capacity of most migrant workers. Hence, the government's move of charging high fares to migrant workers received widespread criticism and ultimately the Supreme Court issued an interim order on 15 June 2020 directing the government to use the Foreign Employment Welfare Fund to repatriate migrant workers. In this context, the present study asked returnees about the fare paid for their return flights. A vast majority of the migrant workers reported having paid between NPR 40,001 and 60,000. The government had initially fixed a fare of NPR 60,000 (USD 500) for return from the UAE; NPR 62,400 (USD 520) from Malaysia; NPR 65,400 (USD 545) from Qatar; and NPR 70,800-92,400 (USD 590-700) from Saudi Arabia, all of which were later reduced by 20 per cent by the Ministry of Culture, Tourism and Civil Aviation following widespread protest and criticism.⁷⁰

2.4.5. Withholding of Passport

Withholding or confiscation of travel and identification documents of migrant workers is prohibited by human rights and labour rights instruments and bilateral labour agreements.⁷¹ However, often employers were found withholding passports of foreign employees and this practice exists across many destination countries, including the GCC countries. Such a practice is considered to be a violation of migrant workers' rights and a sign of forced labour. Almost two-fifths of the research participants said that their passports were withheld by their employers to prevent them from leaving the country (Figure 10). The proportion was higher in the case of workers in Malaysia compared to the three GCC countries (Figure 11).

2.4.6. Access to basic services in the destination country

Ninety per cent of the research participants said their employers paid for their accommodation and 43 per cent their food before the pandemic (Tables 22 and 23). However, only 77 per cent of the migrant workers said that their employers paid for their accommodation after the onset of the crisis while in terms of food it was true for 38 per cent. Furthermore, 72 per cent of the research participants reported that they did not receive any relief or compensation for their food and accommodation in the destination countries

70 MyRepublica, 'Nepalis from Oman Returning to Nepal Paying Half of Govt-Set Airfare,' *MyRepublica*, 12 June 2020, <https://bit.ly/3ynqi6W>; Rabindra Ghimire, 'Uddar Udanko Bhada Nityamit Bhandar Char Guna Mahango (The Fare for the Rescue Flight Four Times More Expensive Than Regular),' *Onlinekhabar*, 12 June 2020, <https://bit.ly/3xNNT2>.

71 UN General Assembly, 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,' United Nations Treaty Collection, accessed 29 August, 2021; Migration for Employment Convention (Revised), 1949 (No. 97) and Recommendation (Revised) 1949, (No. .

(Table 24). Diaspora organisations such as the NRNA as well as Nepali diplomatic missions in destination countries also provided some relief to migrant workers in need.

Table 22: Accommodation before and after the pandemic

	Current migrant	Returnee migrant	Total
	Per cent	Per cent	Per cent
Accommodation in destination country paid by before pandemic			
Self	0	9.7	7.8
Employer	94.4	88.9	90
Others	5.6	1.4	2.2
Total	100	100	100
Accommodation in destination country paid by after outbreak of COVID-19			
Self	27.8	12.5	15.6
Employer	66.7	80.6	77.8
Nepali diplomatic mission/embassy	0	1.4	1.1
International organisations	0	1.4	1.11
Others	5.6	4.2	4.4
Total %	100	100	100
Total number	10	72	90

Table 23: Access to food before and after the pandemic

	Current migrant	Returnee migrant	Total
	Per cent	Per cent	Per cent
Food in destination country paid by before pandemic			
Self	22.2	63.0	54.4
Employer	77.8	35.0	43.3
Others	0	3	2.2
Total	100	100	100
Food in destination country paid by after outbreak of COVID-19			
Self	38.9	58.3	54.4
Employer	55.6	33.3	37.8
Nepali diplomatic mission/embassy	0	2.8	2.2
International organisations	0	1.4	1.1
Others	5.6	4.2	4.4
Total %	100	100	100
Total number	18	72	90

Table 24: Source of relief in destination country

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
I did not receive anything	83.3	78.4	72.2	64.7	72.2
Non-Resident Nepali Association (NRNA)	0	10.8	10	11.8	10
Diplomatic mission/embassy	5.6	8.1	6.7	0	6.7
Employer	0	0	1.1	0	1.1
International organisations	5.6	0	1.1	0	1.1
Others	5.6	10.8	13.3	23.5	13.3
Total %	100.1	108.1	104.4	100	104.4
Total number	18	37	18	17	90

Note: multiple responses

Table 25: Health problems in destination countries

	Current migrants	Returnee migrants	Total
	Per cent	Per cent	Per cent
No	72.2	58.3	61.1
Yes, and also went for check-up	27.8	40.3	37.8
Yes, but did not go for check-up	0	1.4	1.1
Total %	100	100	100
Total number	18	72	90

2.4.7. Access to Health Services

More than one-third of the research participants said they suffered from health problems in the destination country and had sought treatment (Table 25). Only one mentioned having a health problem but not going for a check-up since the problem was not serious.

2.4.8. COVID-19 Infection and Access to Vaccine

The study also tried to ascertain whether migrant workers had access to COVID-19 treatment and vaccines in the destination countries. Five male migrants (three current migrants and two returnees)—one each in Malaysia, Saudi Arabia and the UAE, and two in Qatar—said they had been infected by COVID-19 in the destination country. All those infected with the virus said they went for treatment.

Table 26: Access to vaccine

	Current migrants	Returnee migrants	Total
	Per cent	Per cent	Per cent
Did not have access to vaccine	27.8	76.4	66.7
Got a vaccine	72.2	11.1	23.3
Had access to vaccine and but did not get a vaccine	0	12.5	10.0
Total %	100	100	100
Total number	18	72	90

Two-thirds of the research participants (28 per cent of current migrants and 76 per cent of returnees) reported not being vaccinated. Furthermore, with regard to access to COVID-19 vaccines in the four destination countries, workers migrating to Malaysia accounted for the highest proportion who reported that they did not have access to vaccines (Table 27).

Table 27: Access to vaccines in destination countries

	Malaysia	Qatar	Saudi Arabia	UAE
	Per cent	Per cent	Per cent	Per cent
Did not have access to vaccine	83.3	64.9	66.7	52.9
I got a vaccine	16.7	27.0	16.7	29.4
I did not get a vaccine	0.0	8.1	16.7	17.7
Total %	100	100	100	100
Total number	18	37	18	17

2.5. Wage Theft and Access to Justice

2.5.1. Wage Theft, Exploitation and Abuse

The COVID-19 pandemic has led to an increase in the incidence of wage theft faced by migrant workers.⁷² Wage theft refers to the ‘unlawful intentional under- or non-payment of an employee’s wages or entitlements by their employer (or recruitment agency) for work carried out. It can take a variety of forms ranging from unauthorised deductions from employee’s wages (reduced payment) to the underpayment (or delayed payment) of wages, overtime, termination pay and entitlements such as sick leave and annual leave, or no payment at all’.⁷³

72 Migrant Forum in Asia, ‘Appeal 5: Measures for Addressing Wage Theft Affecting Millions of Migrant Workers in the Times of COVID-19’; Migrant Forum in Asia, ‘Policy Brief No. 1 Justice for Migrant Workers: Creating an Effective Solution to Address Wage Theft.’

73 Nicola Piper and Laura Foley, ‘The Other Pandemic for Migrant Workers: Wage Theft,’ *Open Democracy*,

Exploitation and ill-treatment of migrant workers, including assault, sexual harassment, verbal abuse, and long working hours, among others, has been a long-standing problem. Many migrant workers take out loans to pay the exorbitant (and illegal) recruitment fees charged by recruitment agencies and other migration-related costs, often at high interest rates and, hence, are in debt when they reach destination countries (see Section 2.3.5 on migration costs for more detail) while there are some who are deceived about their wages and jobs. This further increases the vulnerability of migrant workers and makes them susceptible to forced labour and exploitation.

Such harsh treatment of migrant workers has been amplified by the pandemic. Women migrant workers were reported to be at particularly higher risk of violence and exploitation during the pandemic.⁷⁴ A study carried out by National Network for Safe Migration (NNSM) with 241 returnee migrants found that one-third of the returnee migrants did not receive or received less than the wages and benefits due to them prior to their return home.⁷⁵ The same study found that due to the COVID-19 pandemic and subsequent restrictions in mobility, lockdowns and closure of businesses, employers laid off migrant workers and did not pay the migrant workers their salaries or paid them less than the agreed amount while some were forced to work without pay.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families obliges states to ensure that migrant workers receive the wages and other entitlements due to him/her in case of termination of the work contract.⁷⁶ According to the UN Guiding Principle on Business and Human Rights, no business establishment should act in a way that affects anyone's rights and respect internationally established human rights. Similarly, as per Objective 6 of Global Compact for Migration, 'states must provide migrant workers engaged in remunerated and contractual labour with the same labour rights and protections extended to all workers in the respective sector, such as the rights to just and favourable conditions of work, to equal pay for work of equal value, to freedom of peaceful assembly and association, and to the highest attainable

accessed 18 November 2021, <https://www.opendemocracy.net/en/pandemic-border/other-pandemic-migrant-workers-wage-theft/>.

74 UN Women, *Addressing the Impacts of the COVID-19 Pandemic on Women Migrant Workers* (New York: UN Women, 2020).

75 National Network for Safe Migration (NNSM), *Situation Analysis of Wage Theft of Nepali Migrant Workers* (Kathmandu: NNSM, 2021).

76 All the 21 destination countries (Qatar, United Arab Emirates, Saudi Arabia, Malaysia, Kuwait, Bahrain, Oman, Japan, Maldives, Cyprus, Jordan, Macau, Malta, Turkey, Romania, Poland, Afghanistan, Seychelles, Israel, Portugal and Brunei) which are presumed to have more than 1,000 Nepali workers at the time of the pandemic outbreak (refer Annex I), with the exception of Malaysia, have ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women, while only Turkey and Seychelles have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

standard of physical and mental health, including through wage protection mechanisms, social dialogue and membership in trade unions'. The Guidelines issued by the International Organization for Migration (IOM) for employers and businesses after the onset of the COVID-19 pandemic aims to strengthen migrant worker protection amid the COVID-19 outbreak.⁷⁷ The Guidelines specifically mention that employers should assess available options and avoid termination of employment of migrant workers and non-payment of wages. The Guidelines also requires employers to provide notice prior to termination of contract and provide workers with adequate compensation as per prevailing law.

Table 28: Challenges faced in destination countries before and after outbreak of COVID-19

	Challenges encountered due to COVID-19	Challenges encountered prior to COVID-19	Total
	Per cent	Per cent	Per cent
Deduction in salary and benefits	66.7	55.6	60.0
Not getting salary	70.8	44.4	55.0
Long working hours	20.8	41.7	33.3
Abuse/ill-treatment	12.5	36.1	26.7
Forced out of job	20.8	16.7	18.3
Workplace injury	0	27.8	16.7
COVID-19 infection	20.8	0	8.3
Others	12.5	8.3	10.0
Total %	225.0	230.6	228.3
Total number	24	36	60

Note: Some of the research participants reported facing multiple challenges

Two-thirds of the research participants said they faced wage theft, ill-treatment and abuse during their migration stint abroad. Also, 40 per cent of the research participants reported having faced wage theft, ill-treatment and/or abuse after the onset of the pandemic. Among the research participants, more than three-fourths mentioned facing non-payment/delayed payment of salary and two-thirds mentioned facing reduction in salary as a result of the pandemic (Table 28). However, findings from this study also show that migrant workers had been facing issues of non-payment/reduction of salary and benefits even before the COVID-19 crisis. The study found that some of the research participants had faced the problem of wage theft even before the pandemic.

Closure of workplace was cited as the most common reason behind wage theft (Table 29). Similarly, more than half of the research participants also mentioned being deceived about

⁷⁷ IOM, *COVID-19: Guidance for Employers and Business to Enhance Migrant Worker Protection during the Current Health Crisis* (Geneva: IOM, 2020).

their wages. Furthermore, among those who mentioned facing abuse, 94 per reported to have faced verbal abuse from their employers (Table 30). One female research participant mentioned facing physical abuse.

Table 29: Reasons for wage theft

Reason	Male	Female	Total
	Per cent	Per cent	Per cent
Closure of workplace/Employer went bankrupt	78	60	76.1
Duped	56.1	40	54.3
Employer had legal issues	22	20	21.7
Others	7.3	0	6.5
Total %	163.4	120	158.7
Total number	41	5	46

Note: multiple responses

Table 30: Abuse faced by migrants

Form of abuse	Male	Female	Total
	Per cent	Per cent	Per cent
Verbal abuse	92.3	100	93.8
Physical abuse	0	33.3	6.3
Others	15.4	33.3	18.8
Total %	107.7	166.7	118.8
Total number	13	3	16

Note: multiple responses

2.5.2. Registration of Grievance in Destination Countries and Nepal

The issue of wage theft, exploitation and ill-treatment and lack of access to justice and grievance registration for migrant workers has been exacerbated by the COVID-19 pandemic that has devastated lives, livelihoods and businesses worldwide. For migrant workers, access to justice is hindered, among others, by lack of formal and easy to access legal mechanisms or grievance registration mechanisms.⁷⁸ According to a report by the National Human Rights Commission, Nepali diplomatic missions in destination countries did not keep records of human and labour rights violations faced by Nepali migrant workers and that they lack understanding about the legal remedies that migrant workers should be provided with prior to their return.⁷⁹ A recent study on the impact of COVID-19 on migrant workers found 45 per cent of the returnee migrants interviewed who had suffered from

⁷⁸ Migrant Forum Asia, *Challenges on Access to Justice for Migrants*.

⁷⁹ Nepal, Baniya and Thapa Kshetri, *Covid-19 Mahamariko Chapetama*.

wage theft and other issues had registered their grievances in the destination countries.⁸⁰ Similarly, according to the NNSM study on returnee migrants who had faced wage theft, only 17 per cent had filed cases either in the destination countries, or in Nepal or both.⁸¹

Table 31: Registration of complaints relating to wage theft, exploitation and abuse in destination countries

	Reported or filed complaint about problem faced	Did not report or file complaint about problem faced	Total %	Total number
	Per cent	Per cent		
Gender				
Male	68.5	31.5	100	54
Female	33.3	66.7	100	6
Destination				
Malaysia	61.5	38.5	100	13
Qatar	56.0	44.0	100	25
Saudi Arabia	90.0	10.0	100	10
UAE	66.7	33.3	100	12
Type of migrant				
Current migrant	71.4	28.6	100	14
Returnee migrant	63.0	37.0	100	46

As per directives on the repatriation of stranded Nepali workers issued by the GoN, Nepali diplomatic missions are required to collect information on migrant workers, including their reason for return and information on cases of wage theft faced by the returnees if any.⁸²

The directives also require recruitment agencies to ensure that migrant workers get their due salary and benefits as well as a return tickets. However, implementation of the directive has been fraught with challenges. Among the research participants who reported to have faced wage theft, ill-treatment and abuse, 65 per cent have reported their grievance at multiple places in the destination countries. Of them 54 per cent said that they had filed complaints at the Nepali diplomatic mission in their respective destination countries.

Research participants who did not register their complaints were asked about the reason for not reporting their grievances. Two-fifths of such migrant workers said they did not know where to file complaints (Table 32). Other reasons cited included cumbersome reporting

80 Baniya, Bhattarai, Thapa, Tumsa and Rai, *Situation of Nepali Migrant Workers' Access to Justice*.

81 NNSM, *Situation Analysis of Wage Theft*.

82 MoLESS, Covid-19 ko Bishwobyapi Sankraman ko Karan Baidheshik.

processes, fear of retaliation from employer, fear of not getting salary from employer and wanting to return home early. Most migrant workers stated that they did not have enough time and resources to file complaints before returning home, especially during the COVID-19 pandemic when migrant workers were more worried about returning home. A returnee migrant worker's response reflects the situation they faced: 'At the time of returning home, the company did not give me the allowance I was owed which amounted to around NPR 150,000. As there was not much time and I wanted to return home quickly, I did not file any complaint'.⁸³ Talking about his experience of filing complaint, another said:

I was working as construction mistry [mason or carpenter] abroad. I got the job I was promised but not the salary. I was told the salary would be 1200+200 AED for eight hours of work per day, but I only got AED 1,200 sometimes. I continued working like this for six months and then I quit the job and started to work illegally. After coming in contact with the NRNA, I filed a complaint at the labour court against the company I was working for. As per the decision of the court, I paid a fine for staying in the CoD illegally and was removed from the blacklist. I reconciled with the company and after fulfilling all the necessary procedures, I returned to Nepal. The NRNA kept record of everything before my return.⁸⁴

In some cases, employers took advantage of the situation created by COVID-19 and did not provide migrant workers the wages and benefits owed to them. In the words of one of the research participants:

I did not receive the benefit I was owed before my return though I received my salary. When I asked the company for benefits, I was told that my visa duration had just been extended and to continue working. But I wanted to return home. I registered my complaint at the Nepali embassy, and it contacted the company but was told that they [the company] had been providing food and accommodation during the pandemic and that when the situation becomes normal, they would give the benefits. Hence, I just returned home.⁸⁵

Similarly, migrant workers who were surveyed for this study were asked whether they had registered their complaints about wage theft, abuse or exploitation in Nepal. Twenty per cent confirmed they had reported their grievances in Nepal at the municipality office, police/CDO office, or at NGOs such as PNCC, among others (Table 36). Further, 46 per cent said that they did not file a complaint because they did not want to get into legal hassles. In addition, some of those who did not file a complaint said that they did not know where to file their complaint in Nepal or that they did not file a complaint because of the cumbersome reporting process. Some of the returnee migrant workers mentioned that they did not register their grievance simply because they were focused on returning home to their family because of the economic and emotional impact caused

83 In-depth interview with 29-year-old returnee migrant from Saudi Arabia.

84 In-depth interview with 38-year-old returnee migrant from the UAE.

85 In-depth interview with 31-year-old male returnee migrant worker from Saudi Arabia.

by the pandemic.

Table 32: Reason for not registering complaints in the destination country

	Male	Female	Total
	Per cent	Per cent	Per cent
Did not know where to go to file complaint	41.2	25	38.1
Fear of employer	23.5	25	23.8
Cumbersome process to file complaint	23.5	0	19
Because of health problem	5.9	25	9.5
Because of lockdown	11.8	0	9.5
Problem was not big and did not feel the need to report	11.8	0	9.5
Wanted to return home as early as possible	5.9	25	9.5
Did not know the process of filing complaint	5.9	0	4.8
Because of being illegal/undocumented	5.9	0	4.8
Fear of deportation	5.9	0	4.8
Because of imprisonment	5.9	0	4.8
Fear of salary deduction	5.9	0	4.8
Total %	153	100	143
Total number	17	4	21

Note: Some of the research participants cited multiple reasons.

Table 33: Registration of complaints in destination countries

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Diplomatic mission/embassy	50	50	66.7	50	53.8
Police	50	21.4	22.2	50	33.3
Labour court	12.5	42.9	11.1	37.5	28.2
PNCC	50	0	22.2	12.5	17.9
Employees'/Workers' associations	0	14.3	0	25	10.3
NRNA	0	7.1	11.1	0	5.1
Human rights organisation	0	7.1	0	0	2.6
Total %	162.5	142.9	133.3	175	151.3
Total number	8	14	9	8	39

Note: Some of the research participants reported to have filed complaints with multiple authorities.

Table 34: Registration of complaints in Nepal

	Filed complaint	Did not file complaint	Total %	Total number
	Per cent	Per cent		
Gender				
Male	22.2	77.8	100	54
Female	0	100	100	6
Destination				
Malaysia	38.5	61.5	100	13
Qatar	4	96.0	100	25
Saudi Arabia	40.0	60.0	100	10
UAE	16.7	83.3	100	12
Type of migrant				
Current migrant	21.4	78.6	100	14
Returnee migrant	19.6	80.4	100	46

Table 35: Reason for not registering complaints in Nepal

	Male	Female	Total
	Per cent	Per cent	Per cent
Did not want to get into legal hassles	42.9	66.7	45.8
Cumbersome process to file complaint	19	0	16.7
Did not know where to file complaint	11.9	16.7	12.5
Lack of belief that complaint will be addressed in Nepal	9.5	0	8.3
Got sick and could not report in Nepal	4.8	0	4.2
Due to family problems	2.4	16.7	4.2
Did not know the process for filing complaint	2.4	0	2.1
Did not have the necessary documents	2.4	0	2.1
Wanted to report at DoFE but did not get a response to phone call	2.4	0	2.1
Migration through irregular channel	2.4	0	2.1
Fear of employer	2.4	0	2.1
Company was closed due to COVID-19, so it was not reasonable to file complaint	2.4	0	2.1
Because of lockdown	2.4	0	2.1
Total %	107.3	100.1	106.4
Total number	42	6	48

Note: Some of the research participants cited multiple reasons.

Table 36: Place where complaints registered in Nepal

	Total (Male)
	Per cent
PNCC	33.3
Recruitment agency	33.3
Municipality/Rural municipality	16.7
Police/CDO Office	8.3
Others	16.7
Total %	108.3
Total number	12

Note: multiple response; there were no response from female participants.

2.5.3. Access to Compensation

Research participants who faced wage theft, abuse or ill-treatment, among others, prior to or after the onset of the pandemic were asked whether they received any compensation in the destination country for the issues they have faced. Almost three-fifths reported to have not received any compensation while two-fifths mentioned that they did not seek compensation. Only one research participant mentioned having received compensation in the UAE while two others—one who had migrated to Qatar and another to the UAE—were seeking compensation at the time the research was conducted. Most migrant workers who were seeking compensation or had not received any compensation did not have expectations of receiving any compensation (Table 38). The findings shows that migrant workers refrained from seeking compensation due to the slow and complex process of seeking compensation, lack of information on the compensation seeking process, and the fear of employers especially in the context of COVID-19. Further, the returnee migrants surveyed reported to have not sought any compensation as returning home was their main priority.

Table 37: Compensation received in/from destination country

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Did not receive	69.2	48.0	70.0	58.3	58.3
Did not seek	30.8	44.0	30.0	33.3	36.7
Currently seeking	0	4	0	8.3	3.3
Received	0	4	0	0	1.7
Total %	100	100	100	100	100
Total number	13	25	10	12	60

Table 38: Expectation of receiving compensation in destination country

Level of expectation	Male	Female	Total
	Per cent	Per cent	Per cent
High expectation	2.9	0	2.7
Some expectation	2.9	0	2.7
Little expectation	14.3	0	13.51
No expectation at all	77.1	100	78.38
Do not want to say	2.9	0	2.7
Total %	100	100	100
Total number	35	2	37

Table 39: Reason for not seeking compensation in destination country

Reason	Male	Female	Total
	Per cent	Per cent	Per cent
Did not know the process of getting compensation	33.3	25	31.8
Fear of employer	33.3	25	31.8
Cumbersome process to file complaint	16.7	0	13.6
Minor issue, so did not seek compensation	11.1	25	13.6
More worried about returning home and did not have time	11.1	0	9.1
Lack of money to proceed with seeking compensation	5.6	0	4.5
Others	11.1	25	13.6
Total %	122.2	100	118.2
Total number	18	4	22

Additionally, returnee migrant workers were found to have not sought any compensation after their return to Nepal (Table 42). Among those who did not receive compensation and those who were seeking compensation at the time of research, more than half did not have a high expectation of receiving compensation. The reasons for not seeking compensation in Nepal, as stated by the returnee migrant workers, were similar to the reasons stated for not seeking compensation in destination countries. These include slow and complex processes, inadequate information and lack of documentary evidence. Additionally, some of the migrant workers surveyed reported that they just did not feel like filing for compensation.

Table 40: Compensation received in Nepal by returnees

	Per cent
Did not seek	71.7
Did not receive	19.6
Currently seeking	4.4
Received	2.2
Don't Know/Don't want to answer	2.2
Total %	100
Total number	46

Table 41: Expectation of receiving compensation in Nepal

Level of expectation	Per cent
High expectation	9.1
Some expectation	9.1
Little expectation	27.3
No expectation at all	54.6
Total %	100
Total number	11

Table 42: Reason for not seeking compensation in Nepal (by returnees)

Reason	Per cent
Did not believe compensation would be provided	48.5
Did not want any legal hassles	15.2
Did not know the process of getting compensation	15.2
Cumbersome process to file complaints	12.1
Due to lockdown in Nepal	6.1
Did not have the necessary documents to claim compensation	3.0
Was sick	3.0
Total %	103
Total number	33

Note: multiple responses

2.5.4. Awareness about Migrants' Rights

Migrant workers face various barriers in accessing justice at home and in destination countries.⁸⁶ A lack of awareness and understanding of legal rights and available justice

86 Paoletti, Taylor-Nicholson, Sijapati and Farbenblum, *Migrant Workers' Access to Justice at Home*; Benjamin Harkins and Meri Åhlberg, *Access to Justice for Migrant Workers in South-East Asia* (Bangkok: ILO, 2017); NHRC, *Research-Report on the Situation*.

and legal mechanisms for migrant workers remains a key challenge behind their inability to access justice and legal redressal mechanisms. This study found that almost half of the research participants had slight or no awareness about migrant workers' rights and the process regarding access to compensation and justice (Tables 43 and 44). The findings are similar to another study conducted with returnee migrant workers after the COVID-19 pandemic in which more than two-thirds of the research participants reported to be moderately aware about their legal rights and more than half about the process of seeking justice.⁸⁷

Table 43: Awareness of migrants' rights regarding compensation and justice

Level of awareness	Male	Female	Total
	Per cent	Per cent	Per cent
Extremely aware	9.8	12.5	10
Moderately aware	41.5	25	40
Somewhat aware	25.6	25	25.6
Slightly aware	8.5	0	7.8
Not at all aware	14.6	37.5	16.7
Total %	100	100	100
Total number	82	8	90

Some PNCC outreach officers and volunteers also highlighted the lack of awareness among migrant workers about the process of grievance registration as a major challenge. As an outreach officer from PNCC explained:

In my experience, Nepalis are far behind migrant workers from other nations. There are people from Bangladesh, Sri Lanka, Indonesia and Philippines working in Malaysia, but they are very aware. They know about what to do, where to go and whom to reach out to, what to do in certain situations; they are aware about their basic needs [rights], But Nepalis lack awareness, such as [information about] where the embassy is, what is PNCC, what is NRNA and how to contact them.⁸⁸

2.5.5. Support from Organisations and Individuals in Destination Countries

Around 75 per cent of the research participants reported that they were approached by organisations or individuals in destination countries to discuss issues of wage theft, access to justice and compensation and that they were offered support (Table 45). As reported by the migrant workers surveyed, these organisations included PNCC and the NRNA, among

87 Baniya, Bhattarai, Thapa, Tumsa and Rai, *Situation of Nepali Migrant Workers' Access to Justice*.

88 Interview with PNCC outreach officer from Malaysia.

others. Talking about the support received from PNCC, one of the research participants said:

Through my friend in Nepal, I contacted PNCC in Nepal and then in the destination country. I talked with them on the phone as the company would not give leave and because of lockdown we could not go outside. PNCC talked to the company and with the money I received from them for the work I had done, I bought my flight ticket.⁸⁹

Table 44: Awareness of the process for accessing compensation and justice

Level of awareness	Male	Female	Total
	Per cent	Per cent	Per cent
Extremely aware	8.5	0	7.8
Moderately aware	42.7	37.5	42.2
Somewhat aware	28.1	25	27.8
Slightly aware	4.9	0	4.4
Not at all aware	15.9	37.5	17.8
Total %	100	100	100
Total number	82	8	90

Table 45: Support offered in destination countries by organisations or individuals

	Migrant workers approached by organisations or individuals to discuss issues faced and offered support	Migrant workers not approached by organisations or individuals to discuss issues faced and offered support	Total %	Total number
	Per cent	Per cent		
	Gender			
Male	72.0	28.1	100	82
Female	100	0	100	8
	Destination			
Malaysia	83.3	16.7	100	18
Qatar	67.6	32.4	100	37
Saudi Arabia	66.7	33.3	100	18
UAE	88.2	11.8	100	17
	Type of migrant			
Current migrant	71.4	28.6	100	18
Returnee migrant	63.0	37.0	100	72

89 In-depth interview with 34-year-old male returnee migrant worker from Malaysia.

Table 46: Organisations or individuals who approached migrant workers to discuss the issues faced or provide support in destination countries

Type of institution/individual	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Pravasi Nepali Coordination Committee (PNCC)	80	28	16.7	66.7	46.3
NRNA	0	36	50	26.7	28.4
Diplomatic mission/Embassy	33.3	24	25	26.7	26.9
NGO	13.3	0	0	0	3
International organisation	0	4	0	0	1.5
Journalist	0	0	0	6.7	1.5
Others	0	24	25	0	13.4
Total %	126.7	116	116.7	126.7	120.9
Total number	15	25	12	15	67

Of the research participants, 42 per cent said that diplomatic missions in their respective destination countries registered their grievances. In the case of returnees, 39 per cent said that the diplomatic missions in their respective destination countries had recorded their grievances prior to their return.

Table 47: Whether Diplomatic missions/embassies recorded migrants' grievances

	Grievances recorded	Grievances not recorded	Total %	Total number
	Per cent	Per cent		
Gender				
Male	43.9	56.1	100	82
Female	25	75	100	8
Destination				
Malaysia	55.6	44.4	100	18
Qatar	35.1	64.9	100	37
Saudi Arabia	50	50	100	18
UAE	35.3	64.7	100	17
Type of migrant				
Current migrant	55.6	44.4	100	18
Returnee migrant	38.9	61.1	100	72

2.6. Role of PNCC in Destination Countries

PNCC continued to support migrant workers in the four destination countries after the onset of the pandemic by providing food and arranging for accommodation, providing assistance to return home, facilitating document renewal and securing compensation for grievances related to wage theft in coordination with other organisations such as Nepali embassies, NRNA, ILO, IOM and other local and diaspora organisations.⁹⁰ One-third of the research participants, including both returnee migrants and those who were working in the destination at the time of survey, mentioned that PNCC had recorded their grievances in the destination country. Comparatively, migrant workers who had migrated to Malaysia accounted for the highest proportion of workers who said that PNCC had recorded their grievances. Furthermore, of those who received support from PNCC, 87 per cent rated the support received from PNCC in the destination country as very helpful (Table 49).

Table 48: Whether PNCC recorded migrants' grievances

	Grievances recorded	Grievances not recorded		Total %	Total number
	Per cent	Per cent	Per cent		
	Gender				
Male	34.2	53.7	12.2	100	82
Female	25	75	0	100	8
	Destination				
Malaysia	83.3	11.1	5.6	100	18
Qatar	10.8	86.5	2.7	100	37
Saudi Arabia	11.1	66.7	22.2	100	18
UAE	52.9	23.5	23.5	100	17
	Type of migrant				
Current migrant	66.7	27.8	5.6	100	18
Returnee migrant	25	62.5	12.5	100	72

As illustrated by one of the research participants, PNCC helped migrant workers in their repatriation/return and in dealing with the issue of wage theft:

Prior to returning to Nepal, after pressure from PNCC and the embassy, the company paid for my return ticket...I was having health problems as I was bleeding from the nose. PNCC, in coordination with the embassy, arranged for my return. PNCC provided me with a lot of comfort, telling me not to have any fear and that they were there for me and that

⁹⁰ Based on key informant interviews with nine outreach officers, team leader and volunteers from Malaysia, Qatar, Saudi Arabia and the UAE, by the research team.

they would send me home.⁹¹

PNCC helped migrant workers through their outreach officers, team leaders and volunteers in the destination countries. Most of the migrant workers in Qatar came in contact with these volunteers through phone. In Qatar, PNCC has been operating a Facebook page called 'Online Help Desk Qatar' through which Nepalis were able to contact PNCC outreach officers and volunteers.⁹² In Malaysia, migrant workers came in touch with PNCC through their friends/relatives and via a live programme organised by the Nepali embassy there through Facebook.⁹³ Talking about the COVID-19 pandemic and the experience of providing support to affected migrants, a volunteer from Qatar explained:

Most of the migrant workers came in contact with us through phone. We had developed an online helpdesk with volunteers through which they would come in contact with us... We would then initiate discussions or cooperate with the NRNA, Nepali embassies and other relevant authorities to address their issues. We have helped a lot of individuals [migrant workers] in cooperation with various organisations such as Human Rights Qatar, the NRNA, Nepali embassies and the ILO.

PNCC's support to migrant workers after and during the pandemic ranged from providing relief to those in need to assisting in their return and helping register grievances about problems faced with the concerned authority. For example, in response to the question about the kind of support they provided during the pandemic, volunteers from Qatar said that during the lockdown, they provided rice and lentils to Nepalis in need. Similarly, together with a government agency in Qatar, they distributed 500 food packages to the Nepali community. Also, since one of the biggest challenges was return and only chartered planes were being operated, PNCC volunteers helped those who were facing difficulties by taking them to the Nepali embassy and having them listed in the priority list for return. Further, the volunteers helped migrant workers to arrange for tickets and the necessary documents also talked to the employers to facilitate return in some cases. The volunteers also helped some migrant workers who had lost their jobs due to COVID-19 find new employment elsewhere and also provided assistance with passports and ID renewal.⁹⁴

91 In-depth interview with 43-year-old male returnee migrant worker from Malaysia.

92 According to a PNCC volunteer interviewed by the research team.

93 Based on interview with an outreach officer and a volunteer in Malaysia.

94 Interview with a PNCC volunteer from Qatar.

Table 49: Support received from PNCC

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Very helpful	93.33	50	50	100	86.67
Somewhat helpful	6.67	25	0	0	6.67
Little helpful	0	25	50	0	6.67
Not helpful at all	0	0	0	0	0
Do not want to say	0	0	0	0	0
Total %	100	100	100	100	100
Total number	15	4	2	9	30

2.6.1. Challenges faced when providing support

As expressed by a PNCC volunteer in Qatar and an outreach officer in Malaysia, identifying those in real difficulty due to the pandemic and helping them return was challenging. There were also challenges due to barriers in language, lack of fund and the fear of contracting COVID-19.⁹⁵ Said a PNCC volunteer from Qatar:

There were lots of Nepalis wanting to return but we had limited resources and return flights were limited. In such a situation, one of the biggest challenges was identifying who was facing real problems. Migrant workers would present fake problems and provide some reason to justify their need to return immediately even when they did not have any problem at home... They would tell us that their mother or father has died and that they need to return early and that they were not receiving salary or tickets to return and ask us to help them. We would keep hearing these kinds of reasons. It was extremely difficult to separate who was telling the truth and who was lying. There were also challenges due to the difference in language in the destination country for the NRNA and the Nepali embassy to discuss the problems faced by migrant workers and coordinate with the concerned authority in Qatar.⁹⁶

Some of the problems faced in Malaysia, as recounted by a PNCC outreach officer, were as follows:

One of the main challenges was securing funding. For example, if an individual was sick and needed to be hospitalised, we needed to pay an advance beforehand. We did not have funds beforehand. When looked for funds only after a problem arose and this caused delay in providing assistance. Another challenge was that [migrant workers] were not aware of what to do and when. And then there were language barriers which created challenges in disseminating information.⁹⁷

95 Based on interviews conducted with PNCC outreach officers, team leader and volunteers in Malaysia, Qatar, Saudi Arabia and the UAE.

96 Interview with a PNCC volunteer from Qatar.

97 Interview with a PNCC outreach officer from Malaysia.

2.7. Reintegration and Future Plans

2.7.1. Occupation after return

The issue of reintegration of migrants has received increasing attention after thousands of labour migrants from Gulf countries, Malaysia and other destination returned home ‘prematurely’ because of the COVID-19 crisis. Utilisation of skills, expertise and financial capital of returnee migrant workers has been a major challenge in the labour and employment sector of Nepal.⁹⁸ The Government of Nepal has stressed the need for utilisation of financial capital, knowledge, expertise and skills of returnee migrant workers in entrepreneurship development in the overall development of the nation.⁹⁹ The Nepal Labour Force Survey (2017/18) found that 44 per cent of returnee migrants were employed and more than one quarter of returnee migrants were engaged in construction work after return.¹⁰⁰ Further, one-fifth of the returnee migrants were engaged in the agriculture, forestry and fisheries sectors. The same survey found that 28 per cent of the returnee migrant workers were not using the skills learnt abroad and were employed in occupations different from what they were engaged in during their employment abroad.

Table 50: Returnee migrant workers’ occupation after return

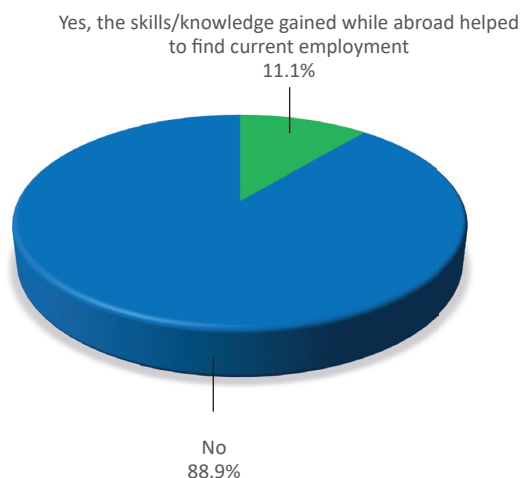
	Male	Female	Total
	Per cent	Per cent	Per cent
Self-employed (agriculture)	31.8	0	29.2
Daily wage (non-agriculture)	22.7	0	20.8
Self-employed (non-agriculture)	15.2	33.3	16.7
Looking for work	13.6	16.7	13.9
Not doing anything/no work or plans	9.1	50.0	12.5
Salaried job (Private/NGO)	6.1	0	5.6
Planning to return for employment to same country	4.5	0	4.2
Planning to go to another country for employment	4.5	0	4.2
Daily wage (agriculture)	1.5	0	1.4
Salaried government job	1.5	0	1.4
On vacation, will be returning to the destination country	1.5	0	1.4
Other	7.6	0	6.9
Total %	119.7	100	118.1
Total number	66	6	72

Note: Some of the research participants reported having multiple engagements.

98 Government of Nepal, *Fifteenth Plan [Fiscal Year 2076/77-2080/81]* (Kathmandu: Government of Nepal, 2020). Available at: https://www.npc.gov.np/en/category/periodic_plans.

99 MoLESS, *Nepal Labour Migration Report*.

100 Ibid.

Figure 12: Role of skills/knowledge learnt abroad in getting current employment

Of the research participants of this study, 62 per cent reported to be engaged in one or more activities since their return. Of the participants, 29 per cent stated being self-employed in the agriculture sector and 21 per cent in daily wage work in non-agriculture sectors (Table 50). However, the skills and knowledge learnt abroad by returnee migrants helped only 11 per cent to find employment after return. As illustrated by the quotes below, returnee migrants had different experiences with regard to utilising the skills and expertise learnt abroad after returning to Nepal:

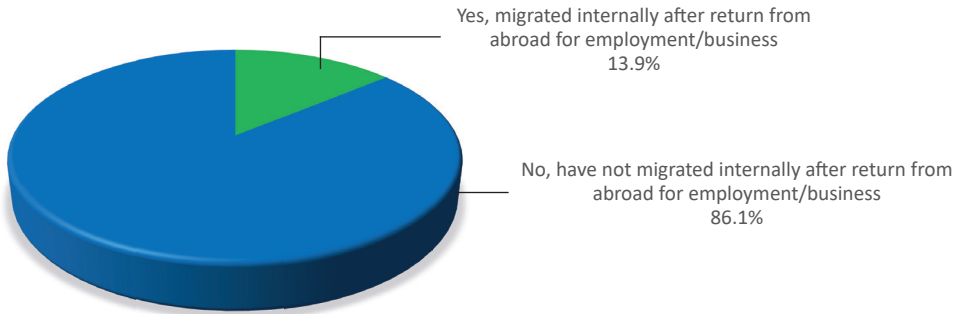
I worked in a cake-making company abroad...I am currently working at a bakery company as an instructor.... The skills and knowledge that I have learnt while working abroad has been really helpful in my current occupation. I knew of the company I am currently working for and instead of doing nothing, I thought of working for them.¹⁰¹

I could not find work that requires the skill I have learnt abroad. I had tried in one or two places but did not get answers from anywhere. I had worked in marketing prior to going abroad and right now I am working in marketing for the Jagadamba group.¹⁰²

The constraints created by lack of capital make utilisation of skill and knowledge learnt from employment abroad difficult for migrant workers. As succinctly put by one of the research participants, lack of capital, among others, creates barriers for migrant workers to start their own enterprise:

101 Based on in-depth interview with 29-year-old female returnee from Qatar.

102 Based on in-depth interview with 31-year-old male returnee from Saudi Arabia.

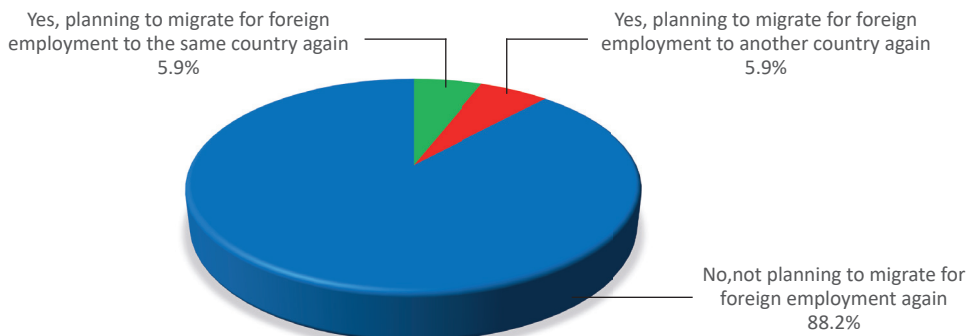
Figure 13: Internal migration among returnee migrants

In Nepal, it is extremely difficult to find employment opportunities that match the skills learnt abroad. The salary is also less. Also, there is lack of capital, and the physical environment [infrastructure and technology] is also not enterprise friendly. Also, because of the financial situation of my family, I could not start my own enterprise.¹⁰³

Said another returnee:

I worked in a pizza place in Saudi Arabia...In order to utilise the skills learnt abroad, it will cost a lot to start a business. Hence, I was unable to use the skills learnt abroad.¹⁰⁴

According to a study by IOM and Nepal Institute of Development Studies (NIDS) conducted after the COVID-19 pandemic, a large proportion of returnee migrant workers were interested in employment and/or self-employment in the agriculture sector, primarily

Figure 14: Plans of returnee migrants to go for foreign employment again

103 Based on in-depth interview with 37-year-old male returnee from Qatar.

104 Based on in-depth interview with 26-year-old male returnee from Saudi Arabia.

farming (33 per cent), followed by the service sector (31 per cent).¹⁰⁵ Within the agriculture sector, most returnees, at 41 per cent, wanted to continue with the farming they did before their migration while others wanted to start new farming using modern technologies. In the case of the service sector, most returnees were interested in tourism-related jobs, including jobs in restaurants, catering, fast-food shops and travel agencies. Similarly, another study conducted by DanChurchAid (DCA) on the impact of COVID-19 on migrant workers in Kanchanpur, Kailali, Doti and Achham districts, agriculture-related work (64 per cent), hotel management (34 per cent) and retail grocery/cloth shops (23 per cent) were areas of interest among returnee migrants.¹⁰⁶ The present study found similarities in terms of returnee migrants' priority sectors of work. Research participants in this study also reported that self-employment in agriculture and non-agriculture sectors were priority sectors for employment (Table 51).

Table 51: Returnee migrant workers' priority sector for employment

	Male	Female	Total
	Per cent	Per cent	Per cent
Self-employed (non-agriculture)	37.9	50	38.9
Self-employed (agriculture)	33.3	0	30.6
Salaried job	21.2	33.3	22.2
Driving	9.1	0	8.3
Daily wage labour in non-agriculture sectors like construction	7.6	0	6.9
Electronics and IT	4.5	0	4.2
Others	9.1	16.7	9.7
Total %	122.7	100	120.8
Total number	66	6	72

Note: Some research participants reported to have multiple priority sectors.

2.7.2. Re-migration after return

This study found that 14 per cent of the returnee migrants had migrated internally after their return, either for employment or seeking employment (Figure 13). Similarly, 12 per cent of the returnees planned to migrate abroad for employment again (Figure 14). Financial pressure and lack of employment opportunities at home were cited as the top reasons for re-migration. The IOM-NIDS study found that half of the returnee migrants who were interviewed aspired to re-migrate abroad for work.¹⁰⁷ In another study conducted by CESLAM in coordination with South Asian Regional Trade Union Council (SARTUC) and

105 IOM and NIDS, *Status of Nepali Migrant Workers*.

106 DanChurchAid, *A Survey Report 'COVID-19 Impact on Migrants Workers' in Sudurpashchim Pradesh* (Lalitpur: DanChurchAid, 2020).

107 IOM and NIDS, *Status of Nepali Migrant Workers*.

International Trade Union Confederation Nepal Affiliate Council (ITUC-NAC), among 142 returnee migrants who had returned after the onset of the pandemic, around 30 per cent planned to go for foreign employment again.¹⁰⁸ Compared to these studies, the proportion of migrants who planned to re-migrate was less in this study. However, the lower proportion could be attributed to the fact that some of the migrant workers were surveyed immediately after their return to Nepal owing to the impact of COVID-19 in destination countries.

Said a research participant about his plan:

If I could do a small business and am able to earn, even a little, and ease the financial situation at home, pay for children's education and household expenses, then I do not plan to migrate again. But, if this is not possible, then understanding my responsibility towards my family, I am thinking of re-migrating for my family. Recently, applications were invited from Israel at the government level, but my application was rejected. I am currently collecting information through social media [about foreign employment].¹⁰⁹

When returnees were asked if they planned to re-migrate, 6 per cent said they planned to return to the same country they were in prior to their return while a similar proportion said they planned to go to a different country (Figure 14). These figures are comparatively lower than those from a recent study on returnee migrants, conducted after the outbreak of the pandemic, where around 16 per cent of the interviewees said they planned on re-migrating for foreign employment.¹¹⁰ Another study reported that due to lack of employment opportunities in Nepal, more than half of the returnee migrants interviewed had plans to re-migrate.¹¹¹

2.7.3. Impact of Loss of Remittance

International remittances, i.e., money sent by migrants to their families back home play an important role in Nepal's economy and represent the largest financial inflow in the country. Nepal is the one of the largest recipients of remittance in terms of its contribution to the nation's gross domestic product (GDP).¹¹² Nepal received USD 8.1 billion in remittances in 2020 which is proportional to 23.5 per cent of the nation's GDP.¹¹³ For many migrant workers' families, remittances form one of the major and sometimes the only source of income. Almost one-fourth of the households in Nepal received international remittance in

108 Baniya, Bhattarai, Thapa, Tumsa and Rai, *Situation of Nepali Migrant Workers' Access to Justice*.

109 In-depth interview with 34-year-old returnee migrant worker from the UAE.

110 Baniya, Bhattarai, Thapa, Tumsa and Rai, *Situation of Nepali Migrant Workers' Access to Justice*.

111 IOM and NIDS, *Status of Nepali Migrant Workers*.

112 Ratha, Kim, Plaza, and Seshan, *Migration and Development Brief 34*.

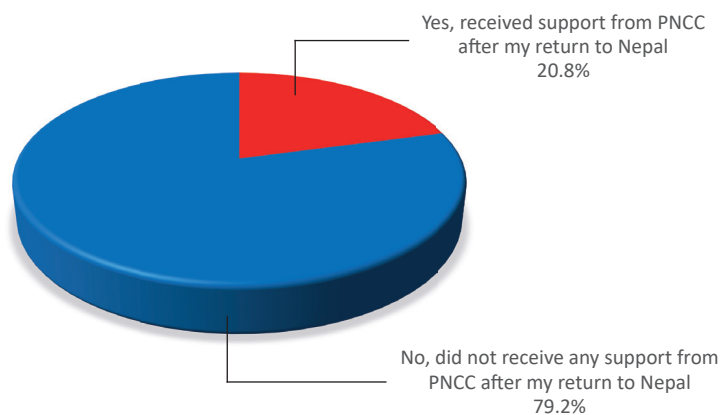
113 Ibid.

2010/11.114 A study conducted on the remittance economy in Nepal found that remittance formed a major source of income for one-third of the migrant workers' households.¹¹⁵ As discussed in Section 2.2., remittance formed an important income source for over one-fourth of the research participants' households.

Table 52: Impact of loss of remittance/employment abroad on household income

	Male	Female	Total
	Per cent	Per cent	Per cent
Has impacted household income	89.4	100	90.3
Has not impacted household income	10.6	0	9.7
Total %	100	100	100
Total number	66	6	72

Figure 15: Support received from PNCC after return



Migrant-sending households tend to spend the remittance received from abroad on daily consumption as well as better education and health services, among others. Loss of employment abroad and consequently remittance, hence, will have significant impact on the migrants' households. In this study, 90 per cent of the returnee migrants said that loss of employment and remittance had impacted their household income (Table 52). Similarly, 59 per cent of the returnee migrants reported that loss of remittance had implications on their access to food. Also, 60 per cent of married returnee migrants reported that loss of income from foreign employment has impacted their children's education.

114 Takenaka, Villafuerte, Gasper and Narayan, *COVID-19 Impact on International Migration*.

115 Sijapati, Lama, Baniya, Rinck, Jha and Gurung, *Labour Migration and the Remittance Economy*.

Table 53: Impact of loss of remittance/employment abroad on access to food

	Male	Female	Total
	Per cent	Per cent	Per cent
Has impacted my household access to food	60.6	50.0	59.7
Has not abroad impacted my household access to food	39.4	50.0	40.3
Total %	100	100	100
Total number	66	6	72

Table 54: Impact of loss of remittance/employment abroad on returnee migrants' children's education

	Male	Female	Total
	Per cent	Per cent	Per cent
Has impacted my children's education	59.7	66.7	60.0
Has not impacted my children's education	40.4	33.3	40.0
Total %	100	100	100
Total number	57	3	60

2.7.4. Support from individuals/organisations after return

Ten of the returnee migrant workers (14 per cent) stated that they received support from one or more organisations or individuals after their return. The support received included counselling for one and financial aid for 19 of them. One of the returnee migrants explained how he received financial aid from the municipality to start buffalo farming:

I started buffalo farming with loan taken from a cooperative. Similarly, I have received NPR 70,000 as financial aid from the municipality for shed maintenance and medical costs.¹¹⁶

One-fifth of the returnee migrant workers mentioned having received support one or more times from PNCC after their return. Three of them said they had received counselling support and two mentioned receiving shelter services while the majority mentioned receiving financial aid for lodging, food, travel and family expenses. Talking about the financial support received from PNCC after return for transportation and food, a returnee migrant worker said:

After my return, I was taken to PNCC's hostel. The next day, they gave me 1,500 rupees for bus fare to go home and another 20,000 as financial aid to support me.¹¹⁷

116 Based on in-depth interview with 26-year-old male returnee migrant from Saudi Arabia.

117 Based on in-depth interview with 27-year-old male returnee migrant from Malaysia.

Table 55: Support received from individuals or organisations after return

	Male	Female	Total
	Per cent	Per cent	Per cent
Individuals or organizations have not helped/supported me after return	86.4	83.3	86.1
Individuals or organisations have helped/supported me after return	13.6	16.7	13.9
Total %	100	100	100
Total number	66	6	72

Table 56: Access to COVID-19 information in destination countries

	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Had access to all COVID-19-related information	100	97.3	94.4	100	97.8
Did not have access to all COVID-19-related information	0	2.7	5.6	0	2.2
Total %	100	100	100	100	100
Total number	18	37	18	17	90

Table 57: Source of COVID-19-related information in destination countries

Source of information	Malaysia	Qatar	Saudi Arabia	UAE	Total
	Per cent	Per cent	Per cent	Per cent	Per cent
Friends and colleagues in destination countries	66.7	86.1	70.6	76.5	77.3
Social media	83.3	55.6	82.4	70.6	69.3
Diplomatic mission/Embassy	16.7	0	5.9	0	4.5
Family and friends from Nepal	0	38.9	0	5.9	17
Others	11.1	0	5.9	5.9	4.5
Total %	177.8	180.6	164.7	158.8	172.7
Total number	18	36	17	17	88

Note: multiple responses

2.8. Access and Use of Information

Nepali migrant workers often face barriers in accessing regular and reliable information on COVID-19 due to different factors, including but not limited to language and cultural

barriers, illiteracy, and limited access to the internet.¹¹⁸ However, 98 per cent of the research participants said they had access to COVID-19 related information in the destination country (Table 56). Migrant workers received this information from various sources; the major sources mentioned included friends and colleagues in the destination country (77 per cent), social media (69 per cent), and friends and family back home (17 per cent). Of the research participants surveyed, 82 per cent (78 per cent of current migrants and 83 per cent of returnee migrants) stated that they had access to information about the government's plan and decisions relating to return and repatriation of migrant workers and also about flight details and prices. Friends and colleagues in the country of destination and social media were the major sources of this information (Table 59).

2.8.1. Knowledge about Government Schemes Targeted at Returnee Migrants

The Government of Nepal introduced various schemes such as concessional loans, vocational and skill training programmes to support returnee migrants in employment and/or self-employment at home. Similarly, there are employment programmes such as the Prime Minister Employment Programme (PMEP) and the Chief Minister Employment Programme (CMEP). These programmes aim to provide employment opportunities to the unemployed at the local level. PMEP was launched by the MoLESS in 2019 to create employment opportunities for the unemployed, including returnee migrants, at the local level. The programme was further expanded in 2020, and its budget doubled to incorporate and mobilise returnee migrants in government-led development programmes at all three levels of government and create job opportunities for 200,000 people across the country who were affected by the pandemic.

In order to understand migrant workers' awareness of available employment and loan schemes, research participants were asked if they knew about PMEP and concessional loan programmes. Of the migrant workers surveyed, 29 per cent reported being aware of PMEP (Table 60). Only one female migrant and 25 male migrant participants in this study were aware about the employment programme. Similarly, 45 per cent of the migrant workers (44 per cent of the male migrant workers and 50 per cent of the female migrant worker surveyed) were aware of the subsidised loan programme, of up to NPR 1 million at low interest, for returnee migrant workers. None of the returnee migrants who participated had accessed these programmes and schemes as reflected in these answers:

I am not aware of programmes targeting returnee migrant workers at present. Even when there are programmes at the local level, due to reasons such as limited seats, lack of connection/contact [with the local offices], lack of information, long process, lack of time [on the part of

118 Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour Migrants*; Nepal, Baniya and Thapa Kshetri, *COVID-19 Mahamariko Chapetama*.

migrant workers], returnee migrants are not able to participate in programmes for returnee migrants.¹¹⁹

I came to know about programmes targeted at returnee migrant workers through social media. But I do not know about how to access them.¹²⁰

Table 58: Access to information about repatriation details

	Had access to information	Did not have access to information	Total %	Total number
	Per cent	Per cent		
	Gender			
Male	81.7	18.3	100	82
Female	87.5	12.5	100	8
	Destination			
Malaysia	66.7	33.3	100	18
Qatar	86.5	13.5	100	37
Saudi Arabia	94.4	5.6	100	18
UAE	76.5	23.5	100	17
	Type of migrant			
Current migrant	77.8	22.2	100	18
Returnee migrant	83.3	16.7	100	72

Table 59: Source of information about repatriation details

Source of information	Male	Female	Total
	Per cent	Per cent	Per cent
Friends and colleagues in destination	61.2	71.4	62.2
Social media	43.3	85.7	47.3
Employers	22.4	42.9	24.3
Nepali diplomatic mission/Embassy	16.4	0	14.9
Others	9	0	8.1
Family and friends from Nepal	4.5	0	4.1
Total %	156.7	200	160.8
Total number	67	7	74

Note: multiple responses.

As illustrated by the quotes above, lack of information about existing schemes and policies targeting returnee migrant workers, limited capacity of the programme, long and

119 In-depth interview with 29-year-old female returnee migrant from Qatar.

120 In-depth interview with 34-year-old male returnee migrant from the UAE.

Table 60: Awareness about Prime Minister Employment Programme (PMEP)

	Current Migrant	Returnee	Total
	Per cent	Per cent	Per cent
Aware about PMEP	22.2	30.6	28.9
Not aware about PMEP	77.8	69.4	71.1
Total %	100	100	100
Total number	18	72	90

cumbersome process to access the programme compounded the obstacles in returnee migrant workers' access to government schemes and programmes such as employment and concessional loan programmes. Lack of contacts at the local offices was also cited as a challenge as illustrated in a quote from another research participant:

On the basis of what I had heard about returnee migrant workers being given concessional loans, I went to the ward office and applied for it. But it has been six months and there has been no progress. Those with connections at the office have already received loans but we have not. I waited for a long time. Now, instead of waiting, I thought of doing some work and now I have started working in marketing.¹²¹

Table 61: Awareness of the subsidised loan programme

	Migrant	Returnee	Total
	Per cent	Per cent	Per cent
Aware	77.8	83.3	82.2
Not aware	22.2	16.7	17.8
Total %	100	100	100
Total number	18	72	90

121 In-depth interview with 31-year-old male returnee migrant from Saudi Arabia.

3. RECOMMENDATIONS

The COVID-19 crisis had significant impact on people worldwide, including Nepali migrant workers. As the pandemic spread, Nepali migrant workers faced various social and economic impacts. As per the findings of this study, Nepalis migrant workers have faced one or more challenges such as unemployment, layoffs, loss of income, forced labour, ill-treatment and being stranded in the destination country with little or no support. The study also highlighted the reasons due to which migrant workers do not register complaints regarding issues like wage theft and abuse faced prior to or due to the pandemic. Among other reasons, migrant workers hold back from filing complaints or seeking compensation for the issues faced due to cumbersome processes of complaint registration and seeking compensation, not wanting to face legal hurdles, and lack of information on where to file complaint or seek compensation.

The impact of COVID-19 has been profound for migrant workers, including in access to justice for wage theft and other labour and human rights violations. In this context, this study urges stakeholders such as relevant government agencies, trade unions and CSOs to ensure protection of rights of migrant workers and to take immediate and urgent actions, some of which are discussed below.

Documenting grievances of migrant workers: Migrant workers should have easy access to grievance registration mechanisms in destination countries and in Nepal so that they can voice their concerns and file complaints regarding wage theft and abuse, among others. Migrant workers should be able to avail of such mechanism without fear of punishment or retaliation from employers and irrespective of their legal status. Transnational justice mechanisms should be developed through diplomatic coordination with destination countries so that migrant workers can access justice for the issues faced in destination countries even after returning home. Also, many migrant workers are unwilling to file complaints and seek compensation due to the complicated procedure it entails. Hence, it should be ensured that the grievance registration and compensation seeking process is easy to understand and navigate for migrant workers. CSOs and other stakeholders can support migrant workers in the destination countries and returnee migrant workers through mobilisation of their networks in destination countries and in Nepal to register their complaints.

Strengthen coordination and collaboration and advocate for migrant workers' rights: Labour migration governance in Nepal should be strengthened through collaboration and coordination between the Government of Nepal and CSOs, trade unions, recruitment agencies and other stakeholders. The government should include relevant stakeholders in the formulation of plans and policies pertaining to the protection of rights of migrant workers as well as reintegration of returnee migrants. Periodic consultation programmes should be conducted with representatives from government and non-governmental organisations to

share information about the status of migrant workers and to advocate for the needs of Nepali migrants abroad and for the protection of their rights. Similarly, CSOs and other stakeholders can use national, regional and international platforms to share learnings, research findings, etc. on migrant workers' situation and experiences of access to justice.

Raising awareness among migrant workers about migrants' rights and access to justice:

Migrant workers are found to have limited knowledge about their rights and the process for accessing justice at home and in destination countries. Such information should be effectively communicated to migrant workers prior to their departure and after their return. For this, the government should incorporate the issue of access to justice, wage theft, and grievance registration and compensation seeking in the mandatory Pre-departure Orientation Training. Stakeholders such as CSOs and trade unions can also conduct awareness raising programmes at the local, provincial and federal levels to disseminate such information. Other platforms such as Facebook, YouTube, television, radio can also be used to create awareness among migrant workers. Furthermore, there is a need to understand the reason behind the low level of awareness among migrant workers. In this regard, more research should be conducted to gain an understanding of access to information and level of awareness among migrant workers on labour rights and access to justice, among other issues.

Amendment and effective enforcement of labour agreements and policies: The existing foreign employment policies and labour agreements with destination countries should be amended to include guidelines for the protection of migrant workers during times of crisis such as the ongoing COVID-19 pandemic. Furthermore, these legal instruments should be updated to include migrant workers who migrate using irregular channels. The Guidelines to Protect Migrants in Countries Experiencing Conflicts and Natural Disasters launched by Migrants in Countries in Crisis (MICIC) could be a good reference to use.¹²² CSOs can facilitate consultation and dialogue with relevant government agencies and other stakeholders regarding amendment of labour agreements, policies as well as formulation of new ones. It is also necessary to ensure that migrant workers' concern and voices are heard when formulating and amending the policies and agreements.

Collection of data on returnee migrant workers: There is lack of an effective data collection system on returnee migrant workers. The government can utilise the already existing systems such as the Employment Information Management System (EIMS) developed under the PMEP and the Labour Information Bank (LIB), currently being developed, to collect such information at the local level.

Strengthen the capacity of diplomatic missions, diaspora organisations and migrants'

¹²² Migrants in Countries in Crisis (MICIC), *Guidelines to Protect Migrants in Countries Experiencing Conflict and Natural Disaster* (Geneva: MICIC, 2016). Available at: https://micicinitiative.iom.int/sites/default/files/document/micic_guidelines_english_web_13_09_2016.pdf#page=21. For more information about MICIC initiative, see: <https://micicinitiative.iom.int/>.

networks: The present situation caused by the pandemic has highlighted the need to increase the human resources and financial capacity of diplomatic missions primarily in major destination countries. Also, CSOs, migrants' networks as well as diaspora organisations have been playing a key role in helping Nepali migrant workers in destination countries and in Nepal particularly during the pandemic. The Government of Nepal, in coordination with these stakeholders, should develop a framework and operational guidelines to strengthen their engagement in assisting migrant workers especially during the time of man-made and natural disasters and crises.

Access to financial and entrepreneur support: Returnee migrant workers are found to lack awareness of existing employment and concessional loan schemes implemented by the Government of Nepal. Furthermore, access to these programmes, primarily the loan schemes, are hindered by lack of information, cumbersome processes, limited capacity, and the need to pledge collateral among others. In this regard, the existing soft-loan schemes should be made easy to access and further expanded. Also, the need to present collateral for getting loans should be relaxed for returnee migrants.

Skill development of returnee migrant workers: There is need to focus on skill development, vocational training for and skill recognition of returnee migrant workers. Most returnee migrant workers unable to use the skills they gained abroad after returning to Nepal. In this regard, the government, in coordination with relevant government and non-governmental organisations, should provide market-oriented and/or self-employment-oriented skills and vocational training to returnee migrants. Tailored support should be provided to returnees for skill recognition and certification. The existing skill certification procedure for returnee migrants under FEB, should be effectively implemented and expanded in collaboration with National Skill Testing Board (NSTB). Furthermore, research should be conducted to document the skills and expertise of returnee migrants, including the occupations they are interested in. In this regard, CSOs can help collect information on returnee migrant workers, including that on their expertise and interests, by utilising their networks at local and provincial levels.

Identification of areas for utilisation of skills of returnee migrants: The present study has highlighted the need for more in-depth research to identify sectors for economic reintegration of returnee migrant workers particularly women returnees. Findings from this study highlight the need for understanding the challenges faced by men and women returnee migrants in accessing available government schemes for employment and self-employment and financial support. The relevant government agencies should collaborate with CSOs and academics to conduct comprehensive research on potential sectors for economic reintegration of returnee migrants, including the challenges they face after return for employment or self-employment.

Advocate for ethical and fair recruitment: Despite the presence of a national legal

framework on ethical and fair recruitment, including the ‘free-visa-free-ticket’ policy and bilateral agreements with destination countries, migrant workers continue to be victims of unscrupulous activities at the hands of recruitment agencies and employers. Particularly in the context of the pandemic—whereby the economic downturn and the safety protocols and other measures enforced at the workplace has resulted in increased recruitment costs for employers and recruitment agencies—the risk of recruitment related frauds can be high. Hence, the government should effectively monitor the activities of recruitment agencies. Furthermore, CSOs can advocate for the effective implementation of ethical and fair recruitment guidelines.

Effective implementation of the repatriation directive: It needs to be ensured that concerned authorities such as diplomatic missions in destination countries effectively implement the directive on rescue and repatriation of Nepali migrant workers affected by the COVID-19 pandemic. Nepali diplomatic missions abroad should put in place grievance recording systems that allow migrant workers to register their complaints and record their grievances. Further, additional human and financial resources should be allocated to these missions accordingly in order to ensure that they can effectively implement the responsibility given to them in the directive.

Preparation of simplified and non-discriminatory procedure: The directive issued by the Government of Nepal for rescue and repatriation of migrant workers during the COVID-19 pandemic was fraught with challenges, one of which was the lengthy and complicated verification procedure for checking the eligibility of migrant workers. Also, the directive omitted migrant workers without valid labour permits, hence, excluding many Nepalis who migrate through irregular channels or are undocumented. These issues have highlighted the need for a simplified and non-discriminatory procedure for rescue and repatriation of migrant workers during times of disasters and crises.

Incorporation of CSOs in rescue and repatriation processed: Any guideline or procedure for relief, rescue and repatriation should be flexible and take into account various circumstances. It should allow for the involvement of organisations such as PNCC and diaspora organisations in relief and rescue operations during disasters and crises.

Development of a Disaster Preparedness and Response Plan for migrant workers: The state of migrant workers during emergency situations such as the COVID-19 pandemic has reinforced the need to develop national guidelines for emergency response, recovery, preparedness and disaster risk reduction for migrant workers engaged in foreign employment. For the preparation of such response plan, inspiration can be taken from the principles, guidelines and practices presented in the Guideline to Protect Migrants in Countries Experiencing Conflicts and Natural Disasters launched by MICIC.¹²³

123 MICIC, *Guidelines to Protect Migrants in Countries Experiencing Conflict*.



PNCC

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PRAVASI NEPALI COORDINATION COMMITTEE

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