

UNSCRUPULOUS RECRUITMENT AND PRECARIOUS EMPLOYMENT OF NEPALI MIGRANT WORKERS

Findings from the Analysis of Data on PNCC's Services



Jeevan Baniya, Sanjit Shrestha, Sadikshya Bhattarai, Dogendra Tumsa
Bipin Upadhyaya, Rajib Neupane & Prasansa Thapa



Centre for the Study of
Labour and Mobility

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Abbreviations and Acronyms

AHTB	Anti Human Trafficking Bureau
BLMA	Bilateral Labour Migration Agreement
CoD	Country of Destination
CoO	Country of Origin
CSO	Civil Society Organisation
DAO	District Administration Office
DoFE	Department of Foreign Employment
ESC	Employment Service Centre
FEB	Foreign Employment Board
FEIMS	Foreign Employment Information Management System
FEWF	Foreign Employment Welfare Fund
FEWIMS	Foreign Employment Welfare Information Management System
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
GoN	Government of Nepal
ILO	International Labour Organization
IOM	International Organization for Migration
MoLESS	Ministry of Labour, Employment and Social Security
MoU	Memorandum of Understanding
MRC	Migrant Resource Centre
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
NIA	Nepal Insurance Authority
NOC	No Objection Certificate
OSH	Occupational Safety and Health
PDOT	Pre-Departure Orientation Training
PNCC	Pravasi Nepali Coordination Committee
PRA	Private Recruitment Agency
RBA	Responsible Business Alliance
RRT	Rapid Response Team
SaMi	Safer Migration Programme
SOCSSO	Malaysian Social Security Organisation
SSF	Social Security Fund
TIMS	Training Information Management System
UAE	United Arab Emirates

Chairperson's Desk

I am thrilled to present the report titled 'Unscrupulous Recruitment and Precarious Employment of Nepali Migrant Workers'. This report covers the service delivery data maintained by PNCC from 2014 to 2022. The movement of workers to other countries has boosted our economy, but managing foreign employment well is complex and requires careful decisions based on accurate information. The continued out-migration for 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. Despite the insufficiency of the mechanisms in place to address problems faced by Nepali workers and their families during their extended stays abroad, PNCC has been offering possible paralegal support to the needy migrant workers and their families since its establishment.

By realising the importance of documentation of cases concerning migrant workers, PNCC began to keep the record of migrant workers' cases from 2012 in Microsoft Excel documents. In addition, the organisation used to record the information of its beneficiaries on traditional paper forms, but, as the number of cases increased significantly, it became difficult to manage them manually. Later in the COVID-19 period, there were difficulties in recording the cases of migrant workers, and it was revealed that a rescue form had been produced, which made it possible to assist over 16,000 pandemic survivors. As a result of this system's successful implementation, the organisation has advanced its use of technology for mass data management by introducing the Case Management Information System (CMIS), on which this report is based.

Our sincere gratitude extends to the Open Society Policy Centre for their invaluable financial support, as well as the research team at Centre for the Study of Labour and Mobility (CESLAM) at Social Science Baha including Manesh Shrestha and Sudeshna Thapa for reviewing the final paper. Special thanks to PNCC's Executive Director Som Prasad Lamichhane, Project Coordinator Aviman Singh Lama, PC cum Data Analyst Bijaya Basyal and the Rescue Unit, who significantly contributed to this study. Further, I also appreciate the support extended by our donor partners, namely ILO Nepal, IOM, Winrock International, SaMi/HELVETAS and MFA as well as government authorities, Nepali embassies in destination countries, NHRC, NNSM, migrant diaspora networks, the 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.

I expect the report to be a useful and interesting read for academicians, policymakers, civil society, trade unions, media, and those who work in labor migration.

Kul Prasad Karki
Chairperson

Executive Summary

A substantial number of Nepalis are migrating abroad every year in pursuit of decent work and higher wages. While migration has brought significant benefits for many migrant workers and their families as well as the country of origin and countries of destination, many of them regularly face human and labour rights violations. As a consequence, Nepali migrant workers are less likely to fully realise the potential benefits from labour migration. In this context, the main objective of this study is to understand the situation of the process of recruitment of Nepali migrant workers, decent work in the country of destination, and the challenges and issues they face during the migration process. Mixed methods were used to conduct the study, consisting of a review of existing data and publications on labour migration and analysis of quantitative and qualitative administrative data collected by Pravasi Nepali Coordination Committee (PNCC). It included analysis of 15,340 cases of 22,148 individuals which were registered at PNCC between 2014 and 2022.

Main findings of the study

More than 20 per cent of the migrant workers were engaged in elementary occupations, accentuating the fact that Nepalis are mostly engaged in low-skilled work in the destination country. Some 40 per cent were working more than the standard number of working hours. Nepali migrant workers, on average, were earning NPR 40,334 per month, with the mean salary varying across different occupations and destination countries. The findings also revealed that many migrant workers, 30 per cent and 97 per cent respectively, either did not have valid documentation such as labour permits for Nepal and work permit/visa for the destination country at the time of grievance registration. As such, this further exacerbates their vulnerability to human and labour rights violations.

The Government of Nepal (GoN) has introduced manifold measures—laws, policies and bans—to curb unethical and unfair recruitment practices. However, these measures, although with some merit, have remained largely ineffective. As the findings of this study show, approximately 63 per cent of the migrant workers relied on PRAs for their migration. Additionally, around 36 per cent of the migrant workers went abroad individually or with the assistance of relatives and/or agents. This shows that agents continue to play an integral role in the labour migration process despite the government banning them. Similarly, a significant proportion of these agents (58 per cent) are not known to the migrant workers.

On the other hand, the government's attempts to control recruitment fees migrant workers pay have been, more or less, failures. Migrant workers continue to pay exorbitant recruitment fees for their migration. Nepali migrant workers who registered cases at PNCC between 2018 and 2022, on average, reported paying recruitment fee of NPR 146,293. For men, the average fee reported was NPR 146,937 and for women NPR 106,720.

In destination countries, Nepali migrant workers face various issues such as contract

related issues, occupational safety and health, jailing, cases related to their disappearance (missing) and in Nepal, pre-departure cases and human trafficking/smuggling related cases. Almost half of the cases registered with PNCC (N=15,340) were related to migrant workers' employment contracts (49 per cent) followed by issues related to occupational safety and health of migrant workers (25 per cent) and migrant workers in jail in destination countries (12 per cent). Analysis of the challenges they face reveal there is a strong correlation between undocumented status and deception, forced labour, exploitation and trafficking. Likewise, among the death related cases registered at PNCC (n=2236), 54 per cent was due to natural causes and 9 per cent was due to suicide. The proportion of women migrant workers (n= 59) who died due to suicide was 24 per cent. The high rate of suicide among Nepali migrant workers, especially women, highlights concern about the mental health of migrant workers in the country of destination (CoD).

PNCC has been providing assistance to migrant workers in distress through support in rescue and repatriation and accessing justice. Once it receives information on migrant workers in distress from various governmental, non-governmental and diaspora organisations, it begins the assistance process. It reaches out to the victim and if the victim is inaccessible, it gets in touch with their family. Then, it gets details on the case and helps to collect the documentation needed for the next step; it also refers the victims to other organisations if any specialised services are required.

The findings from this study have, thus, highlighted the importance and need for informed, gender-responsive and rights-based migrant policies and interventions. Based on the above discussion, the following recommendations are suggested.

Amendment, revision, formulation and effective implementation of laws and policies

- Create specific policies related to fair and ethical recruitment, occupational safety and health, social protection and access to justice at home and in destination countries with provisions for crisis response.
- Elucidate the mandate of the three levels of government—federal, provincial, and local—in the implementation of laws, regulations and policies for better monitoring of recruitment agencies and other actors in the foreign employment business.
- Implement effectively the Procedure on the Monitoring of Recruitment Agencies and Training Institutions, 2017 and the Directives for Monitoring Team Mobilisation, 2019.
- Remove the impractical restrictions placed on domestic work abroad and instead attempt to protect migrant workers through the introduction of domestic work-related clauses in the bilateral labour migration agreements (BLMAs) guaranteeing safe working and living conditions, protection of rights and mechanisms for punishment of abusive employers.
- The GoN needs to push for the introduction of clauses in the BLMAs to remove the role of or regulate the agents in CoDs and transform the current

practice into a government-to-government model as far as possible or mandate employers themselves to procure the demand in order to lower the migration costs.

Minimisation of recruitment fees and related costs

- It is paramount the government implements the ‘free-visa, free-ticket’ policy and the ‘employer pays’ model with thorough monitoring.
- While diplomatic missions are attesting demand letters from employers, the submission of audit reports and salary sheets of Nepalis working in the company can be made mandatory. Conversely, the government of destination countries can mandate reviewing audit reports and salary sheet when providing approval to the company/ employer to bring in migrant workers. Similarly, the GoN should regularly share/update the list of blacklisted private recruitment agencies (PRAs) in FEIMS with access of the same provided to officials at diplomatic missions for their perusal if and when needed.

Ensuring welfare and social security of migrant workers

- Good practices like the enrolment of Nepali migrant workers in the social security scheme PERKESO, Social Security Organisation (SOCSO), Malaysia, need to be replicated in other CoDs. In the case of SOCSO, it is necessary to spread awareness regarding the provisions, benefits and procedural requirements among relevant agencies, stakeholders as well as migrants and diaspora.
- The GoN needs to introduce mechanisms to formalise migrant workers who lose their documented status due to unforeseen and uncontrollable circumstances so that they can avail of the benefits the GoN provides. The clause to formalise such migrant workers can be inserted in BLMAs signed with destination countries.
- The GoN and employers in CoDs should work with companies that are part of the Responsible Business Alliance (RBA) and follow higher standards in the protection of the rights of workers.
- Drawing on learnings, expand existing activities such as information dissemination and counselling, legal aid, psychosocial counselling and rescue and repatriation implemented under the Safer Migration (SaMi) programme across the country and improve them. Also, migrant resource centres (MRCs) need to be provided the mandate and the resources to continue their work, and, to truly localise MRCs, municipal governments need to take ownership of them.
- The mandates of employment service centres (ESCs) should be expanded with more resources to provide services to migrant workers and their families.
- In order to ensure undocumented migrant workers can benefit from the FEWF and the SSF in case of distress, serious efforts should be made to enrol them in the funds using digital means or through diplomatic missions.
- The GoN should provide adequate funds to its diplomatic missions so they can support needy and vulnerable migrant workers. Also, it is critical that diplomatic missions monitor the occupational safety and health (OSH) condition of Nepali

migrant workers and warn employers in case of non-compliance.

- The GoN should either operate a shelter or support Civil Society Organisations (CSOs) running shelters for distressed migrant workers. To that end, the government should pass the Shelter Operating Procedures which MoLESS has been processing since 2016.

Active multi-stakeholder engagement and social dialogue

- The staff placed in diplomatic missions of Nepal, in many circumstances, remain unaware of policy changes or changes in the information management systems made in Nepal. Thus, these changes should be properly communicated to them so that necessary updates can be made in the destination countries.
- The GoN should engage with and consult a multi-stakeholder working committee periodically to review laws and policies and make recommendations for relevant amendments, improvements and better implementation.
- CSOs and trade unions can also regularly host multi-stakeholder dialogues and discussions on migration policies and programmes to foster an evidence-based, rights-based and gender-responsive approach to labour migration governance.
- The GoN needs to discuss and negotiate with CoDs to remove the practice of obtaining exit visas (exit pass) to leave the country as this provision increases the vulnerability of migrant workers by rendering them stranded in the CoD. It is crucial that international organisations such as International Labour Organization (ILO), International Organization of Migration (IOM), National Human Rights Institutions (NHRIs) and CSOs advocate for the scrapping of such requirements.
- It is crucial that the GoN and its diplomatic missions actively engage with and mobilise support from International Non-Governmental Organisations (I/NGO)s, NHRIs and diaspora associations in providing various support to Nepali migrant workers in CODs, particularly in times of crisis, disaster and conflict.

Information dissemination and awareness raising

- It is important to increase the awareness of migrant workers about pre-migration procedures, fair and ethical recruitment, occupational safety and health, available social security provisions such as the Social Security Fund (SSF), Social Security Organisation (SOCSO), Malaysia and the Foreign Employment Welfare Fund (FEWF).
- The initiative to include migrant workers in the GoN's SSF scheme is commendable. However, now, the government needs to run promotion campaigns for SSF so that the existing Nepali labour migrant stock, who are not currently enrolled in the programme, can be enrolled.
- Awareness raising and counselling programmes on financial literacy should be provided to the general public as well as migrant workers and their families for better planning and management of their capital. For this, radio programmes in the

Ujyaalo network, the pre-departure orientation training (PDOT) and various digital platforms can be effective avenues.

- Awareness raising programmes need to be conducted for migrant workers making them aware of the perils of irregularity and changing employers without following proper procedures as well as the allures of more money showed by agents which rarely become reality.
- It is important to make the PDOT country-specific with regular revisions to reflect changes in destination countries.

Ensuring access to justice for migrant workers

- To monitor the implementation of mandates agreed in BLMAAs like ensuring the consistency of contracts provided to migrant workers before and after migration, Nepali diplomatic missions need to be provided with greater resources so they can visit work sites more frequently, inspect and monitor the workplace and talk with the migrant workers. Such regular visits from diplomatic missions can also be used to sensitise and raise awareness of Nepalis about their rights.
- The complaints registration mechanism—a service Nepali diplomatic missions provide—needs to be made more comprehensive, well-documented and traceable through digitalisation.
- Services of diplomatic missions in geographically large countries such as Saudi Arabia and Malaysia should be provided on a digital platform so that migrant workers employed in remote areas do not have to travel to the capital city in order to access the services.
- Funds/mandates should be made available for diplomatic missions to hire Public Relations (PR) officers and lawyers proficient in the CoD's language so that they can help the missions provide critical services including legal assistance to Nepali migrant workers.
- The GoN should make funds available for needy migrant workers so they can avail the access to justice mechanism provided by the state.

Evidence and knowledge generation and management

- The GoN should invest in periodic migration surveys to provide a comprehensive overview of migration in Nepal. CSOs and trade unions should advocate for such surveys to be conducted periodically.
- The GoN should recognise the unique opportunity provided by the administrative data CSOs and trade unions collect while extending support and assistance to migrant workers, such as that by PNCC, and use them to guide policy.
- CSOs and trade unions should also conduct their own gender-responsive research to identify gaps in existing legislation, situation of and challenges migrant workers face and propose recommendations especially those targeted at individuals in irregular situation.

- There is also a need for collaborative research jointly undertaken by government agencies, academic institutions and CSOs for investigating issues related to labour migration from a wide perspective.
- The government needs to dedicate more resources for the management and analysis of administrative data collected by various agencies. Also, data and learnings obtained from studies conducted by CSOs and programmes such as SaMi and Reintegration of Returnee Migrant Workers (ReMi) need to be documented, analysed and publicised by an independent entity.
- The government needs to conduct periodic follow-ups with those repatriated and members of their families which can elucidate their changing situation and needs, assisting the government and other stakeholders develop programmes targeting them.

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I. Introduction

I.1. Background

Migrant workers—both skilled and unskilled—have become an indispensable part of the global economy and have contributed tremendously to both the countries of destination (CoDs) and the countries of origin (CoOs). They have helped fulfil labour shortages in CoDs by partaking predominantly in dirty, dangerous, and demeaning jobs and are also key contributors to the CoO's economy by transferring remittances. As such, labour migration has become a mainstay of Nepal's economy,¹ with remittance inflows accruing to NPR 1007.3 billion in the 2021/22 fiscal year.² It has also become a key source of employment and, consequently, income for its population, with migrant workers from the country particularly migrating to the Gulf Cooperation Council (GCC) countries, Malaysia, India and more recently Eastern Europe for employment.³

Although migrant workers are engaged in labour migration for various reasons, including for expected financial and other benefits, the experiences of migrant workers throughout the migration process varies. Migrant workers from Nepal—who are mainly employed in low-wage and low-skilled jobs, and are particularly concentrated in the GCC countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates [UAE]) and Malaysia⁴—have faced accentuated levels of abuse and exploitation.⁵ Besides the issues faced in Nepal vis-à-vis recruitment fees, deception and fraud from the recruitment agencies or agents,⁶ procedural hassles, ineffectiveness of government training programmes⁷ and other issues and challenges, migrant workers may face completely

1 Dilip Ratha, Eung Ju Kim, Sonia Plaza, Elliott J Riordan and Vandana Chandra, *Migration and Development Brief 36: A War in a Pandemic: Implications of the Russian Invasion of Ukraine and the COVID-19 Crisis on Global Governance of Migration and Remittance Flows* (Washington D.C.: KNOMAD-World Bank, 2022).

2 Nepal Rastra Bank, *Current Macroeconomic and Financial Situation of Nepal: Based on Annual Data of 2021/22* (Kathmandu: NRB, 2022).

3 Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2022* (Kathmandu: MoLESS, 2022), <https://www.ceslam.org/external-publication/nepal-labour-migration-report-2022>.

4 MoLESS, *Nepal Labour Migration Report 2022*.

5 Amnesty International, *Turning People into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers* (London: Amnesty International, 2017); Equidem, *If We Complain, We are Fired: Discrimination and Exploitation of Migrant Construction Workers on FIFA World Cup Qatar 2022 Stadium Sites* (London: Equidem, 2022); Vital Signs, *The Deaths of Migrants in the Gulf* (No place: Vital Signs, 2022).

6 Arjun Kharel, Sadikshya Bhattarai, Dogendra Tumsa, Shalini Gupta and Pawan Sen, *Migration Profile: Province 1 of Nepal* (Kathmandu: Swiss Agency for Development and Cooperation and CESLAM, 2022), <https://www.ceslam.org/our-publications/province-1-of-nepal-migration-profile>; FairSquare Projects, *Nepal to Kuwait and Qatar: Fair Recruitment in Review* (London: FairSquare Projects, 2021).

7 Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai, Pauline Oosterhoff and Karen Snyder, 'Assessment of

different circumstances than as promised (by sub-agents, recruitment agencies and/or employers), planned or imagined in the CoD.⁸ This could range from contract fraud with the migrant worker not getting the job or salary promised,⁹ unsafe working conditions, non-payment of wages,¹⁰ poor living space, confiscation of identity or other key documents,¹¹ mental and physical abuse to even being trafficked.¹² Due to their inherent marginality in the CoD as outsiders—with them, typically, having a language barrier, facing cultural alienation and being poorly versed in the CoD's legal regime, among others—migrant workers represent one of the most vulnerable groups in the world.

Against this backdrop, the crucial role of civil society organisations (CSOs) and trade unions either as service providers or advocates in supporting and protecting migrant workers in the overall migration cycle—ensuring fair and ethical recruitment, effective repatriation, return and reintegration and access to justice and support services—has long been recognised.¹³ Pravasi Nepali Coordination Committee (PNCC) provides paralegal services to migrant workers and their families who encounter challenges and abuses during the labour migration process. It has a dedicated rescue unit deployed in Malaysia,

Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment', *IDS Working Paper 571* (Brighton: Institute of Development Studies, 2022), https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/17433/IDS_Working_Paper_571.pdf?sequence=1&isAllowed=y.

- 8 Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, *Migrant Workers' Access to Justice at Home: Nepal* (New York: Open Society Foundation and CESLAM, 2014); Jeevan Baniya and Sadikshya Bhattarai, *Analysis Report of Recruitment Reviews from Nepali Migrant Workers* (Kathmandu: General Federation of Nepalese Trade Unions, 2022).
- 9 Baniya and Bhattarai, *Analysis Report of Recruitment Reviews from Migrant Workers*.
- 10 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); National Network for Safe Migration (NNSM), *Situation Analysis of Wage Theft of Nepali Migrant Workers* (Kathmandu: NNSM, 2021).
- 11 Baniya and Bhattarai, *Analysis Report of Recruitment Reviews from Migrant Workers*.
- 12 Equidem, *If We Complain, We are Fired*; Sadikshya Bhattarai, Jeevan Baniya and Dogendra Tumsa, *Impact of COVID-19 on Nepali Migrant Workers: A Case Study of Migrant Workers in Saudi Arabia, the UAE, Qatar and Malaysia* (Kathmandu: CESLAM and PNCC, 2022), <https://www.ceslam.org/our-publications/impact-of-covid-19-on-nepali-migrant-workers-a-case-study-of-migrant-workers-in-saudi-arabia-the-uae-qatar-and-malaysia>; Sadikshya Bhattarai, Jeevan Baniya, Dogendra Tumsa and Nilima Rai, *Return, Wage Theft and Access to Justice of Nepali Migrant Workers During the COVID-19* (Kathmandu: CESLAM/SARTUC/ITUC_NAC, 2022), <https://www.ceslam.org/our-publications/return-wage-theft-and-access-to-justice-of-nepali-migrant-workers-during-covid-19>; Arjun Kharel, Sadikshya Bhattarai, Prajesh Aryal, Sudhir Shrestha, Pauline Oosterhoff and Karen Snyder, 'A Media Analysis of Changes in International Human Trafficking Routes from Nepal', *IDS Working Paper 570* (2022), https://www.ceslam.org/uploads/backup/IDS_Working_Paper_570_Media%20Analysis%20of%20Human%20Trafficking.pdf.
- 13 Bhattarai et. al, *Impact of COVID-19 on Nepali Migrant Workers*; Bhattarai et. al., *Return, Wage Theft and Access to Justice of Nepali Migrant Workers*; MoLESS, *Nepal Labour Migration Report 2022*.

Qatar, Saudi Arabia and the United Arab Emirates (UAE) since 2009.¹⁴ It also provides shelter support to extremely vulnerable men returnees and helps in reunification with their families. While conducting such support, rescue, and repatriation efforts over the years, PNCC has collected a vast amount of data, consensually, of the migrant workers who have approached the organisation for help. The data was collected via forms which migrant workers had to fill while registering at PNCC for support. This report utilises the data starting from 2014, for consistency purposes, till December 2022. The form has gone through multiple revisions based on changing data requirements over the years and represents prodigious amount of information on the situation of distressed Nepali migrant workers. The data elucidates the types of issues faced by migrant workers in CoDs, factors associated with the distresses faced and how welfare organisations, like PNCC, have helped ameliorate the situation. The data, because of the volume of the cases, is generalisable, and adds tremendously to the literature on challenges Nepali migrant workers face, abroad and at home. Such generalisable data also assists in evidence-based policymaking—in Nepal and CoDs—and informs on the weaknesses and loopholes in the laws, their implementation and the overall governance regime of labour migration from Nepal.

1.2. Objective

The primary objective of this study is to understand the process of recruitment of Nepali migrant workers, the challenges and issues they face during the migration process and the work situation in the country of destination. More specifically, this study aims to:

- Identify recruitment practices and migration processes of Nepali youths;
- Understand the situation of work and wage protection of Nepali migrant workers in CoDs;
- Understand linkages between smuggling and human trafficking in the context of migration;
- Understand the situation of occupational safety and health of Nepali migrant workers abroad;
- Explore experiences about access to justice of migrant workers and their families;
- Understand the experience of organisations within the context of PNCC when supporting and assisting migrant workers in distress.

14 'Introduction', Pravasi Nepali Coordination Committee, accessed February 9, 2023, <https://pncc.org.np/introduction/>.

2. Research Approach and Methodology

A mixed methods approach consisting of qualitative and quantitative data has been used for the study. A detailed discussion on the methodology is presented below.

2.1. Literature review

Desk review of existing data and publications: Documents and administrative data related to labour migration published by government and non-governmental institutions as well as grey literature were thoroughly reviewed. The review helped to understand the situation of Nepali migrant workers in relation to their work, wage as well as exploitation, abuse and access to justice.

Review of existing legal and policy framework: A review of migration-related policies, Acts and guidelines, such as the Foreign Employment Act, 2007 and its amendment, the Foreign Employment Rules, 2008 and its amendments and the Foreign Employment Policy, 2012 was conducted to understand the existing legal provisions and mechanisms for guiding and regulating labour migration in Nepal. In addition, bilateral labour migration agreements (BLMAs) were also reviewed. Policies, guidelines, annual reports and other documents of relevant government agencies on the migration sector, at the national, provincial and local levels were explored to understand migration-related provisions.

2.2. Quantitative and qualitative administrative data

Data collected by the PNCC includes quantitative data collected through registration forms filled by migrant workers (to request support with either rescue or shelter placement) and qualitative data as provided in the forms to elaborate on the request in each of the cases registered. Thus, the quantitative aspects of this study have been buttressed by qualitative narratives providing the study with both breadth and depth, thereby helping to negate the issue of non-response prevalent in the quantitative aspect of the data. The issue of non-response is mainly due to the evolving nature of the forms used for the collection of the data.¹⁵ Initially, the form was not envisaged as a data collection method, but the potential transpired over the years. As such, the latest years represent the most comprehensive data available; however, data from the initial years also add up to a decent number of migrant workers and can be used to juxtapose between years and policy regimes.

A total of 15,340 cases (22,148 individuals) were registered at PNCC between 2014 and 2022. The total number of cases has increased over the years with the year 2022 showing the highest number of cases registered. However, the year 2020 saw the highest number of individuals filing for help at PNCC (Table 1). The COVID-19 pandemic, starting in 2020, greatly amplified the problems migrant workers faced and this could be

¹⁵ Conversation with the Chairperson and the Executive Director of PNCC.

the reason for a high number of cases that year. Also, 13,382 cases have narratives attached to them providing a prodigious amount of qualitative data.

Table 1: Number of cases registered at PNCC along with number of individuals involved in the cases

Year	No. of cases	Per cent of total	No. of individuals	Per cent of total
2014	738	5.0	1,414	6.0
2015	783	5.0	1,100	5.0
2016	1,192	8.0	1,599	7.0
2017	1,011	7.0	1,251	6.0
2018	1,261	8.0	2,527	11.0
2019	1,138	7.0	2,176	10.0
2020	2,309	15.0	4,540	21.0
2021	2,544	17.0	3,177	14.0
2022	4,364	28.0	4,364	20.0
Total	15,340	100	22,148	100

Source: PNCC

The data was cleaned using SPSS to make it more consistent for categorisation purposes. Descriptive statistics was used for the analysis of the quantitative data. An exhaustive review of the qualitative content was performed with the analysis done through the development of themes. Also, quotes have been used to support the findings and illuminate experiences of migrant workers. All the names used in the quotes have been anonymised.

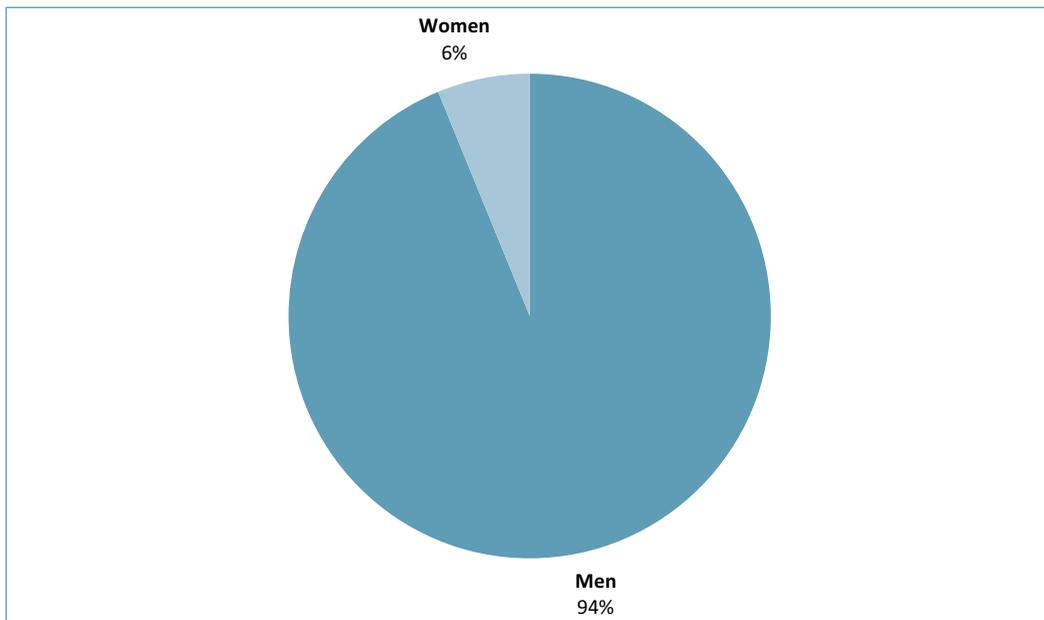
3. Demographic Descriptions and Socio-economic Characteristics of Migrants

Demographic and socio-economic characteristics can heavily impinge on access to justice, rescue, welfare and repatriation of migrant workers. Further, these characteristics could also have an impact on the types of issues migrant workers face: for example, women being more vulnerable to physical abuse due to their partaking in domestic work in foreign employment. This section explores the demographic and socio-economic characteristics of migrant workers who have registered their cases with PNCC for assistance.

3.1. Sex

Labour migration from Nepal is a male-dominated phenomenon. However, an increasing number of Nepali women are also migrating for work.¹⁶ A sex-wise disaggregation of the migrant workers who approached PNCC for assistance showed that 93.8 per cent of them were men and 6.2 per cent women (Figure 1). The lower number of women could be because they are more likely to not report or are unable to report problems due to factors such as restrictions on mobility, poor socio-economic capital, fear of retaliation and lack of awareness of rights and redress mechanisms. Likewise, another reason could relate to the

Figure 1: Proportion of migrant workers registered at PNCC by sex



N=15,340

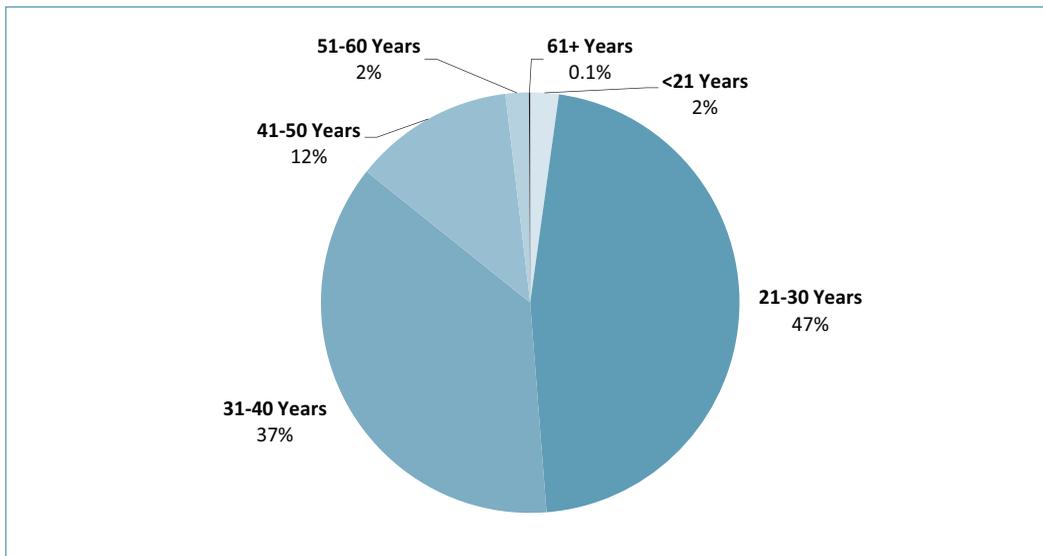
16 MoLESS, *Nepal Labour Migration Report 2022*.

more focused presence of PNCC’s outreach programmes or volunteers in four countries (Saudi Arabia, Qatar, the UAE and Malaysia) with less presence in countries like Kuwait and Lebanon which are among the top destinations of Nepali women migrant workers. Also, the fact that PNCC provides shelter services only to men migrant workers and opened up services for women migrant workers only during the COVID-19 pandemic could have contributed to the lower share of women, as proportionate to the overall share of women in Nepali labour migration and considering their added levels of vulnerabilities, who had listed for help.

3.2. Age

The majority of the migrant workers were from the productive age groups of 21–30 and 31–40 years. This reiterates the findings of other studies and national surveys that show Nepalis of productive age migrating for employment abroad.¹⁷ However, those in the 41–50 age group with 12.4 per cent and those in the 51–60 age group with 1.8 per cent make up a decent proportion of migrant workers.

Figure 2: Proportion of migrant workers registered at PNCC by age



3.3. Educational status

Overall, more than half of the migrant workers had secondary level of education (Table 2) with a lower proportion of women migrant workers having secondary level of education. This corroborates the findings of the past that showed labour migration from Nepal to

¹⁷ MoLESS, *Nepal Labour Migration Report 2022*.

the Gulf and Malaysia is characterised by lower educational qualifications and low skills.¹⁸ The findings also suggest that there is variation in the education levels of migrant workers and their country of destination (Table 3).

Table 2: Proportion of migrant workers registered at PNCC by educational qualification

Educational qualification	Men	Women	Total
Illiterate	6.1	12.8	6.4
Primary	33.7	36.9	33.9
Secondary	56.8	45.6	56.2
Higher secondary	3.3	4.4	3.3
Bachelor and above	0.1	0.3	0.1
Total %	100	100	100
Total number	6,486	320	6,806

Table 3: Proportion of migrant workers registered at PNCC by educational qualification and destination country

Educational qualification	Malaysia		GCC Countries		Cyprus		Iraq		India		Jordan		Others	
	M	W	M	W	M	W	M	W	M	W	M	W	M	W
Illiterate	5.3	3.2	6.5	11.8	0.0	66.7	0.0	0.0	0.0	0.0	0.0	31.8	0.0	20.0
Primary	11.0	9.7	43.0	44.5	0.0	33.3	0.0	14.3	0.0	0.0	33.3	13.6	14.6	10.0
Secondary	82.1	77.4	46.5	39.6	66.7	0.0	100	85.7	100	100	66.7	54.5	80.5	50.0
Higher secondary	1.5	9.7	3.9	3.7	33.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	4.9	20.0
Bachelor and above	0.1	0.0	0.1	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Total number	1,822	31	4,613	245	3	3	2	7	2	2	3	22	41	10

3.4. Province and districts of origin

The highest share of the migrant workers was from Madhesh province (28.3 per cent) and Koshi province (20.6 per cent) which is in line with the overall province of origin

¹⁸ Ministry of Labour and Employment, *Labour Migration for Employment: A Status Report for Nepal: 2015/16-2016/17* (Kathmandu: Government of Nepal, 2018); MoLESS, *Nepal Labour Migration Report 2020* (Kathmandu: Government of Nepal, 2020); MoLESS, *Nepal Labour Migration Report 2022*.

trend for Nepal.¹⁹ However, the majority of this migrant population is men, with the share of women from Madhesh province at only 6.4 per cent compared to 29.8 per cent for men migrant workers (Table 4). As with the overall formal labour migration from Nepal, the highest share of women migrant workers originated from Bagmati province. Women migrant workers originated in large numbers also from Koshi province. The share of Karnali province and Sudurpaschim province is extremely low at a combined total of only 6.3 per cent. Labour migration that originates from these two provinces is mostly concentrated in India thus, migration to the GCC countries and Malaysia from these two provinces have traditionally remained low.

Destination country-wise disaggregation shows that migrant workers, who have originated from Madhesh province, are mostly concentrated in GCC countries and Malaysia with no representation in emerging destinations like Cyprus (Table 5 below). More diversification, vis-à-vis CoD, can be seen in migrant workers from Koshi province. Because of a high share of women migrant workers from Bagmati, the data shows that it is the province with the highest numbers of women migrant workers in all CoDs except Cyprus. India—for which migrant workers do not require a labour approval—hosts the highest number of migrant workers from Koshi province. The number of migrant workers from Karnali and Sudurpaschim provinces amounts to less than 6 per cent of the total for all CoDs except India, where 16.7 per cent of the women migrant workers originated from Karnali.

The district of origin for men and women migrant workers registering cases also vary by sex of migrants. The top five districts of origin for men migrant workers are Dhanusha, Sarlahi, Mahottari, Siraha and Saptari while those for women are Sindhupalchowk, Jhapa, Makwanpur, Dang and Morang. The

Table 4: Proportion of migrant workers registered at PNCC by province

Province	Men	Women	Total
Koshi	20.2	26.9	20.6
Madhesh	29.8	6.4	28.3
Bagmati	17.1	37.2	18.3
Gandaki	9.8	9.5	9.8
Lumbini	16.7	15.3	16.6
Karnali	2.7	1.2	2.6
Sudurpaschim	3.7	3.5	3.7
Total %	100	100	100
Total number	14,393	947	15,340

19 The average share of migrant workers from Koshi and Madhesh provinces is 21.6 per cent and 26.8 respectively for the fiscal years between 2019/20 to 2021/22 as per the Nepal Labour Migration Report 2022.

Table 5: Proportion of migrant workers registered at PNCC by province and destination country

Province	Malaysia		GCC countries		Cyprus		Iraq		India		Jordan		Others	
	M	W	M	W	M	W	M	W	M	W	M	W	M	W
Koshi	23.7	21.8	18.3	28.3	33.3	53.8	20.0	11.1	35.2	0.0	18.2	22.0	19.2	29.3
Madhesh	26.8	9.0	32.0	6.1	0.0	0.0	0.0	0.0	3.3	0.0	27.3	6.0	14.6	9.8
Bagmati	19.0	42.9	15.9	33.5	33.3	46.2	32.0	61.1	14.3	66.7	36.4	50.0	23.8	46.3
Gandaki	7.4	5.3	10.6	10.8	16.7	0.0	16.0	11.1	23.1	0.0	0.0	10.0	20.9	4.9
Lumbini	13.5	15.0	18.3	16.5	16.7	0.0	32.0	16.7	15.4	16.7	18.2	12.0	15.5	4.9
Karnali	4.0	0.8	2.1	1.3	0.0	0.0	0.0	0.0	4.4	16.7	0.0	0.0	1.7	0.0
Sudurpaschim	5.5	5.3	2.8	3.5	0.0	0.0	0.0	0.0	4.4	0.0	0.0	0.0	4.2	4.9
Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Total number	4,704	133	9,317	686	6	13	25	18	91	6	11	50	239	41

province and district of origin of migrant workers registering cases at PNCC also reflects the top provinces and districts of origin of migrant workers from Nepal.²⁰

Table 6: Top ten districts of origin of men and women migrant workers

District	Men	District	Women
Dhanusa	7.4	Sindhupalchowk	10.5
Sarlahi	5.2	Jhapa	6.9
Mahottari	4.7	Makwanpur	5.3
Siraha	4.2	Dang	4.2
Saptari	3.8	Morang	4.1
Jhapa	3.4	Ramechhap	4.1
Morang	3.4	Ilam	3.7
Dang	3.0	Nawalparasi East	3.2
Sunsari	2.8	Kailali	3.0
Ramechhap	2.5	Dhading	2.7
Others	59.6	Others	52.3
Total %	100	Total %	100
Total number	14,393	Total number	947

3.5. Country of destination

Malaysia and the GCC countries featured the most prominently as CoDs of the migrant workers. This is in line with the pattern of outflow of migrant workers from Nepal over the last two decades. Sex-wise disaggregation reveals emerging destinations like Jordan, Lebanon and Cyprus feature more prominently for women migrant workers. The share of Jordan was 0.1 per cent for men migrant workers compared to 5.3 per cent for women migrant workers.

20 MoLESS, *Nepal Labour Migration Report 2022*.

Table 7: Country of destination of migrant worker by sex

Country	Total	Country	Men	Country	Women
Malaysia	31.5	Malaysia	32.7	Kuwait	24.2
Saudi Arabia	29.0	Saudi Arabia	30.2	UAE	17.1
Qatar	18.3	Qatar	18.8	Malaysia	14.0
UAE	13.1	UAE	12.9	Saudi Arabia	10.6
Kuwait	3.4	Kuwait	2.0	Qatar	10.5
Oman	0.9	India	0.6	Oman	9.9
India	0.6	Bahrain	0.4	Jordan	5.3
Bahrain	0.4	Oman	0.3	Iraq	1.9
Jordan	0.4	Libya	0.2	Lebanon	1.6
Iraq	0.3	Iraq	0.2	Cyprus	1.4
Others	2.1	Others	1.7	Others	3.5
Total %	100	Total %	100	Total %	100
Total number	15,340	Total number	14,393	Total number	947

4. Recruitment Process

The foreign employment recruitment process in Nepal is a complex phenomenon. It involves multiple public and private institutions, whereby public bodies create the regulatory framework and private bodies and individuals are responsible for implementation.²¹ Aspiring migrant workers can either go for foreign employment independently with ‘individual’ labour permits or they can process their labour permits through private recruitment agencies (PRAs).²² For completing the recruitment process, migrant workers also have to undertake the required skills trainings, attend the mandatory pre-departure orientation training (PDOT), receive a health certificate after a medical examination, purchase life insurance, pay for the Foreign Employment Welfare Fund (FEWF) and the Social Security Fund (SSF) and obtain a labour permit from the Department of Foreign Employment (DoFE).²³

The process of obtaining the labour permit entails the migrant worker to avail to various foreign employment-related services the GoN provides.²⁴ These include private insurance coverage,²⁵ compensation to victims/families of the victims in the case of death, disability, or injury of the migrant worker, dispensed from the FEWF,²⁶ and repatriation, in the event of a natural disaster or a pandemic as had transpired during the COVID-19 pandemic²⁷ or if the migrant worker faces work conditions in contravention of the contract signed.²⁸ Data on labour migration is also maintained with the Foreign Employment Information Management System (FEIMS), the Foreign Employment Welfare Information Management System (FEWIMS) and the Training Information Management System (TIMS) with skills training also provided to returnees. The labour migration regime of Nepal determines formality as having obtained a labour permit from GoN and does not take into consideration whether the migrant worker is employed legally in the CoD. Thus, this creates a strong linkage between obtaining a labour permit and a higher probability of having a safer and more beneficial labour migration experience for the migrant worker, particularly as it pertains to social security measures if things do not go as planned or any kind of distress is encountered. The corollary is that the recruitment process remains extremely crucial in determining the migration experience of migrant workers. This section discusses the migration process of Nepali migrant workers including the migration channels used, and the recruitment costs they bear.

21 Paoletti et. al, *Migrant Workers' Access to Justice at Home: Nepal*.

22 Foreign Employment Act, 2007.

23 Foreign Employment Act, 2007.

24 MoLESS, *Nepal Labour Migration Report 2022*.

25 Foreign Employment Act, 2007, s. 26.

26 Foreign Employment Act, 2007, s. 33.

27 Foreign Employment Act, 2007, s. 75(2).

28 Foreign Employment Act, 2007, s. 75(1).

4.1. Channel of migration

The already arduous recruitment process is compounded by the use of agents—made illegal in Nepal by the amendment of the Foreign Employment Rules, 2008²⁹—who act as brokers, and can obfuscate the recruitment process to the aspiring migrant worker.³⁰ There are agents, who have been found not only to process foreign employment for migrant workers by themselves, but also to act as brokers between the migrant worker and PRAs—using both irregular and regular channels—but with exorbitant fees. The pervasiveness of agents has also made access to justice difficult for migrant workers as PRAs, when implicated, have been able to deny involvement.³¹ Migrant workers themselves often do not have direct contact with PRAs and thus are not able to generate evidence of the latter’s fraudulent activities.

Around 63 per cent of the migrant workers in the study used PRAs for their migration, with more than a third, at 36.4 per cent, going abroad individually or with the help of relatives and/or agents.³² As extrapolated from the labour permit data, more than 90 per cent of the labour migration from Nepal transpires through PRAs.³³ However, the figure

Table 8: Entities who facilitated migration of Nepali migrant workers

Facilitating entity	Men	Women	Total
Government-to-government	0.1	1.0	0.2
Individual/Relatives/Agents	36.4	35.4	36.4
Institutional (PRAs)	63.4	63.6	63.4
Total %	100	100	100
Total number	2,374	99	2,473

from this study, points to a increasing use of agents by migrant workers to migrate abroad for employment. Sex-disaggregated data on entities who facilitated migration of Nepali migrant workers show that a similar proportion of both men and women had used agents to migrate or had migrated individually.

Those who migrate without labour permits are generally at multiple risks including being deprived of benefits related to financial assistance in case of injury or death. However, due to various reasons, many Nepali migrant workers are found using irregular pathways to migrate abroad for employment. These include, inter alia, long and cumbersome

29 Foreign Employment Rules, 2008 (5th Amendment), s. 48.

30 Alice Kern and Ulrike Muller-Boker, ‘The Middle Space of Migration: A Case Study on Brokerage and Recruitment Agencies in Nepal’, *Geoforum*, 65 (2015): 158-169.

31 Kharel et al, ‘Assessment of Outreach and Engagement with Prospective Migrants’; Paoletti et. al, *Migrant Workers’ Access to Justice at Home: Nepal*.

32 The data collected by PNCC does not separate between the labour approvals processed on an individual basis and the use of relatives and/or agents for processing the recruitment process.

33 MoLESS, *Nepal Labour Migration Report 2022*.

Table 9: Entities who facilitated migration of Nepali migrant workers by CoD

	Country of destination	Government to government	Individual/ Relatives/ Agent	Institutional	Total number
Men	Malaysia	0.0	54.0	46.0	435
	GCC Countries	0.2	32.5	67.4	1,925
	Cyprus	0.0	0.0	100	2
	Iraq	0.0	0.0	0.0	-
	India	0.0	0.0	0.0	-
	Jordan	0.0	0.0	100	2
	Others	0.0	50.0	50.0	10
	Total	0.1	36.4	63.4	2,374
Women	Malaysia	0.0	75.0	25.0	8
	GCC Countries	0.0	36.5	63.5	74
	Cyprus	0.0	0.0	100	1
	Iraq	0.0	100	0.0	1
	India	0.0	0.0	0.0	-
	Jordan	9.1	0.0	90.9	11
	Others	0.0	25.0	75.0	4
	Total	1.0	35.4	63.6	99
Total	Malaysia	0.0	54.4	45.6	443
	GCC Countries	0.2	32.6	67.2	1,999
	Cyprus	0.0	0.0	100	3
	Iraq	0.0	100	0.0	1
	India	0.0	0.0	0.0	-
	Jordan	7.7	0.0	92.3	13
	Others	0.0	42.9	57.1	14
	Total	0.2	36.4	63.4	2,473

migration procedures,³⁴ government-imposed restrictions/bans on migration to certain countries and occupations,³⁵ as well as deception and misinformation from recruitment agencies, agents and/or other labour intermediaries.³⁶ The GoN has time and again implemented restrictions on migrant workers, particularly on women based on age, destination or occupation. Although purported to protect Nepali migrant workers, these restrictions have had unintended consequences. They have made the migration process

34 Paoletti et. al, *Migrant Workers' Access to Justice at Home: Nepal*.

35 ILO, *No Easy Exit: Migration Bans Affecting Women from Nepal* (Geneva: ILO, 2015).

36 Amnesty International, *Turning People into Profits*.

more irregular and have prompted them to take circuitous and costlier migration channels to circumvent restrictions³⁷—due to, in most cases, a compulsion to migrate owing to lack of opportunities at home. The corollary to this irregularity is that the vulnerability of migrant workers is accentuated and they, thus, become more prone to distresses of various kinds (see Chapter 6).

India is often used as a route by migrant workers to go abroad for employment (Table 10). But disaggregation based on the migration process shows only a small proportion of both men and women migrant workers to have used the migration route via India.

Table 10: Route used by Nepali migrant workers

Route	Government-to-government			Individual/Relatives/Agents			Institutional			Total		
	M	W	T	M	W	T	M	W	T	M	W	T
Nepal	100	100	100	98.2	97.0	98.2	99.4	100	99.5	99.0	98.9	99
India	0.0	0.0	0.0	1.5	3.0	1.6	0.6	0.0	0.5	0.9	1.1	0.9
Others	0.0	0.0	0.0	0.3	0.0	0.2	0.0	0.0	0.0	0.1	0.0	0.1
Total %	100	100	100	100	100	100	100	100	100	100	100	100
Total number	3	1	4	794	33	827	1,225	54	1,279	2,022	88	2,110

4.2. Documentation status at time of registration of grievances

It is noteworthy that a significant proportion of both men and women migrant workers, who registered cases with PNCC and migrated at individual level or through relatives/agents and those who migrated via recruitment agencies, did not have valid documentation i.e., labour permit at the time of registration of their cases (Table 11). Although, a higher proportion of migrant workers who had migrated through PRAs had labour permits, still a significant proportion, at 22.2 per cent, did not have the necessary documentation as mandated by the GoN at the time of grievance registration. However, as data on the documentation status of migrant workers at time of migration is not available, it is difficult to ascertain the legality of the migration of these migrant workers. Nevertheless, the undocumented status of migrant workers may likely point to a situation where, although PRAs are being monitored rigorously by the GoN, they are still managing to send migrant workers abroad through informal channels, i.e. with tourist visas or the situation where the labour permit issued to these migrant workers become invalid due to various reasons such as non-renewal of labour permit, leaving the employer/company prematurely before the expiration of employment contract, etc.

37 Mark McCarthy, *A Comprehensive Analysis of Policies and Frameworks Governing Foreign Employment for Nepali Women Migrant Workers and Migrant Domestic Workers* (Geneva: ILO, 2021).

Table 11: Documentation status of migrant workers in Nepal at time of grievance registration

	Status of documentation	Men	Women	Total
Government-to-government	No	0.0	0.0	0.0
	Yes	100	100	100
	Total %	100	100	100
	Total number	3	1	4
Individual/Relatives/Agents	No	41.4	57.1	42.0
	Yes	58.6	42.9	58.0
	Total %	100	100	100
	Total number	865	35	900
Institutional	No	22.3	20.6	22.2
	Yes	77.7	79.4	77.8
	Total %	100	100	100
	Total number	1,506	63	1,569
Total	No	29.2	33.3	29.4
	Yes	70.8	66.7	70.6
	Total %	100	100	100
	Total number	2,374	99	2,473

On the other hand, migrant workers, even though they may not have obtained a valid labour permit issued by the GoN, may be working legitimately in the destination country with a valid work permit. However, as shown in Table 12, almost all migrant workers—at 97.4 per cent—reported not having adequate documentation (such as work visa/permit) in the destination country at the time of registering their grievance. Also, all migrant workers who had migrated via government-to-government mode (n=3) had valid documents in Nepal but not in the CoD. Migrant workers could be intentionally overstaying their permits or getting stranded in CoDs after expiry of their visa.

Anecdotal evidence and reports show that there are Nepali migrant workers working without valid permits in the destination country.³⁸ There are also instances when migrant workers leave their employers prior to the completion of their employment contract and become undocumented in the destination country. This is also evident in the data analysed in this study (Table 13). Furthermore, it is noteworthy that of all the women migrant workers who did not have documentation in CoD, 68 per cent had valid documentation in Nepal at the time of grievance registration.

38 IOM, *Migration in Nepal: A Country Profile 2019* (Kathmandu: IOM, 2019).

Table 12: Documentation status of migrant workers in destination country at time of grievance registration

	Status of documentation	Men	Women	Total
Government-to-government	No	100	100	100
	Yes	0.0	0.0	0.0
	Total %	100	100	100
	Total number	3	1	4
Individual/Relatives/Agents	No	94.9	97.1	95.0
	Yes	5.1	2.9	5.0
	Total %	100	100	100
	Total number	865	35	900
Institutional	No	98.8	98.4	98.8
	Yes	1.2	1.6	1.2
	Total %	100	100	100
	Total number	1,506	63	1,569
Total	No	97.4	98	97.4
	Yes	2.6	2.0	2.6
	Total %	100	100	100
	Total number	2,374	99	2,473

Table 13: Documentation status of migrant workers in Nepal and in destination country by sex

		Did not have documentation in destination	Had documentation in destination
Men	Did not have documentation in Nepal	27.3	100.0
	Had documentation in Nepal	72.7	0.0
	Total number	2,312	62
Women	Did not have documentation in Nepal	32.0	100.0
	Had documentation in Nepal	68.0	0.0
	Total number	97	2
Total	Did not have documentation in Nepal	27.5	100.0
	Had documentation in Nepal	72.5	0.0
	Total number	2,409	64

4.3. Recruitment cost

The GoN announced the ‘free visa, free ticket’ policy in June 2015.³⁹ This policy mandated employers in seven destination countries—Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia and the United Arab Emirates—to bear the costs of the visa and the round-trip air ticket and allowed PRAs to take a service charge of no more than NPR 10,000. Recent BLMAs Nepal has signed with four destination countries—Jordan, Malaysia, Mauritius and the UAE—have adopted the ‘employer pays’ model whereby the employer is mandated to cover recruitment fees, airfare and other costs migrant workers incur in the migration process.⁴⁰ However, a look at the recruitment fees paid by migrant workers show only a minuscule fraction of the migrant workers had actually been able to migrate as per the provision in the policy (Table 14). The highest proportion registered at PNCC, in compliance with the policy, was 2.6 per cent in 2022. Incidentally, 2022, the most recent year, had also the highest percentage of registration of migrant workers paying more than NPR 200,000 at 20.4 per cent. The majority of the migrant workers reported recruitment fees between NPR 80,001 and NPR 100,000 in all of the years except 2022. For registrations in 2022, this range was higher—between NPR 135,001 and 180,000. The mean of the recruitment fees migrant workers paid is NPR 146,293; however, the mean of the fees men paid, at NPR 146,937, is much higher than what women paid which is NPR 106,720.

Table 14: Recruitment fees by year of case registration

Fees paid in NPR	2018	2019	2020	2021	2022	Total
Zero cost/Free visa free ticket	0.6	0.4	0.8	1.9	2.6	1.5
10,001-40,000	3.6	2.4	0.6	1.4	0.6	1.6
40,001-80,000	16.2	7.9	11.9	8	1.9	8.5
80,001-1,35,000	61.3	66.1	53.5	54.9	14.2	44.6
1,35,001-1,80,000	15.6	18.9	27.9	29	50.3	31.7
1,80,001-2,00,000	1.8	2.0	2.7	2.1	9.9	4.5
2,00,001-2,50,000	0.4	0.8	0.6	1.8	6.9	2.8
2,50,001-3,00,000	0.2	1.2	0.4	0.2	6.3	2.2
3,00,001+	0.2	0.4	1.5	0.7	7.2	2.7
Total %	100	100	100	100	100	100
Total number	494	254	477	565	777	2,567

There is a preponderance of the migrant workers, migrating through PRAs or otherwise, paying more than NPR 100,000 in recruitment fees (Table 15). It is noteworthy that the

39 ‘Notice on sending Nepalese workers for Foreign Employment at minimum cost’, MoLE, GoN, <http://www.mole.gov.np/ckfinder/userfiles/files/minimumcost.pdf>.

40 ILO, *Recruitment of Migrant Workers from Nepal: Country Profile* (Geneva: ILO, 2021).

percentage of migrant workers who paid more than NPR 300,000 is much higher in the case of those who went ‘individually’ or through relatives and/or agents with more than one fourth paying such an amount. The higher cost in this case is, however, because of the CoD, with such high fees paid for Eastern European countries like Romania, Poland, etc. The highest number of migrant workers paid between NPR 135,001 and 180,000—regardless of their mode of migration. The number of those who paid between NPR 180,001 and 300,000 was also significant.

Table 15: Recruitment fees by mode of migration

Fees paid in NPR	Individual/Relatives/ Agents	Institutional
Zero cost/Free visa free ticket	1.1	0.0
10,001-40,000	1.1	0.6
40,001-80,000	4.2	1.2
80,001-135,000	8.4	13.0
135,001-180,000	36.8	46.9
180,001-200,000	12.6	13.6
200,001-250,000	9.5	8.3
250,001-300,000	1.1	13.0
300,001 and more	25.3	3.4
Total %	100	100
Total number	95	324

The history of migration shows the use of agents to be an integral part of the labour migration process.⁴¹ Pioneering migration from a particular location spurs and perpetuates future migration from the same location as existing migrant workers share their positive experiences from the migration process.⁴² Recruitment agencies also depend on agents to reach the rural and remote areas where most migrant workers originate from. However, such presence of agents creates problems for the state in monitoring and regulating the former. This regulation void can engender deleterious practices in the recruitment process as information asymmetry between agents and aspiring migrant workers leads to deception, fraud and even trafficking. Thus, the GoN banned agents from the foreign employment industry of Nepal in 2019 instead of regulating and formalising them.⁴³ However, agents

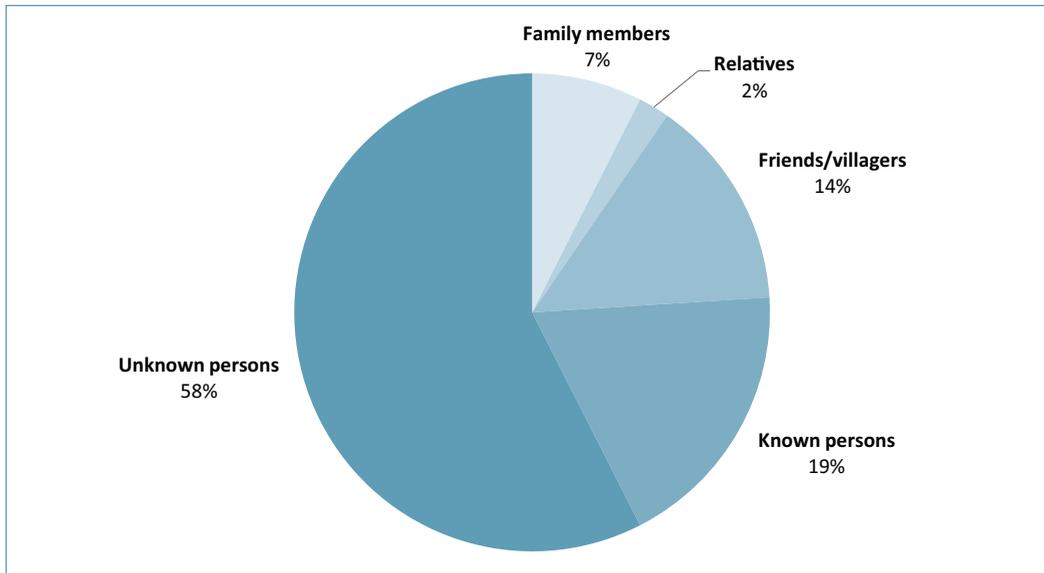
41 ILO, *Facilitating Journeys: The Role of Intermediaries in Labour Migration Process from Nepal* (Kathmandu: ILO, 2022); Sunil S. Amrith, ‘Colonial and Postcolonial Migrations’, in the *Routledge Handbook of Asian Migrations*, eds. Gracia Liu-Farrer and Brenda S.A. Yeoh (Routledge, 2018).

42 Douglas S. Massey, ‘Social Structure, Household Strategies, and the Cumulative Causation of Migration’, *Population Index* 56, no. 1 (1990): 3-26.

43 Foreign Employment Rules, 2008 (5th Amendment), s. 48.

continue to exist in the country, particularly due to the poor market penetration of PRAs outside the Kathmandu Valley with only 32 of the 896 of them having branch offices outside the valley,⁴⁴ compounded by the centralised mechanisms of the government for labour migration,⁴⁵ the complexity of the migration process and the frequently changing labour migration regime of Nepal.⁴⁶ For most aspiring migrant workers, particularly from rural areas, the use of agents remains indispensable. The government ban on agents does not take the local context and their integral role into account. Migrant workers continue to depend on agents and this has exacerbated their vulnerability, due to agents being informal, unregulated and outside the purview of government scrutiny. Data from this study show the agents used by migrant workers to be mostly unknown persons at 57.5 per cent. But, family members, relatives, friends/villagers and other known persons were also reported to have acted as agents in the recruitment process.

Figure 3: Relationship with agents



Close solidarity ties with agents did not necessarily mean lower recruitment costs. Among migrant workers who paid more than NPR 300,000 in recruitment costs, around one-third had family members and 16.7 per cent had friends/fellow villagers and known

44 'Registered RA Branch Offices', DoFE, accessed March 7, 2023, <https://dofe.gov.np/RA-Branch-Offices.aspx>.

45 Prajesh Aryal and Arjun Kharel, 'Does Pre-Departure Orientation Protect Labour Migrants? Examining Pre-Departure Interventions in Nepal', *Agrumig Policy Brief Series*, 10 (AGRUMIG & CESLAM, 2023), <https://www.ceslam.org/uploads/backup/assessment-of-pre-departure-orientation-interventions.pdf>.

46 Kern and Muller-Boker, 'The Middle Space of Migration'.

persons as agents (Table 16). However, in the two cases with the highest recruitment fees where family members were listed as agents, there was involvement of PRAs too in the recruitment process. This could be indicative of a blurring of the line between agents and social networks as understood by aspiring migrant workers, with PRAs using this lack of understanding to charge exorbitant fees.

Table 16: Recruitment fees by type of agents

Fees paid in NPR	Family member	Relative	Friend/ Villager	Known person	Unknown person	Total	
	%	%	%	%	%	Number	%
80,001-135,000	0.0	0.0	12.5	37.5	50.0	8	100
135,001-180,000	1.9	0.0	17.0	26.4	54.7	53	100
180,001-200,000	7.7	7.7	15.4	46.2	23.1	13	100
200,001-250,000	28.6	0.0	42.9	0.0	28.6	7	100
250,001-300,000	0.0	0.0	33.3	0.0	66.7	3	100
300,001+	33.3	0.0	16.7	16.7	33.3	6	100

5. Situation of Work and Wage

This section discusses the occupation of migrant workers, including their salary, in the country of destination.

5.1. Occupation sector in destination country

Nepali migrant workers were found to be engaged in diverse occupations in destination countries. The most prevalent occupation was elementary occupations (23.1 per cent) which includes general labour, cleaning and laundry, housemaid, packaging, loading and shipping, specified labour, and delivery boy (Table 17). The 'Others' category, which represents migrant workers who did not specify their occupation, was also prominent overall, particularly for women with 59.2 per cent not revealing their occupation.

Table 17: Occupation of migrant workers in destination countries by sex

Occupation in CoD	Men	Women	Total
Elementary occupations	23.7	12.9	23.1
Construction	14.6	1.3	13.8
Manufacturing	13.8	6.9	13.4
Service and sales	12.1	18.0	12.5
Driver/Machine operator	7.0	0.4	6.6
Electrical and mechanical technician	2.1	0.0	2.0
Agriculture, fishery, poultry, animal husbandry and gardening	0.8	0.0	0.8
Office/Administrative/Associate professionals	0.3	0.9	0.3
Supervisor and foreman	0.3	0.0	0.3
Professionals and managers	0.2	0.2	0.2
Others/Not revealed	25.1	59.2	27.0
Total %	100	100	100
Total number	7,821	449	8,270

In terms of destination countries, a higher proportion of migrant workers in Malaysia were engaged in manufacturing work (42.6 per cent) and in elementary occupation in Saudi Arabia (Table 18). The scenario was similar in the case of both men and women (Table 19).

Table 18: Occupation of migrant workers in country of destination

Occupation in CoD	Malaysia	Saudi Arabia	UAE	Oman	Qatar	Bahrain	Kuwait	Cyprus	Iraq	India	Jordan	Others
Agriculture, fishery, poultry, animal husbandry and gardening	1.8	0.8	0.1	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Construction	1.6	28.7	5.8	2.2	16.1	16.1	0.8	0.0	0.0	0.0	0.0	2.7
Driver/Machine operator	0.9	9.8	2.8	0.0	12.9	0.0	1.5	0.0	0.0	0.0	0.0	0.0
Electrical and mechanical technician	0.0	1.4	0.0	0.0	6.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Elementary occupations	13.3	32.1	1.6	2.2	40.4	0.0	0.4	0.0	0.0	0.0	0.0	0.0
Manufacturing	42.6	4.0	0.7	0.0	1.2	0.0	0.4	0.0	0.0	0.0	2.2	0.0
Office/Administrative/Associate professionals	0.0	0.2	0.2	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Professionals and Managers	0.0	0.0	0.1	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Service and sales	17.5	9.6	10.2	4.3	13.6	6.5	3.1	14.3	0.0	0.0	11.1	5.4
Supervisor and foreman	0.1	0.1	0.1	0.0	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Others	22.1	13.3	78.3	91.3	6.1	77.4	93.8	85.7	100	100	86.7	91.9
Total %	100	100	100	100	100	100	100	100	100	100	100	100
Total number	2,291	2,547	996	46	1,905	31	259	7	17	15	45	111

Table 19: Occupation of migrant workers by sex and country of destination

Occupation in CoD	Malaysia		Saudi Arabia		UAE		Oman		Qatar		Bahrain		Kuwait		Cyprus	
	M	W	M	W	M	W	M	W	M	W	M	W	M	W	M	W
Agriculture, fishery, poultry, animal husbandry and gardening	1.8	0.0	0.8	0.0	0.1	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Construction	1.6	0.0	29.1	6.8	6.1	1.5	0.0	3.1	16.9	0.0	16.1	0.0	1.3	0.0	0.0	0.0
Driver/Machine operator	0.8	2.1	9.9	2.3	3.0	0.0	0.0	0.0	13.5	0.0	0.0	0.0	2.5	0.0	0.0	0.0
Electrical and mechanical technician	0.0	0.0	1.4	0.0	0.0	0.0	0.0	0.0	6.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Elementary occupations	13.5	6.3	32.3	22.7	1.6	1.5	7.1	0.0	39.8	51.8	0.0	0.0	0.6	1.0	0.0	0.0
Manufacturing	42.2	64.6	4.1	0.0	0.8	0.0	0.0	0.0	1.2	0.0	0.0	0.0	0.6	0.0	0.0	0.0
Office/Administrative/Associate professionals	0.0	0.0	0.2	0.0	0.1	1.5	0.0	0.0	0.9	3.5	0.0	0.0	0.0	0.0	0.0	0.0
Professionals and managers	0.0	0.0	0.0	0.0	0.0	1.5	0.0	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Service and sales	17.8	4.2	8.9	47.7	9.9	14.9	0.0	6.3	12.4	40.0	6.5	0.0	1.9	3.9	33.3	0.0
Supervisor and foreman	0.1	0.0	0.1	0.0	0.1	0.0	0.0	0.0	0.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Others	22.1	22.9	13.2	20.5	78.3	79.1	92.9	90.6	6.2	4.7	77.4	0.0	93.0	95.1	66.7	100
Total %	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
Total number	2,243	48	2,503	44	929	67	14	32	1,820	85	31	-	157	102	3	4

5.2. Working in destination country

Working hours in destination countries varied. The mean working hour was nine hours. Many migrant workers were working more than the standard number of working hours — eight hours. While some migrant workers may have worked extra hours willingly for overtime pay, there are also situations of this not being the case. This is evident in the case of:

Saksham Rana from Banke district who went to Qatar four months before he registered his grievance at PNCC in November 2022. Initially the agent promised him a salary of NPR 100,000 and charged him NPR 450,000 as recruitment fee. The agent even made him sign a contract which stated his salary would be QAR 1400 (ca. NPR 50,000) with eight hours of work per day. Although his salary was QAR 1700, the employer was making him work up to 18 hours per day.

Table 20: Number of working hours in destination country

Number of working hours	Men	Women	Total
8	59.9	85.7	60.7
9	6.5	0.0	6.3
9.5	0.3	0.0	0.3
10	19.9	4.8	19.4
12	12.3	4.8	12.1
13	0.2	0.0	0.2
14	0.3	0.0	0.3
15	0.5	0.0	0.5
16	0.0	4.8	0.2
18	0.2	0.0	0.2
Total %	100	100	100
Total number	618	21	639

Documentation status in destination countries seems to be associated with the number of working hours for the migrant workers. For example, 94.8 per cent of migrant workers who had reported having adequate documentation in the CoD had to work eight hours while 56.3 per cent of migrant workers who did not possess adequate documentation in the CoD reported eight hours as normal. For migrant workers without adequate documentation in the CoD, 21.6 per cent and 13.4 per cent reported working 10 and 12 hours per day respectively.

Table 21: Documentation status of migrant workers and their number of working hours

Number of working hours	Did not have documentation in destination country		Had documentation in destination country	
	Men	Women	Men	Women
8	56.3	84.2	94.8	100
9	7.1	0.0	0.0	0.0
9.5	0.4	0.0	0.0	0.0
10	21.6	5.3	3.4	0.0
12	13.4	5.3	1.7	0.0
13	0.2	0.0	0.0	0.0
14	0.4	0.0	0.0	0.0
15	0.5	0.0	0.0	0.0
16	0.0	5.3	0.0	0.0
18	0.2	0.0	0.0	0.0
Total %	100	100	100	100
Total number	560	19	58	2

There was variation in the working hours of migrant workers based on the mode of migration. Around half of those who migrated through relatives/agents or processed their migration individually reported working hours in the destination countries to be nine or more hours (Table 22). The corresponding figure for migrant workers who went via PRAs is 25.9 per cent.

Table 22: Number of working hours in destination country by mode of migration

Number of working hours	Individual/Relative/Agent	Institutional (PRAs)
8	50.6	74.2
9	15.9	6.7
9.5	0.0	1.7
10	18.8	4.2
12	13.5	10.8
13	0.6	0.0
14	0.0	1.7
16	0.6	0.0
18	0.0	0.8
Total %	100	100
Total number	170	120

Table 23: Average salary of migrant workers in destination country by occupation (in NPR)

Occupation	Below 25,000	25,001-30,000	30,001-35,000	35,001-45,000	45,001-55,000	55,001-65,000	65,001-1,00,000	Above 1,00,000	Total %	Total
Agriculture, fishery, poultry, animal husbandry and gardening	0.0	11.1	66.7	0.0	22.2	0.0	0.0	0.0	100	9
Construction	5.1	8.8	8.8	70.5	5.1	1.8	0.0	0.0	100	217
Driver/Machine operator	0.0	0.0	3.6	36.4	23.6	16.4	20.0	0.0	100	55
Electrical and mechanical technician	0.0	0.0	8.3	25.0	16.7	33.3	16.7	0.0	100	12
Elementary occupations	7.1	17.6	32.6	33.1	7.9	0.0	1.3	0.4	100	239
Manufacturing	4.6	42.5	25.3	24.1	1.1	2.3	0.0	0.0	100	87
Office/Administrative/Associate professionals	0.0	0.0	0.0	0.0	50.0	0.0	0.0	50.0	100	2
Professionals and managers	100	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100	1
Service and sales	1.4	10.1	26.1	23.9	20.3	7.2	5.8	5.1	100	138
Supervisor and foreman	0.0	0.0	0.0	0.0	0.0	57.1	14.3	28.6	100	7
Others	0.0	0.0	94.1	2.0	3.9	0.0	0.0	0.0	100	51
Total number	4.3	13.8	25.9	37.9	9.7	4.0	3.1	1.3	100	818

Table 24: Average salary of migrant workers by destination country and occupation

Occupation	Malaysia		Saudi Arabia		UAE		Qatar		Total	
	Average	N	Average	N	Average	N	Average	N	Average	N
Agriculture, fishery, poultry, animal husbandry and gardening	33,108	6	51,000	2	-	-	35,000	1	37,294	9
Construction	38,350	5	40,762	179	29,400	10	45,000	21	40,579	217
Driver/Machine operator	44,950	2	46,744	25	52,500	1	60,275	27	53,426	55
Electrical and mechanical technician			34,000	1			56,000	11	54,167	12
Elementary occupations	32,851	38	37,825	100	47,091	11	32,428	83	35,783	239
Manufacturing	31,895	64	38,139	23					33,546	87
Office/Administrative/Associate professionals	-	-	-	-	122,500	2	-	-	122,500	2
Professionals and managers							14,000	1	14,000	1
Service and sales	38,337	57	42,065	43	84,105	13	51,000	21	46,845	138
Supervisor and foreman	58,000	2	61,200	1	61,250	1	99,167	3	76,564	7
Others			34,733	51					34,733	51
Total number	34,892	174	39,770	425	59,582	38	43,437	168	40,625	818

5.3. Salary in destination country

There are variations in the salaries of migrant workers in the destination countries based on occupation. Most were earning more than NPR 35,000 and the mean salary, at NPR 40,334, illustrates this. Occupation-wise analysis of data shows that more than two-thirds engaged in construction work were earning between NPR 35,001 and 45,000 (Table 23). The salary of most migrant workers in manufacturing was in the lower range of NPR 25,001 to 30,000. There were also no significant differences in salary—disaggregated by working hours—within the same occupational category. Thus, the excess working hours, as reported by migrant workers (Table 20), may not have contributed to added levels of income in overtime pay.

A comparison of the mean reported salary in CoDs, disaggregated by destination country and occupation (Table 24), shows a significantly higher salary in some destination countries for certain occupations; however, a consistently higher than average salary, as applied to all occupations, is not seen in any of the destination countries. Migrant workers working in the UAE in the service and sales sectors earn a mean salary of NPR 84,105—almost double than the overall mean salary at NPR 46,845.

6. Challenges and Issues Faced in Destination Country

The Sustainable Development Goals 2030 recognises the importance of ‘sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’. Many other international instruments including ILO conventions and protocols also promote decent work for all including for migrant workers and recognise their rights to fair recruitment, occupational safety and health (OSH), social security and access to justice. The Global Compact for Safe, Orderly and Regular Migration (GCM), the first inter-governmentally negotiated agreement under the United Nations (UN) covering all aspects of international migration through its 23 objectives, further highlights these rights of migrant workers. It asks member states to facilitate fair and ethical recruitment of migrant workers, ensure decent work,⁴⁷ and provide access to basic services and social protection, among others. The GoN over the years has introduced and implemented various policies and initiatives to ensure the rights of migrant workers on fair recruitment, decent work focussing on wage, OSH, social security and access to justice. Nepal is a champion country of Objective 6 of GCM to ‘facilitate fair and ethical recruitment and safeguard conditions that ensure decent work’. The BLMAs signed with countries of destination have various provisions to safeguard the rights of Nepali migrant workers including their access to justice. For example, the BLMAs with the UAE and Mauritius have provisions that contracts should contain detailed descriptions of wages and benefits, accommodation, terms and conditions of employment, repatriation, etc. Similarly, migrant resource centres (MRCs) have been established across the country to provide accurate information on labour migration including on access to justice. There are also government directives such as the Procedure on the Monitoring of Recruitment Agencies and Training Institutions, 2017 and the Directives for Monitoring Team Mobilisation, 2019 which provide guidelines for the regulation and monitoring of PRAs by DoFE and other government agencies. Likewise, there is also a rapid response team (RRT), formed under DoFE in 2021, to monitor and combat cases of fraud and irregularities in the foreign employment sector. The government has also digitalised the justice mechanism whereby migrant workers can register their grievances through the DoFE website or FEIMS.

47 The International Labour Organization (ILO) defines decent work as ‘productive work for women and men in conditions of freedom, equity, security and human dignity’. Work, to be decent, should provide fair income, guarantee job security and safe working conditions, includes social protection for workers and their families, accords equal opportunities and treatment, offers prospects for personal development and social integration, allows workers freedom to organise and express their concerns. See: https://international-partnerships.ec.europa.eu/policies/sustainable-growth-and-jobs/employment-and-decent-work_en.

This chapter discusses the challenges and issues Nepali migrant workers face in destination countries, the role of government and non-governmental organisations in supporting them and the types of support PNCC provides to migrant workers.

6.1. Issues faced by Nepali migrant workers

Issues faced by Nepali migrant workers during their overall migration process, as recorded in the PNCC database, can be broadly categorised into six groups, namely, contract-related issues, occupational safety and health, migrant workers in jail, missing cases, pre-departure cases and human trafficking/smuggling related cases. Among these, almost half are related to migrant workers' employment contracts. The figure is similar for both men and women. This is followed by issues related to occupational safety and health (includes death and health cases which have been discussed separately in Section 6.1.4 below) and migrant workers in jail in destination countries. The proportion of cases of missing or being out of contact is higher in the case of women compared to men. Among the cases of migrant workers in jail, the large majority (78.8 per cent) were related to documentation status in destination countries, i.e., lacking valid work permits/visas to work or stay in the destination country and 20.4 per cent were related to criminal activities.

Table 25: Types of cases by sex

Nature of case	Men	Women	Total
Contract related issues	48.7	51.3	48.8
Occupational safety and health	24.8	18.6	24.4
Migrant workers in jail	12.3	4.8	11.9
Missing case	4.9	10.5	5.3
Pre-departure cases	1.1	1.4	1.1
Human trafficking related cases	0.6	7.4	1.0
Others	7.6	6.1	7.5
Total %	100	100	100
Total number	14,393	947	15,340

6.1.1. Fraud and deception by labour migration intermediaries

Labour migration in Nepal is often fraught with fraudulent activities, primarily fraud and deception by labour intermediaries. Many Nepali migrant workers are cheated by PRAs and agents. Pre-departure cases were mostly about deception by PRAs followed by the issue of confiscation of passport by them (Figure 4). This also corroborates findings from other studies carried out in Nepal.

Withholding of passports by PRAs, agents or employers have also been reported as a major issue faced by Nepali migrant workers.

Figure 4: Types of pre-departure cases faced by Nepali migrant workers by sex



Multiple responses.

— *Subham Yadav* from Saptari district wanted to go for foreign employment. He met an agent and gave him his passport as well as a sum of NPR 280,000. However, till date the agent has not sent him abroad nor has he returned the money paid.

— *Surendra Tamang* and *Nirmala Shrestha* from Dhading district gave their passports to an agent to process their foreign employment. The agent handed over the passport to another agent. They have not got their passports back and it has been confiscated by the agent.

Destination-wise disaggregation of pre-departure cases shows aspirants planning to go to Kuwait, Malaysia and Saudi Arabia saw the highest proportion of confiscation of passport by PRAs or agents (Table 26). Available case studies show that migrant workers had handed over their passport to the agents for processing of foreign employment but had to wait for an extended period of time—a maximum of one year was reported—without getting back their passport or clear information by agents. In the case of the UAE, deception by PRAs or agents made up the majority of pre-departure related cases. Deception included taking money and not sending them abroad for employment and delay in the recruitment process. The desperation to obtain jobs abroad compounded by the time and money invested in the migration process—money in many cases obtained through high-interest loans—mean migrant workers have no choice but to acquiesce to exploitation, and pay fees much greater than what is mandated by the government (see Section 4.2 for recruitment fees).

Table 26: Types of pre-departure cases migrant workers face by country of destination

Nature of case	Malaysia	Saudi Arabia	UAE	Qatar	Bahrain	Kuwait	Others
Deception by recruitment agency or agent	31.0	40.0	62.5	33.3	0.0	0.0	75.0
Confiscation of passport by agent/recruitment agency	51.7	53.3	12.5	37.5	100.0	83.3	18.8
Others	17.2	6.7	25.0	29.2	0.0	16.7	12.5
Total %	100	100	100	100	100	100	106.3
Total number	29	15	24	24	1	6	16

Multiple responses

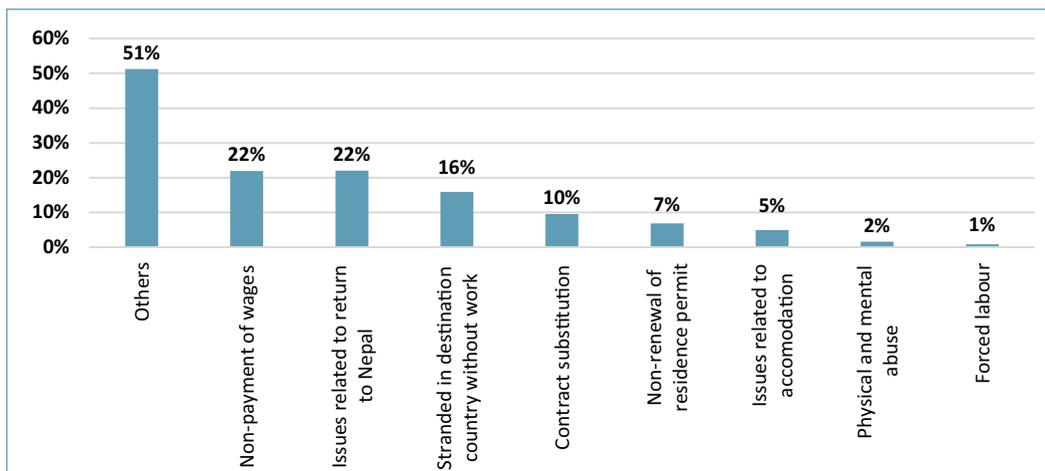
— *Ram Narayan* wanted to go to Saudi Arabia and he gave his passport to an agent and got confused about his processing. In this regard, his passport was with the agent for one year and he couldn't get his visa on time.

— *Ram Kumari* from Nuwakot district had a problem of passport confiscation by an agent. The agent had held her passport for two months.

6.1.2. Contract substitution, wage theft and forced labour

Malpractices such as contract substitution where a worker is subjected to work under different terms and conditions of employment than what they originally agreed to prior to migration or having to work in a different occupation than what was promised is a common issue Nepali migrant workers face. Data from PNCC also corroborates this fact and demonstrates that around 10 per cent of cases registered under 'contract-related issues' were of contract substitution (Figure 5) and 16 per cent on being stranded in the

Figure 5: Types of contract-related issues faced by Nepali migrant workers



Multiple response; N=6276

CoD without work. Issues of migrant workers being stranded in the destination countries without work were further exacerbated by the COVID-19 pandemic. As the case studies shared below elucidate, the effect of the pandemic on the economies of the host countries resulted in many migrant workers losing their jobs, and thus, although their contracts were still valid, becoming stranded in the destination country.

— The company that *Shyam Bohora* was working for was closed due to the COVID-19 pandemic and thus there was no work. He faced problems of food insecurity and return [to Nepal].

— *Mohan Kunwar* went to Saudi Arabia on 30 August 2019 through a PRA as a labourer. The company he went to work for was closed due to the pandemic lockdown so he didn't get any work and salary. Therefore, he wanted to return to Nepal.

— *Sheela Gurung* has been in Kuwait for five years. She is working there illegally. She fled from the house she worked at for two years due to physical harassment by her employer. After that, she has been working illegally at another house for three years. However, warned by her friends to not venture outside, she wants to return to Nepal as soon as possible.

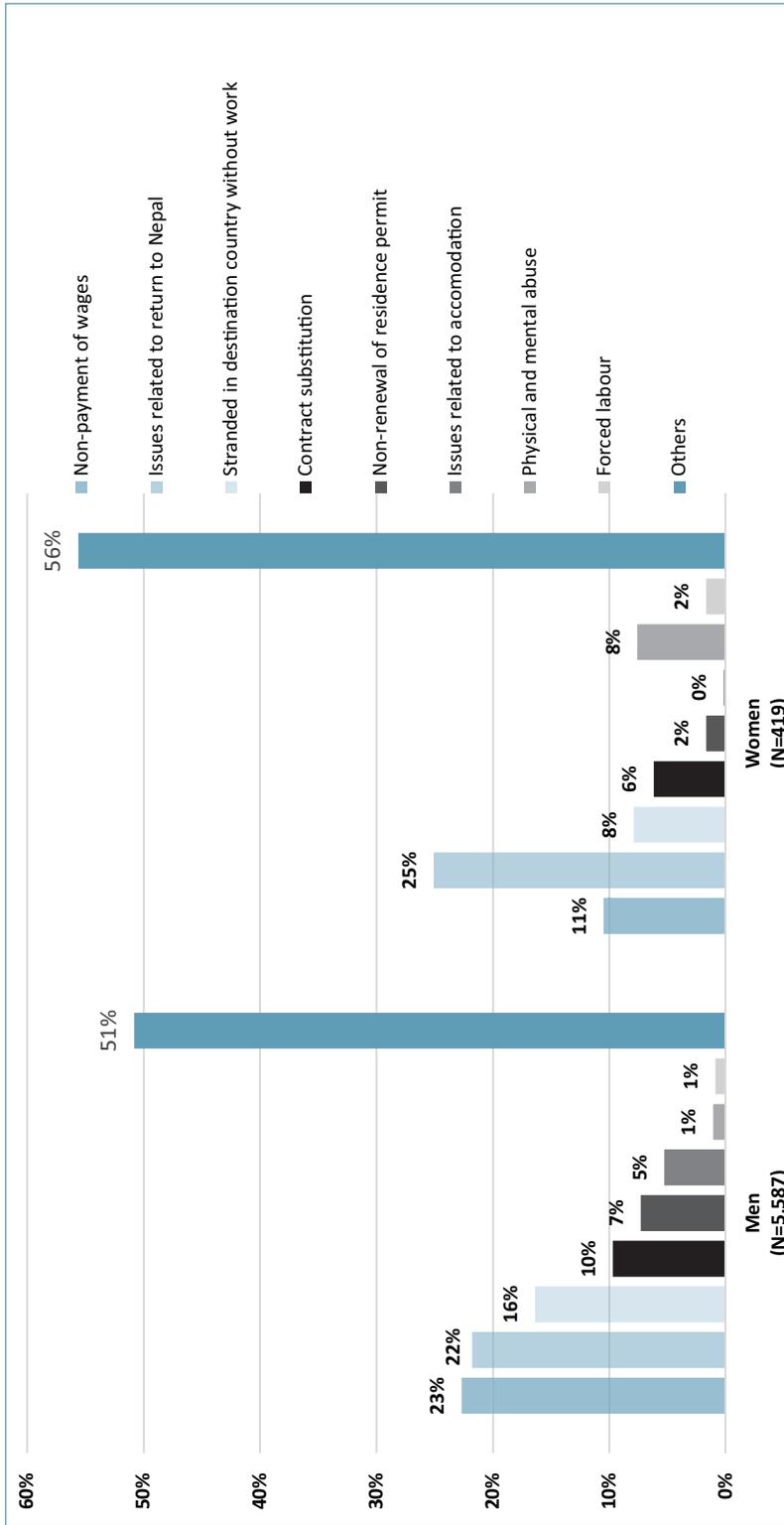
— *Avni Tamang* went to the UAE for foreign employment on a visit visa. She is working as a housemaid but is being physically and mentally harassed by her employer. Her family therefore wants her to be rescued as soon as possible.

— *Ramesh Chaulagain* was working at a security company in 2021. Due to the pandemic and the company's mismanagement, he has not received salary for the past eight months and his visa has also expired. He had hoped that he would be paid his salary and the company would extend his visa. Now, he wants to return to Nepal. Since he does not have a valid visa, he needs an exit pass to return to Nepal.

— *Buddha Khanal's* mother was seriously ill. He wanted to return to Nepal but his company was not giving him a leave.

Underpayment or non-payment of wages has long been part of the labour migration landscape violating the rights of migrant workers, including Nepalis. Nepali migrant workers have suffered from non-payment of wages, physical and mental abuse and forced labour in CoDs (Figure 6), which further intensified and worsened after the pandemic. There are also cases of Nepali migrant workers, especially women, experiencing ill-

Figure 6: Types of contract-related issues faced by Nepali migrant workers by sex



Note: Multiple response

Table 27: Types of contract-related issues Nepali migrant workers face by CoD

Contract-related issue	Malaysia	Saudi Arabia	UAE	Oman	Qatar	Bahrain	Kuwait	Jordan	Others
Non-payment of wages	2.2	30.7	11.3	23.4	34.0	6.3	3.9	0.0	5.7
Issues related to return to Nepal	20.8	22.6	35.0	21.3	14.6	12.5	27.9	40.0	18.2
Stranded in destination country without work	2.6	26.4	27.1	2.1	8.8	6.3	4.5	6.7	13.6
Contract substitution	9.9	14.6	10.6	8.5	3.8	6.3	3.9	6.7	4.5
Non-renewal of residence permit	5.5	9.1	1.1	0.0	9.8	0.0	0.0	0.0	0.0
Issues related to accommodation	0.3	13.0	3.4	14.9	0.4	0.0	1.1	0.0	0.0
Physical and mental abuse	0.3	2.1	0.3	8.5	1.6	0.0	5.0	20.0	3.4
Forced labour	1.1	0.9	1.4	0.0	0.5	0.0	1.1	3.3	2.3
Others	60.9	42.6	43.8	59.6	56.5	81.3	60.9	36.7	58.0
Total %	103.5	162.1	134.0	138.3	130.1	112.5	108.4	113.3	105.7
Total number	1,195	1,998	943	47	1,780	16	179	30	88

Multiple responses.

treatment and abuse at the hands of employer, among others.

Nepali migrant workers (22 per cent) also faced issues related to their return to Nepal with a slightly higher proportion of women facing this problem (Figure 6). Reasons for return included not getting the promised job and salary, not getting work in the CoD, being undocumented, family issues, physical and mental abuse and wage theft, among others. Some migrant workers were not allowed to return by their employers despite legitimate reasons. Studies show that many migrant workers cannot exercise their right to return home freely⁴⁸ and not being able to return home constitutes a form of forced labour.

In terms of CoD, a higher proportion of migrant workers faced issues related to return in Malaysia, Kuwait, Jordan and the UAE (Table 27). The proportion of Nepali migrant workers facing the problem of non-payment of wage was higher for Saudi Arabia, Qatar and Oman.

6.1.2.1. Undocumented face more vulnerabilities

Undocumented migrant workers are found to be especially vulnerable to exploitation and abuse. Their vulnerability is further exacerbated by the lack of access to support and welfare services as well as unwillingness to access support services in fear of retaliation from employers. As such, a large majority of Nepali migrant workers who faced various challenges such as non-payment of wages and contract substitution did not have valid documentation in the destination country at the time of grievance registration (Table 28). This undocumented status also resulted from the contracts of the migrant worker ending but them not being able to return to Nepal due to COVID-19 related restrictions. Many migrant workers, who became undocumented because of this reason, reported having issues

Table 28: Documentation status in destination country and types of contract-related issues faced

Contract-related issue	Did not have documentation	Had documentation	Total %	Total Number
Non-payment of wages	92.9	7.1	100	1,376
Issues related to return to Nepal	90.7	9.3	100	1,381
Stranded in destination country without work	92.6	7.4	100	996
Contract substitution	99.0	1.0	100	596
Non-renewal of residence permit	94.9	5.1	100	433
Issues related to accommodation	99.0	1.0	100	310
Physical and mental abuse	99.0	1.0	100	99
Forced labour	98.3	1.7	100	58

48 Baniya and Bhattarai, *Analysis Report of Recruitment Reviews from Migrant Workers*.

with access to food as well. In contrast, more than half of those who faced wage theft and issues related to contract substitution had a valid labour permit from Nepal at the time of registering their grievances (Table 29). Also, more than three-fourths of migrant workers who reported physical and mental abuse and forced labour had valid labour permits.

It is noteworthy that despite having a labour permit from Nepal, almost all of the men migrant workers who reported physical and mental abuse and forced labour did not have documentation in the destination country when registering their grievances. The scenario was different in the case of women: none of the women who reported abuse and forced labour had valid documentation for the destination country at the time of reporting their grievance.

Table 29: Documentation status in Nepal and types of contract-related issues faced

Contract-related issue	Did not have documentation	Had documentation	Total %	Total Number
Non-payment of wages	40.7	59.3	100	1,376
Issues related to return to Nepal	53.6	46.4	100	1,381
Stranded in destination country without work	36.9	63.1	100	996
Contract substitution	39.6	60.4	100	596
Non-renewal of residence permit	56.4	43.6	100	433
Issues related to accommodation	11.6	88.4	100	310
Physical and mental abuse	22.2	77.8	100	99
Forced labour	22.4	77.6	100	58

6.1.3. Labour migration and human trafficking/smuggling

Human trafficking and human smuggling in the guise of foreign employment or labour migration has been a subject of growing concern in Nepal. A study found that of the major motives for human trafficking (n=193), 35 per cent was related to labour trafficking/forced labour.⁴⁹ A Memorandum of Understanding (MoU) was signed between DoFE and the Anti-Human Trafficking Bureau (AHTB) of the Nepal Police in 2020 to 'make the foreign employment sector more organised, dignified and exploitation free by preventing human trafficking that occurs in the guise of foreign employment as well as protect the victims of trafficking and rehabilitate them within the society'.⁵⁰ In the fiscal year

49 Kharel et. al, 'A Media Analysis of Changes in International Human Trafficking Routes from Nepal'.

50 MoLESS, *Nepal Labour Migration Report 2022*.

2021/22, 146 cases related to human trafficking were registered at the AHTB.⁵¹

As per the PNCC database, most of the men migrant workers who were victims of human trafficking/smuggling were from Koshi and Gandaki provinces (Figure 7). In the case of women, most (41.4 per cent) were from Bagmati province and Koshi province (22.9 per cent). Incidentally, the highest share of Nepali labour migrants originate from these provinces. As per data on labour permits issued by DoFE for the years 2019/20–2021/22, the highest number of men migrant workers came from Koshi province while most women migrant workers hailed from Bagmati province followed by Koshi province.⁵² In terms of district, most victims originated from Sindhupalchowk and Jhapa.

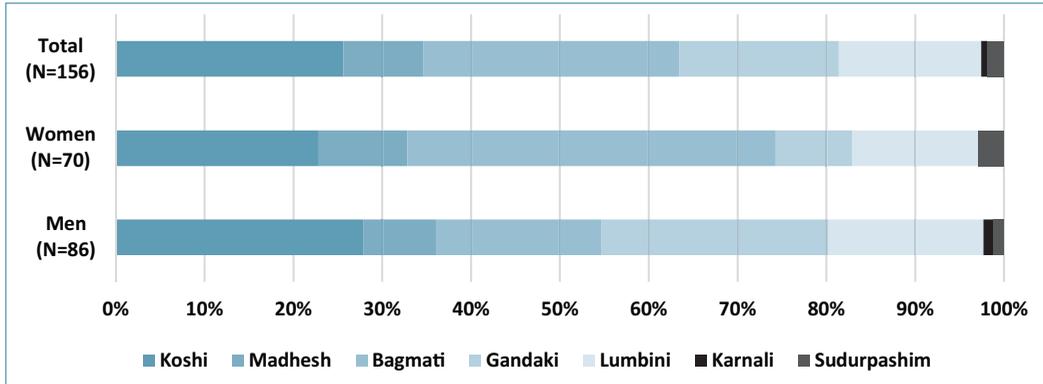
Table 30: Documentation status in Nepal and in destination country

	Contract-related issue	Did not have documentation in Nepal	Did not have documentation in destination country
Men	Non-payment of wages	40.6	93.0
	Issues related to return to Nepal	52.5	90.1
	Stranded in destination country without work	36.4	92.4
	Contract substitution	38.4	99.1
	Non-renewal of residence permit	56.6	95.1
	Issues related to accommodation	11.3	99.0
	Physical and mental abuse	6.0	98.5
	Forced labour	15.7	98.0
Women	Non-payment of wages	43.2	88.6
	Issues related to return to Nepal	66.7	98.1
	Stranded in destination country without work	51.5	97.0
	Contract substitution	65.4	96.2
	Non-renewal of residence permit	42.9	85.7
	Issues related to accommodation	100.0	100.0
	Physical and mental abuse	56.3	100.0
	Forced labour	71.4	100.0

51 Anti-Human Trafficking Bureau, 'Tribarsiya Tathyanka Bibaran (Three Years Statistics)', Nepal Police, accessed April 21, 2023, <https://ahtb.nepalpolice.gov.np/news/135/>.

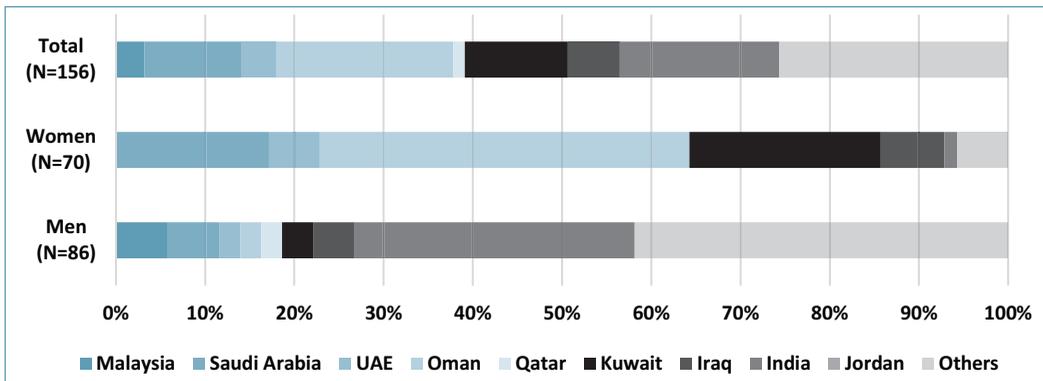
52 MoLESS, *Nepal Labour Migration Report 2022*.

Figure 7: Migrant workers who were victim of human trafficking by province of origin and sex



Meanwhile, most cases of human trafficking or human smuggling of women were related to Oman (41 per cent) followed by Kuwait (21 per cent) and Saudi Arabia (17 per cent). This corroborates journalistic accounts which have reported the number of Nepali women being trafficked or smuggled for slave trade to the Gulf have exceeded those being trafficked or smuggled for sex trade in India.⁵³ In the case of men, most cases (31 per cent)

Figure 8: Migrant workers who were victims of human trafficking by CoD and sex



were for India (Figure 8). India has been identified as a major transit and destination for human trafficking of Nepalis⁵⁴ exacerbated by the open border between Nepal and India

53 Pramod Acharya, 'Special Investigation: Exposing the Human Trafficking Industry Selling Nepalese Women into Domestic Slavery in Kuwait', *The New Arab*, September 21, 2018, <https://www.newarab.com/analysis/inside-nepal-gulf-human-trafficking-nexus>.

54 National Human Rights Commission (NHRC), *National Report on Trafficking in Persons in Nepal* (Lalitpur: National Human Rights Commission, 2019); NHRC, *Trafficking in Persons in Nepal: National Report* (Lalitpur: National Human Rights Commission, 2018); NHRC, *Trafficking in Persons: National*

that allows free movement of both Indian and Nepali citizens across the border. India is also used as a transit by migrant workers, especially women, who migrate without labour permits or other documents to travel to third countries. In particular, due to the restriction by the GoN for migration for domestic work (for both men and women), Nepali migrant workers use the open border to travel to destination countries via Indian airports or by crossing the Indian border to travel to neighbouring countries such as Myanmar, and migrating to other destinations from there.

An increase in trafficking/smuggling cases of women migrant workers post-2015 is discernible. The GoN had imposed several restrictive policies on labour migration for domestic work abroad in 2015 and 2017. The Directive on the Management of Sending Domestic Workers for Foreign Employment, 2015 established a minimum age of 24 to take up domestic work in the Gulf countries, Lebanon and Malaysia and made the signing of BLMA compulsory with a CoD for allowing domestic work as foreign employment.⁵⁵ In 2017, the age ban was escalated to a blanket ban on domestic work as foreign employment in the Gulf countries.⁵⁶ Although the restrictive policies were applicable to both men and women, almost all of migrant workers going abroad for domestic work from Nepal are women thus the ban was, in practice, imposed on women labour migration. Restrictive policies make the migration process more irregular and prompt migrant workers to take circuitous and costlier migration channels to circumvent restrictions⁵⁷—due to, in most cases, a compulsion to migrate owing to lack of opportunities at home. The corollary to this irregularity is that the vulnerability of migrant workers increases and they become more prone to distresses of various kinds.

The highest number of human trafficking/smuggling cases of men migrant workers as reported can be seen in 2019. Cases were reported predominantly for two countries—India and Libya. Libya, which borders the Mediterranean Sea, is a gateway to Europe. Thus, an increasing number of Nepali migrant workers have attempted to take this perilous route to reach European destinations.⁵⁸ This corroborates previous studies which had found a diversification in trafficking routes from Nepal since 2019.⁵⁹ Also, the high number of cases for India in 2019 could be because the GoN had made the acquisition of no

Report 2015/16 (Lalitpur: National Human Rights Commission, 2017); NHRC, *Trafficking in Persons: National Report 2013–15* (Lalitpur: National Human Rights Commission, 2016).

55 Bandita Sijapati and Amrita Limbu, *Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms* (Lalitpur: Himal Books and CESLAM, 2017), <https://www.ceslam.org/uploads/backup/Governing%20Labour%20updated%20edition%202017.pdf>.

56 McCarthy, *A Comprehensive Analysis of Policies and Frameworks*.

57 Ministry of Labour and Employment, *Labour Migration for Employment: A Status Report for Nepal 2014/15* (Kathmandu: Government of Nepal, 2016), https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_500311.pdf.

58 Bhrikuti Rai and Chandan Kumar Mandal, 'Many Nepalis Hope to Reach Europe. But their Dreams End in Libya', *The Kathmandu Post*, July 20, 2019, <https://kathmandupost.com/national/2019/07/20/many-nepalis-hope-to-reach-europe-but-their-dreams-end-in-libya>.

59 Kharel et. al, 'A Media Analysis of Changes in International Human Trafficking Routes from Nepal'.

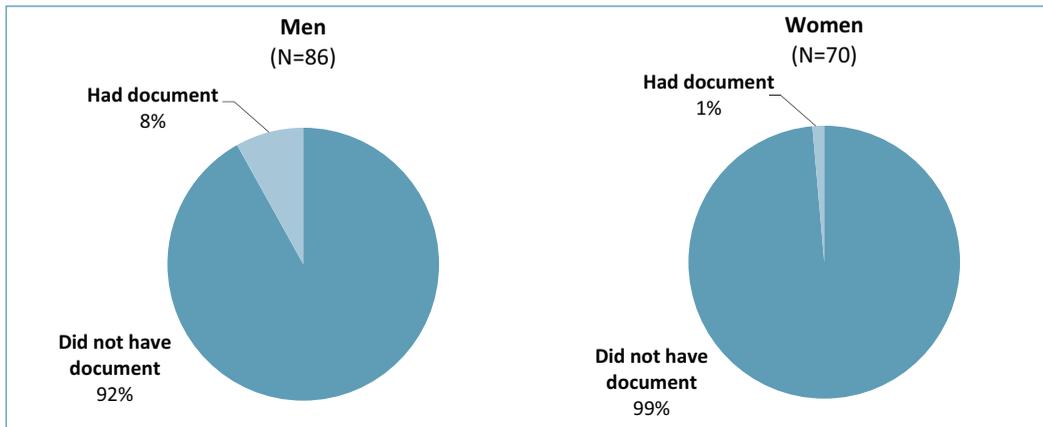
objection certificates (NOC) from the Nepali Embassy in India mandatory for clearance from the Indian immigration to travel to a third country.⁶⁰

Case studies show many trafficking/smuggling cases to be those where migrant workers had attempted to travel to Western countries, like the United States, through irregular

Table 31: Cases related to human trafficking/human smuggling by year and sex

Year	Male	Female	Total
2014	1	1	2
2015	1	1	2
2016	3	13	16
2017	1	24	25
2018	12	17	29
2019	54	4	58
2020	3	2	5
2021	1	3	4
2022	10	5	15
Total	86	70	156

Figure 9: Documentation status of victims of human trafficking in Nepal by sex



and lengthy channels. During this arduous journey, migrant workers have also died after having paid a hefty sum to agents in Nepal. One such case study showed the migrant

60 'Nepalis Travelling Abroad via New Delhi Require NOC Letter: Nepali Embassy', *The Himalayan Times*, May 14, 2019, <https://thehimalayantimes.com/nepal/nepalis-travelling-abroad-via-new-delhi-require-noc-letter-nepali-embassy>.

worker passing away en route in Ghana because of malaria, after having paid NPR 4 million as recruitment and other fees. Such cases highlight the compulsion felt by many in Nepal to migrate for better opportunities and circumstances abroad, even if it means risking their lives. Other cases of smuggling illustrate the sheer number of transit countries migrant workers need to navigate in order to reach their desired destination country. One such migrant worker, who was unsuccessful in reaching his desired destination country, had navigated through six countries before being stuck in the seventh. This, however, still represents an incomplete irregular migration experience.

It is noteworthy that an overwhelming majority of both men and women migrant workers who were victims of human trafficking did not have valid documentation i.e., labour permits in Nepal when registering their grievances with PNCC (Figure 9). Similarly, all the victims reported were undocumented in the destination country. This also highlights that most victims of human trafficking or labour trafficking do not have valid documentation and use irregular channels to migrate.

— *Summi Nepali* was taken by an agent to the UAE on a visit visa. The agent then tried to send her to Iraq forcefully but she wants to return to Nepal as soon as possible.

— A group of five Nepalis went to Cambodia for foreign employment on visit visas. They worked in a restaurant. However, they were confined to a room and not allowed to go out. Hence, they want to return to Nepal.

— *Reema Khatri* from Dang was sent to Delhi by an agent as she was supposed to go to the UAE for employment. According to her family, she was sold to work as a domestic in the UAE for USD 1000 and worked in the country for 6–7 months. After that, she was taken to Kurdistan/Iraq and was stranded there and facing difficulties. She is in need of rescue.

— *Shital B.K.* from Banke went to Dubai for foreign employment on a visit visa. But she was sent to Oman and was being held captive since a month back. She was also harassed physically and mentally by her employer. She talks to her family once a month through Facebook. Her family wants to rescue her.

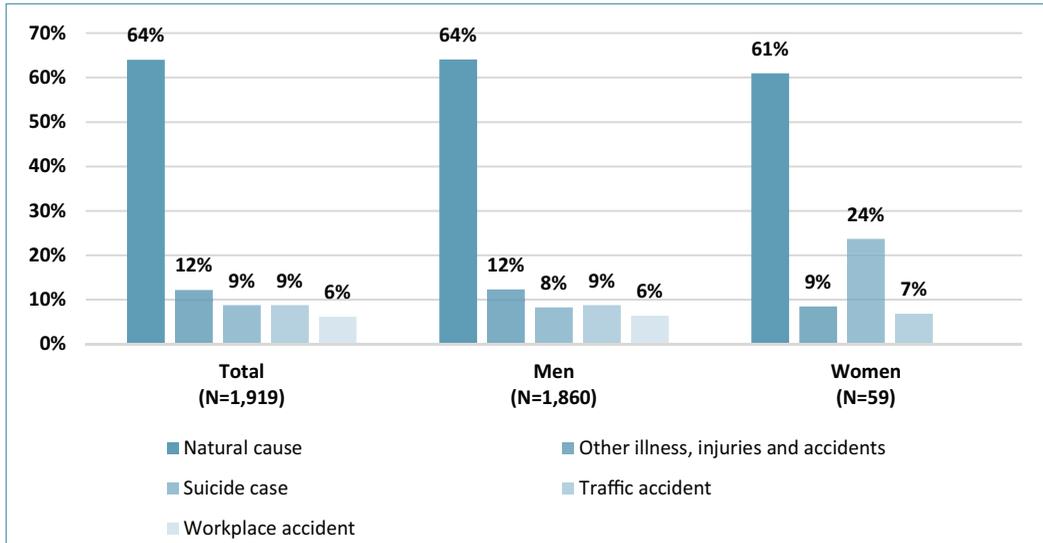
6.1.4. Occupational safety and health of migrant workers

Migrant workers can be at high risk of occupational safety and health hazards as they are exposed to various vulnerabilities related to their workplace and living conditions.⁶¹ This risk is further exacerbated by their lack of access to health services and social protection. Migrant workers engaged in domestic work and agriculture also face occupational hazards

61 Vital Signs, *The Deaths of Migrants in the Gulf*.

due to long working hours, and working with chemicals, among other issues.⁶² Analysis of data on cases of death of migrant workers shows that a significant number of Nepalis have

Figure 10: Causes of death of migrant workers



died due to natural causes, suicide, traffic accident and workplace accident (Figure 10). In the case of women migrant workers, in particular, cases of suicide are higher than among men. This raises concerns about the mental health of migrant workers in destination countries.

Table 32: Causes of death by year

Cause of death	2014	2015	2016	2017	2018	2019	2020	2021	2022
Natural death	76	144	184	118	102	67	242	283	13
Other illnesses, injuries and accidents leading to death	7	2	14	23	52	40	51	36	9
Suicide	6	6	11	28	20	9	38	43	8
Traffic accident	8	12	20	18	32	19	12	38	9
Workplace accident	4	9	15	22	22	23	5	16	3
Total number	101	173	244	209	228	158	348	416	42

62 Ibid.

There was also a stark increase in the numbers of deaths for 2020 and 2021, the COVID-19 pandemic years. The implications of the death cases registered at PNCC include, among other things, a need to repatriate the body to Nepal, the procession of the last rites in the CoD, the claiming of insurance by the families of the deceased and issues associated with the inability to do the above-mentioned things due to various reasons. The irregular nature of the migration of the deceased and the eventually-deemed irregularity of the migration due to the expiration of labour permits were the primary reasons behind families of the deceased being unable to access repatriation services provided by the GoN and thus requiring support from PNCC.

Table 33: Causes of death by CoD

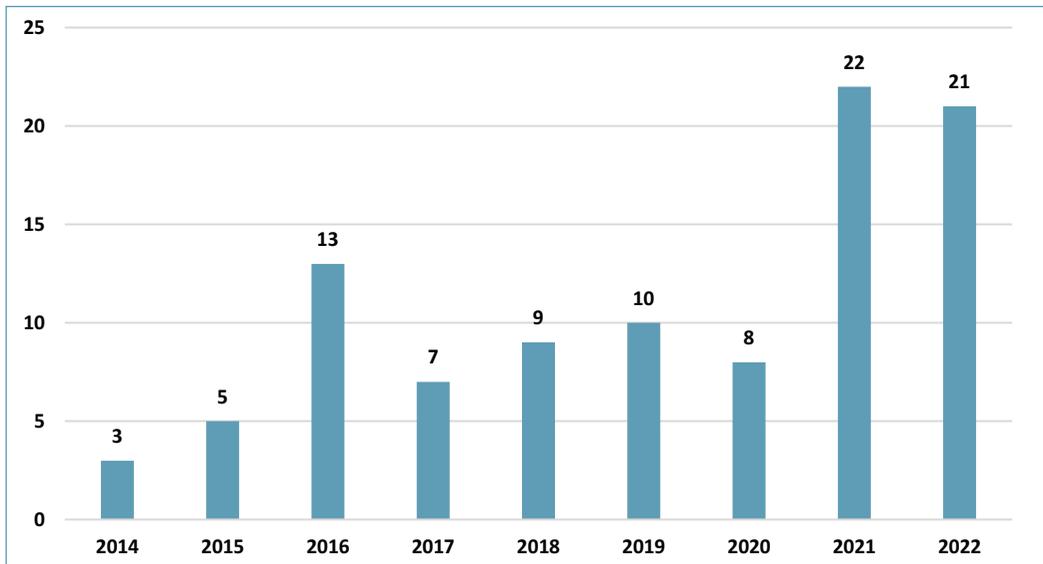
Cause of death	Malaysia	Saudi Arabia	UAE	Oman	Qatar	Bahrain	Kuwait	Jordan	Others
Natural cause	76.9	53.5	62.6	50.0	58.1	83.3	68.9	33.3	55.6
Other illnesses, injuries and accidents leading to death	4.2	13.9	19.4	10.0	20.5	16.7	17.6	0.0	25.0
Suicide	7.9	8.9	8.4	20.0	9.7	0.0	5.4	66.7	16.7
Traffic accident	5.7	14.8	7.7	10.0	6.0	0.0	2.7	0.0	2.8
Workplace accident	5.4	8.9	1.9	10.0	5.7	0.0	5.4	0.0	0.0
Total %	100	100	100	100	100	100	100	100	100
Total number	687	641	155	10	298	12	74	6	36

Disaggregated data on the death of migrant workers by CoD shows that traffic accidents are the major cause of death in Saudi Arabia (Table 33). Similarly, cases of suicide are higher in Jordan. Official data from the Foreign Employment Board (FEB) based on financial assistance provided to families of deceased migrant workers also shows that a large number of deaths in Saudi Arabia is caused by traffic accidents.⁶³

Cases of mental health problems have also gone up after the COVID-19 pandemic in 2020 (Figure 11). The two recent years, 2021 and 2022, are the only two years when more than 20 cases of mental health issues have been reported. As the pandemic was disruptive for migrant workers, this could have led to mental health issues.

The study also tried to identify whether there is any link between the occupation of the migrants and the types of problems they registered (Table 34). The study found that the occupations of most migrant workers with cases related to pre-departure issues

63 MoLESS, *Nepal Labour Migration Report 2022*.

Figure 11: Number of mental health-related cases registered at PNCC

and trafficking, at 76.7 per cent and 83.3 per cent respectively, was not known. Migrant workers with contract-related issues and those who died had the highest numbers working in elementary occupations while migrant workers working in construction had highest numbers in jail. Similarly, migrant workers who reported working in manufacturing represented 24.2 per cent of the missing.

Country-wise disaggregation shows the prevalence of cases by occupation varies by destination country. Nepali migrant workers working in manufacturing in Malaysia and elementary occupations in Saudi Arabia and Qatar reported a high number of cases. A large number of migrant workers in the UAE and Kuwait had not revealed their occupations.

6.2. PNCC's support to migrant workers: Experiences and challenges

In its case management database, PNCC has categorised the status of the cases registered with them into three categories, namely, closed, pending and solved cases (Table 35). These cases are registered with the PNCC by different individuals or organisations (see Section 6.2.1 for details). Closed cases essentially involve situations where grievances are registered but PNCC was unable to intervene due to reasons like death of the concerned migrant worker, inability to contact the concerned migrant worker, the problem was solved before PNCC stepped in and PNCC referred the registered case to other relevant agencies for their intervention, among others. Pending cases essentially involve a situation where grievances are registered and for which PNCC is in the 'process of intervention'.

Solved cases are essentially situations where PNCC has intervened in any grievance registered with it, supporting/facilitating the redressal of grievance. The intervention or support includes i) helping the distressed migrant worker by providing accurate information to solve his/her problem/s in Nepal or the CoD, ii) facilitating to get exit

Table 34: Nature of cases by occupation in destination country

Occupation sector	Contract Issue	Death Case	Health Case	Jailed Case	Missing Case	Others	Pre-Departure Case	Trafficking Case
Agriculture, fishery , poultry, animal husbandry and gardening	0.6	0.8	1.1	1.1	1.0	1.8	0.0	0.0
Construction	14.6	8.6	6.4	25.7	3.8	21.5	3.3	7.4
Driver/Machine operator	7.9	6.1	5.0	5.0	3.1	6.7	1.7	0.0
Electrical and mechanical technician	2.5	2.6	0.9	0.7	0.3	0.6	0.0	0.0
Elementary occupations	25.6	27.8	26.9	11.3	13.7	13.5	3.3	0.0
Manufacturing	9.4	18.6	17.9	19.4	24.2	4.3	5.0	0.0
Office/Administrative/Associate professionals	0.4	0.2	0.1	0.0	0.3	0.0	1.7	0.0
Professionals and managers	0.4	0.1	0.0	0.1	0.0	0.0	0.0	0.0
Service and Sales	13.4	10.2	13.6	8.0	9.2	38.7	8.3	9.3
Supervisor and foreman	0.3	0.3	0.1	0.0	0.5	1.8	0.0	0.0
Others	24.9	24.5	27.9	28.7	44.0	11.0	76.7	83.3
Total %	100	100	100	100	100	100	100	100
Total number	4,463	1,308	755	1,074	393	163	60	54

Table 35: Situation of cases registered at PNCC

Category of grievance	Closed	Pending	Solved	Total %	Total number
Contract-related issues	1.9	19.1	79.0	100	7,490
Occupational safety and health	2.3	9.8	87.9	100	3,743
Migrant workers in jail	1.6	15.9	82.5	100	1,822
Missing case	7.9	26.5	65.6	100	809
Pre-departure cases	8.2	20.0	71.8	100	170
Human trafficking-related cases	7.1	10.3	82.7	100	156
Others	0.4	11.3	88.3	100	1,150

visa (memo), renew passport, repatriate the migrant worker or dead body from the CoD, iii) facilitating in getting the migrant worker in touch with the Nepali diplomatic mission and iv) assisting the migrant worker to get legal assistance either in the CoD or Nepal. In the case of death of a migrant worker who had valid labour permit at the time of his/her death, PNCC helps the family of the deceased to apply for the FEB's financial assistance available for migrant workers who died in a CoD, repatriation of dead body as well as for cremation related support (during the COVID-19 pandemic).

Migrant workers are also facing problems concerning their contract like the nature of job and salary being different from what had been agreed before they migrated from Nepal. Besides, some migrant workers go through physical and mental abuse and wage theft. In such a situation, PNCC supports migrant workers in preparing the necessary documents, coordinating with the Nepali diplomatic mission and filing the case at relevant agencies in the destination country and in Nepal. There are also cases of Nepali migrant workers going to the GCC countries paying huge sums of money to agents and PRAs but not getting work or salary in time in the CoD. In such a case, PNCC assists migrant workers in their return and helps them and their families fulfil the necessary process for their access to justice.

6.2.1. Referral from governmental and non-governmental organisations

Governmental, non-governmental as well as diaspora organisations are important actors in the labour migration landscape of Nepal⁶⁴ as they have been providing various support to migrant workers. When dealing with cases involving migrant workers and their families, PNCC adopts a collaborative approach by partnering with various stakeholders, including government agencies, private sectors, informal networks, and civil society organizations. The government partners encompass entities such as the Ministry of Labour, Employment and Social Security (MoLESS), National Human Rights Commission (NHRC), Foreign Employment Board (FEB), Ministry of Women Children and Social Welfare (MoWCSC), Department of Foreign Employment (DoFE), Anti Human Trafficking

64 MoLESS, *Nepal Labour Migration Report 2022*.

Table 36: Organisation who referred migrant workers to PNCC

	Men	Women	Total
Migrant resource centres (MRCs)	28.8	27.9	28.7
Private associations	17.8	24.7	18.2
PNCC volunteers and outreach officers	28.5	28.3	28.5
Diplomatic missions	7.1	1.2	6.7
Family, relatives and friends	2.7	2.6	2.7
International non-governmental organisations	1.8	0.2	1.7
Migrant workers themselves	1.6	1.2	1.6
Migrant welfare organisations in Nepal	1.0	2.4	1.1
Governmental organisations	1.2	0.3	1.1
MPS	0.6	1.2	0.6
Media	0.5	0.8	0.5
Law enforcement agencies	0.2	0.0	0.2
Human rights organisations in Nepal	0.1	0.2	0.1
Private recruitment agencies	0.1	0.1	0.1
Local government bodies	0.1	0.2	0.1
Others	8.1	8.6	8.2
Total %	100	100	100
Total number	13,740	915	14,655

Bureau (AHTB), Nepal Insurance Authority (NIA), Nepal Police, Immigration Office, Passport Department, Consular Service Department, local governments, embassies in destination countries and consulates. Likewise, informal networks consist of migrant workers, community workers, diaspora organisations, loosely connected networks, People Forum, Ujyaalo Radio, civil society organizations and media partners.

PNCC is also a partner organisation of the Safer Migration (SaMi) programme of GoN and has been supporting migrant workers' rescue and access to justice under this programme. As such, migrant resource centres (MRCs) established and functioning under the SaMi programme, are the main source of incoming cases. MRCs refer cases through the Case Management Information System of the PNCC, while other partners use tools such as telephone, WhatsApp, social media, and email. MRCs referred 29 percent of the cases while private associations (18 percent) and diplomatic missions (7 per cent) were also prominent referrers (Table 36).

6.2.2. Communication with migrant workers and their families

Upon receiving the cases, the rescue unit documents and records them, and verify their authenticity. Depending on the nature of the cases and the country associated, the Case

Management Information System⁶⁵ directs the cases to the respective country officers and outreach coordinators. The assigned case officers then take charge of the cases, contact the migrant workers and employers in the destination country, and proceed with resolving the reported cases. If a case requires embassy involvement, it is referred and registered to the embassy for appropriate actions. All interactions among workers, staff, employers, and embassies, as well as other stakeholders, are recorded in the Case Management Information System after case initiation and follow-up. Additionally, the organisation collaborates with diaspora organisations and community leaders who have access to the Case Management Information System to view and update the progress of the cases.

PNCC proceeds with case facilitation on a case-by-case basis. For example, if a worker is expelled by their employer, PNCC initiates resettlement efforts with the employer with close coordination with the diplomatic mission. Similarly, other cases require particular efforts: workers who face problems with food and accommodation are provided resources while others facing issues with return to Nepal are provided air tickets.

In a case where the issue has been referred to PNCC by the government or a non-governmental organisation, the task of contacting the migrant workers and/or their family comes only after accessing the contact phone number. This depends on which entity the case has been referred by. For example, if the case has been referred to PNCC by a MRC, PNCC first coordinates with the MRC to get the contact number of the migrant worker and his/her family. The next step involves getting as much information as possible to support the case including relevant documents if legal assistance is required. For instance, in cases such as abuse, wage theft, non-documentation etc., PNCC tries to acquire the relevant documents like photocopy of passport, citizenship certificate, as well as the other necessary documents to file complaints or seek legal assistance at the Department of Consular Services, the National Human Rights Commission (NHRC), Peoples Forum for Human Rights, among others.

— A complainant went to work as a housemaid undocumented. Her employer took away her passport, did not pay her and physically abused her. PNCC contacted her family and, in coordination with the relevant MRC, tried to acquire documents to apply for online legal services from the Consular Department for further assistance and to process her case.

— In the above mentioned case of *Subham Yadav (Section 6.1.1)*, PNCC requested the agent, several times, which led to the agent returning his passport. The victim was afterwards able to apply for a different destination country.

⁶⁵ Case Management Information System is a digital platform that allows for the management and storage of personal information of the beneficiaries of PNCC. The platform is designed to standardise case facilitation, monitoring, tracking and recording of services provided, as well as administration of related procedures.

6.2.3. Role of PNCC outreach officers, volunteers and team leaders in destination countries

PNCC's paralegal services encompass supporting migrant workers and their families in cases involving contract violations, health issues, missing migrants, deportation, imprisonment, stranded migrants, death and undocumented migrants in destination countries. The organisation's officers and volunteers have been playing an important role in:

- Providing advice and guidance to migrant workers in distress such as filing cases at relevant agencies, minimising their overstay charges, getting/renewing labour permit, assisting in the return process, etc;
- Streamlining facilitation of issues faced by migrant workers by coordinating and communicating with relevant agencies such as Nepal's diplomatic missions, consulates, diaspora communities, social activists, trade union representatives and local organisations in the destination countries, as well as the Consular Service Department, FEB, Foreign Employment Department, and relevant agencies in Nepal;
- Cases of death of migrant workers by a) following-up with the police station in the CoD, b) assisting in necessary procedures of the hospital including getting the death certificate, c) obtaining NOC from the Nepali diplomatic mission for repatriation of the body, d) supporting in cargo booking, getting body released from mortuary and going through all the legal procedures in the destination country for the repatriation of the body, e) contacting the relevant bodies in Nepal, family and relatives, f) coordinating with the carrier to send the body to Nepal at minimum cost and g) coordinating with PNCC in Nepal so that the dead body can be sent from Kathmandu to the migrant worker's home if it is outside Kathmandu.

— *Suresh* went to the UAE for foreign employment as a cleaner after getting a labour permit. He died in the UAE. His family wanted his body brought back to Nepal as soon as possible. Accordingly, PNCC outreach volunteers were informed so that they could gather further details and provide assistance. The PNCC volunteers contacted the Nepali Embassy which informed a volunteer that a police report and death certificate had been issued in Arabic language. Therefore, the embassy asked the company to submit the translated version (in English). After the embassy received the translated document, the NOC was issued and the body was ready to be repatriated to Nepal. After the cremation, PNCC followed up on the case till the family members applied for financial compensation from the FEB and insurance from the local government.

— *Leela Gurung* went to Saudi Arabia 11 years ago. She was working there as a housemaid. Her employer did not allow her to return to Nepal. She did not receive her salary for 10 years (SAR 54,288, equivalent to NPR 1.8 million). This

case was referred to PNCC's outreach officers. Gurung was contacted and the details of her problem were collected. According to an outreach officer, he registered the case at the Nepali embassy to support her repatriation. Finally, she left the employer's house and stayed at the Nepali embassy's shelter home for three months. The embassy tried to contact her employer but did not get any answer. The case was therefore registered in the Saudi labour court. After further coordination with the employer, she returned to Nepal.

— *Ashish* died in Nepal while he was on his annual leave. His family contacted PNCC to get all the end of service benefits and pending salary from the employer company. Initially, PNCC communicated document requirements and procedures to the family. Upon receiving a complete set of documents, PNCC submitted an online application to the Consular Services Department on behalf of the family. The Consular Services Department verified the documents and forwarded them to the respective Embassy which then contacted the employer. The company paid the service benefits and pending salary through the Nepal embassy in the CoD.

7. Conclusion and Recommendations

The vicissitudes in the labour migration process are well documented. Due to the vulnerability and marginalisation of migrant workers, the GoN has taken various steps to promote fair and ethical recruitment and protect migrant workers from exploitation. However, despite these measures, migrant workers continue to face various distresses—both in the country of origin and the country of destination—which can make their migration stints unfruitful and even painful. The findings of this study show that many migrant workers are using irregular channels to migrate abroad for employment which has further accentuated their vulnerabilities. The ‘free visa, free ticket’ policy and the ‘employer pays’ model also seem to have failed with migrant workers reporting they are still being charged exorbitant recruitment fees. In the cases migrant workers reported to the Pravasi Nepali Coordination Committee (PNCC), contractual issues were the most prevalent with migrant workers not getting the jobs, wages and working hours as spelt out in their contracts. Precarity was also seen with regard to the occupational safety and health of migrant workers highlighting the grave health risks they face during their employment abroad.

PNCC has been making great efforts in augmenting access to justice, rescue and repatriation of migrant workers abroad. The legal regime and their lack of knowledge of justice mechanisms in CoDs can make it difficult for migrant workers to navigate with their inherent marginality as outsiders. In this regard, PNCC’s team leaders, outreach officers and volunteers have helped many migrant workers in distress and provided relief in circumstances where other mechanisms are either unavailable or inaccessible. As commensurate with their contribution to Nepal’s economic development, migrant workers need to be prioritised by the government while ensuring safe and beneficial migration, so that their migration stints are filled with economic, social and personal enhancement. Based on the findings of this study, the following areas are identified for the way forward.

Amendment, revision, formulation and effective implementation of laws and policies

- Although the government has, in the context of federalisation, decentralised responsibilities related to oversight and monitoring of recruitment agencies and other actors engaged in foreign employment business to provincial and local governments, effective implementation is lacking. The lack of clarity of current laws on the roles of the respective provincial and local bodies means they have not facilitated intergovernmental coordination. Thus, it is necessary for the government to articulate the roles more systematically so effective practice can follow from the provisions. It is also important to strengthen the capacity of the provincial and local

governments to deal with issues related to labour migration.

- Existing policies and programs such as the Procedure on the Monitoring of Recruitment Agencies and Training Institutions, 2017 and the Directives for Monitoring Team Mobilisation, 2019 and the monitoring and regulation of institutions and individuals involved in the labour migration process need to be effectively implemented.
- Specific policies related to fair and ethical recruitment, occupational safety and health, social protection, access to justice at home and in the destination country and crisis response are needed. In the context of federalisation, such policies should clearly define the roles and responsibilities of the three tiers of government and establish systems for effective evaluation and monitoring of implementation of policies.
- Implementation of partial or complete bans on mobility of Nepali women migrant workers over the last three decades has forced them to take irregular pathways rendering them more vulnerable to trafficking, forced labour and other abuse and exploitation. Currently as well, the government has imposed multiple, infeasible requirements for domestic work as foreign employment which include the guarantee of social protection and insurance for migrant workers in the destination country and the ability of the migrant worker to speak in the CoD's local language—clauses which are difficult to comply with—which can divest aspiring migrant workers from partaking in domestic work abroad formally, forcing them to take irregular routes. It is necessary for the government to take steps towards guaranteeing protection of migrant workers in destination countries via other avenues such as including specific domestic work-related clauses in the BLMAs ensuring safe work space and living conditions, protection of the rights of migrant workers and mechanisms for punishment for abusive employers and also mandates for monitoring from both sides: diplomatic missions and government bodies of CoDs. For this, it will be necessary to provide more resources to diplomatic missions for monitoring of employers. Instead of attempting to indirectly curb domestic work as foreign employment through restrictions, it is necessary for the government to thoroughly regulate the process, pre-, during- and post-migration.
- As Nepal has ratified the Palermo Protocol, existing legislation governing and regulating human trafficking and foreign employment needs to be amended to address the conflation between human trafficking and smuggling and labour migration. Most important is to follow the international standard definition for human trafficking and human smuggling.
- One aspect of the migration process possibly increasing costs could be the use of agents by employers in destination countries, especially in the case of Malaysia, to process demand of Nepali migrant workers to the PRAs in Nepal. The GoN can push for the introduction of clauses in the BLMAs to remove or regulate the agents and transform the current practice into a government-to-government model as far as possible, or mandate employers themselves to process the demand to lower the migration costs.

- The GoN should mandate CoDs, through the BLMAs, to share information on detained Nepalis through its police authorities on a more regular basis. Also, the provision that assigns employers in CoDs with the legal obligation to report on absconding Nepali migrant workers to the immigration authority of their country or the Nepali diplomatic mission should be ensured.

Minimisation of recruitment fees and related costs

- It is paramount the government implements the ‘free-visa, free-ticket’ policy and the ‘employer pays’ model with thorough monitoring.
- Migrant workers report paying exorbitant recruitment fees regardless of their usage of intermediary. The GoN needs to work with the destination countries to ensure the ‘employer pays’ model is duly implemented. At the national level, recruitment and related costs need to be defined. For this, it will be important to bilaterally review recruitment fees and related costs setting a minimum/maximum limit. Furthermore, proactive engagement of CSOs, trade unions and other relevant stakeholders in the joint committee meetings on monitoring and review of the implementation of BLMAs and in making them rights-based, gender responsive and inclusive is necessary.
- The findings of this study have shown that using PRAs does not guarantee a fair recruitment process. Migrant workers who have facilitated their migration through PRAs have also reported exorbitant recruitment fees. Thus, it is necessary for the government to better supervise PRAs to ensure the latter remain compliant with the country’s laws, rules and mandates. For this, the demand attestation phase by Nepali diplomatic missions can be utilised as a supervision point. The demand for Nepali migrant workers, as forwarded by employers in destination countries, is attested by diplomatic missions. While attesting them, audit reports and salary sheets of Nepalis working in the company can be made mandatory. Conversely, governments of destination countries can ask for audit reports and salary sheets while giving approval to the company/employer to bring in migrant workers. Similarly, the GoN should regularly share/update the list of blacklisted PRAs in FEIMS with access of the same provided to officials at diplomatic missions for their perusal if and when needed.

Ensuring welfare and social security of migrant workers

- Similar to the memorandum of collaboration signed between the governments of Nepal and Malaysia that allows Nepali migrant workers to enrol in the social security scheme PERKESO, Social Security Organisation (SOCSO), Malaysia, it is necessary that similar agreements be signed with other CoDs. International organisations such as ILO and IOM, CSOs and trade unions should advocate for similar agreement on social security with other destination countries.
- In the case of SOCSO, more sensitisation is necessary for relevant agencies, stakeholders as well as migrants and diaspora on the provisions, benefits and process.

In particular, there is a need for effective coordination between local governments, diplomatic missions and consular divisions, with the long-run goal of enhancement of the same through FEIMS.

- The existing amount allocated for economic assistance and scholarship assistance to children should be periodically reviewed and increased as per inflation.
- The documentation status of migrant workers is crucial for them to obtain benefits the GoN as well as the destination country provides. However, due to unforeseen and uncontrollable circumstances, many migrant workers become undocumented in the CoD and are unable to access services provided by the GoN such as those provided through the FEWF—despite having provided the initial contribution to the fund while obtaining the labour permit. Thus, the GoN needs to introduce mechanisms to formalise such migrant workers so they can avail of benefits from such funds. The clause to formalise such migrant workers can be inserted in the BLMAs signed with destination countries so that the cooperation needed for the formalisation process of such migrant workers is secured.
- There has been increasing awareness among businesses globally about corporate social responsibility in the global supply chain and adopting practices that promote fair and ethical recruitment and working conditions and comprehensive labour rights protection. The GoN and employers can use this growing awareness to protect migrant workers from Nepal in destination countries by working with companies that are part of the Responsible Business Alliance (RBA).
- As migrant workers are found taking irregular routes to migrate abroad for employment, it is necessary that CSOs continuously highlight the reason behind this as it could not only be due to the existing bans but also due to other factors such as lack of effective monitoring of recruitment agencies and rampant involvement of agents. This study has also highlighted the role of agents in the labour migration process in Nepal despite the current ban on their use to facilitate migration. Hence, it will be necessary to deliberate and discuss how they can be brought under the legal purview.
- Drawing on learnings, expand existing activities such as information dissemination and counseling, legal aid, psychosocial counselling and rescue and repatriation implemented under the SaMi programme across the country and improve them. For this, migrant resource centres (MRCs)—which support Nepali migrant workers, including through information dissemination—are given the mandate and resources to continue their work. While MRCs are currently placed at the District Administration Office (DAO), it is important that the municipalities/rural municipalities within the district also take ownership of the centres. The funding for the centre should be shared between the local, provincial and federal governments.
- The mandate of employment service centres (ESCs) should be expanded with more resources to provide services to migrant workers and their families. This could, among others, include information dissemination on available support services for

complaint registration, and employment schemes for returnee migrant workers.

- In order to ensure undocumented migrant workers can benefit from the FEWF and the SSF in case of distress, serious efforts should be made to enrol them in the funds using digital means or through diplomatic missions.
- The GoN should provide adequate funds to diplomatic missions so they can support needy and vulnerable migrant workers, particularly in case of emergencies. This fund should also be made available to undocumented migrant workers.
- It is critical that diplomatic missions engage with relevant authorities in CoDs to monitor the OSH condition of Nepali migrant workers and warn employers in cases of non-compliance. The employers should also be made accountable for adequate diagnosis and treatment of Nepali migrant workers who develop health issues. The practice of providing painkillers for ailments, as is revealed through anecdotal evidence, should be stopped.
- The GoN should either operate a shelter or support CSOs running shelters for distressed migrant workers. To that end, the government should pass the Shelter Operating Procedures which MoLESS has been processing since 2016.

Active multi-stakeholder engagement and social dialogue

- The staff placed in diplomatic missions of Nepal, in many circumstances, remain unaware of policy changes or changes in the information management systems made in Nepal. Thus, these changes should be properly communicated so that they can make the needed updates in the destination countries.
- Feedback and suggestions should be sought on a regular basis from diplomatic missions for informing laws, policies and practices in Nepal.
- Laws and policies should be informed by and formulated based on the whole-of-government and whole-of-society approach. Policy dialogues should be conducted with the involvement of CSOs, trade unions, migration and gender experts, among others. The GoN should engage with and consult a multi-stakeholder working committee periodically to review laws and policies and make recommendations for relevant amendments, improvements and better implementation.
- CSOs and trade unions can also regularly host multi-stakeholder dialogues and discussions on migration policies and programmes to foster an evidence-based, rights-based and gender-responsive approach to labour migration governance. Periodic consultations and dissemination of research and administrative data findings in collaboration with the concerned state and non-state actors in both national and regional platforms are also crucial for mutual exchange of ideas and understanding of new developments in the sector.
- A pertinent distress migrant workers reported was being stranded in the destination country without work. In such a situation, they can be rendered extremely vulnerable. A cause as well as an exacerbating factor of this predicament is the need for migrant workers in many destination countries to obtain exit visas (called exit memos in

Malaysia) before they are able to return to the CoO. Such a requirement is an infringement of migrant workers' right to mobility and return which further make them vulnerable to forced labour and prolong their stay in the destination countries without work, forcing them to exhaust their savings or, worse, take loans to survive. Also, a significant amount of time and resources of diplomatic missions are spent in obtaining exit visas for migrant workers, especially when supporting those in distress. The GoN needs to discuss and negotiate with CoDs to remove this practice. It is crucial that international organisations such as ILO, IOM, National Human Rights Institutions (NHRIs) and CSOs advocate for the scrapping of such requirements.

- It is crucial that the GoN and its diplomatic missions actively engage with and mobilise support from I/NGOs, NHRIs and diaspora associations in providing various support to Nepali migrant workers in CODs, particularly in times of crisis, disaster and conflict.

Information dissemination and awareness raising

- It is important to increase the awareness of migrant workers about pre-migration procedure, fair and ethical recruitment, occupational safety and health, available social security provisions such as the Social Security Fund (SSF), Social Security Organisation (SOCSO), Malaysia, and the Foreign Employment Welfare Fund. More specifically, migrant workers need to be informed of procedural aspects associated with SSF and SOCSO so that they are able to avail of the benefits from such schemes. For example, a migrant worker needs to send an acknowledgement letter to SOCSO on the initial receipt of social security payment which is needed to avail of payments. However, because migrant workers do not have knowledge of this procedural requirement, they can remain deprived of benefits despite contributing for the same.
- Additionally, relevant officials at all three tiers of government as well as organisations providing support to migrant workers need to be made aware and trained about the procedural aspects of SSF and SOCSO as well as about other existing welfare and social security mechanisms that Nepalis are eligible for in destination countries.
- The initiative to include migrant workers in the GoN Social Security Fund (SSF) scheme is commendable. However, now, the government needs to run promotion campaigns for the SSF so that the existing Nepali labour migrant stock, who have not so far enrolled in the programme, can also be enrolled. For this, the GoN needs to make use of the vast networks of the Nepali diaspora as well as use its diplomatic missions to disseminate information and augment enrolment numbers in the SSF.
- Awareness raising and counselling programmes on financial literacy should be provided to the general public as well as migrant workers and their families for better planning and management of their capital, drawing lessons from existing programmes of the government like the Micro-Enterprise Development Programme for Poverty Alleviation (MEDPA) and financial literacy programmes conducted by SaMi. Radio

programmes in the Ujyaalo network, returnee volunteers under SaMi, PDOTs, various digital platforms as well as audio and video tools can be used to widely disseminate details of these programmes to the public. Diplomatic missions can take the example of Nepal's diplomatic mission in Malaysia and carry out information dissemination and outreach activities including via social media on a regular basis.

- Awareness raising programmes need to be conducted for migrant workers making them aware of the perils of irregularity and changing employers without following proper procedures as well as the allures of more money showed by agents which rarely become reality.
- It is necessary to conduct objective reviews of existing migration-related services provided by the government like the PDOT. In particular, it is important to make the PDOT country-specific with regular revisions to reflect changes in destination countries.

Ensuring access to justice for migrant workers

- The demand and supply of labour is highly skewed with the supply far exceeding the prevalent demand. This entails a situation whereby there are no clear inherent incentives in the economics of the migration process that would ineluctably result in the development of mechanisms catering to the access of justice of aggrieved migrant workers. Even bilateral agreements between the CoO and the CoD can be reflections of existing power differentials between the two countries with obvious advantages to the CoDs. Thus, CSOs and workers' organisations are playing important role in providing support and assisting migrant workers in destination countries and at home in rescue and repatriation, access to justice, as witnessed during the pandemic, and acting as a bridge between migrant workers and government entities. Hence, it is important that labour migration related policies and guidelines acknowledge their importance in the labour migration process.
- Although BLMAs signed between Nepal and destination countries mandate the contract signed by migrant worker prior to departure must be the same as provided by the employer in the CoD as well as safe working conditions, the implementation of this has been ineffective as illustrated by the types of cases reported at PNCC. Most cases involved contractual issues—non-payment of wages, contract substitution and wage theft—and a high number of cases reported concerned occupational safety and health. To monitor the implementation of these mandates, Nepali diplomatic missions need to be provided with greater resources so they can visit work sites more frequently, inspect and monitor the workplace and converse with migrant workers. Such regular visits can also be used to sensitise migrant workers and raise their awareness about their rights.
- Migrant workers have continued to face distress in CoDs despite existing legal instruments such as BLMAs. In this regard, the complaints registration mechanism—a service Nepali diplomatic missions provide—needs to be made more comprehensive,

well-documented and traceable through digitalisation. To promote accessibility and transparency, they need to make data on complaints received and recorded available online in the consular section of their websites and link it to FEIMS. Further, the data needs to be reviewed and analysed regularly not only to capture trends, but also to refurbish the services provided by the diplomatic missions and support evidence-based policy making.

- Services of diplomatic missions in geographically large countries such as Saudi Arabia and Malaysia should be provided on a digital platform so that migrant workers employed in remote areas do not have to travel to the capital city in order to access them.
- Funds/mandates should be made available for diplomatic missions to hire public relations (PR) officers and lawyers proficient in the CoD's language so that they can help the missions provide critical services including legal assistance to Nepali migrant workers in CoDs, engaging and negotiating with employers, and coordinating with authorities.
- The GoN should make funds available for needy migrant workers so they can avail the access to justice mechanism provided by the state.

Evidence and knowledge generation and management

- There is a need for generating more evidence and knowledge for a better understanding of the situation of migrant workers with regard to social protection, fair and ethical recruitment, occupational safety and health and motives, among others, especially of those in irregular situations. The GoN should invest in periodic migration surveys to provide a comprehensive overview of migration in Nepal. CSOs and trade unions should advocate for such surveys to be conducted periodically.
- Administrative database of CSOs and trade unions generated while providing support and assistance to migrant workers, such as the one maintained by PNCC, have the potential to support evidence-based policy to be inclusive and to complement existing data collected by different government agencies such as the National Statistics Office and the Department of Foreign Employment. The GoN should recognise the unique opportunity such administrative data provide and re-use them for guiding policy. CSOs and trade unions should also increase their administrative data sharing.
- CSOs and trade unions should also conduct their own gender-responsive research to identify gaps in existing legislation, situation of and challenges faced by migrant workers and propose recommendations, especially those targeted at individuals in irregular situation.
- There is also a need for collaborative research jointly undertaken by government agencies, academic institutions and CSOs for investigating issues related to labour migration from a wide perspective.
- The government needs to dedicate more resources for the management and analysis of administrative data collected by various agencies. Also, data and learnings obtained

from studies conducted by CSOs and programmes such as SaMi and ReMi need to be documented, analysed and publicised by an independent entity.

- The government needs to conduct periodic follow-ups with those repatriated and members of their families which can elucidate their changing situation and needs, assisting the government and other stakeholders develop programmes targeting them.

Annex

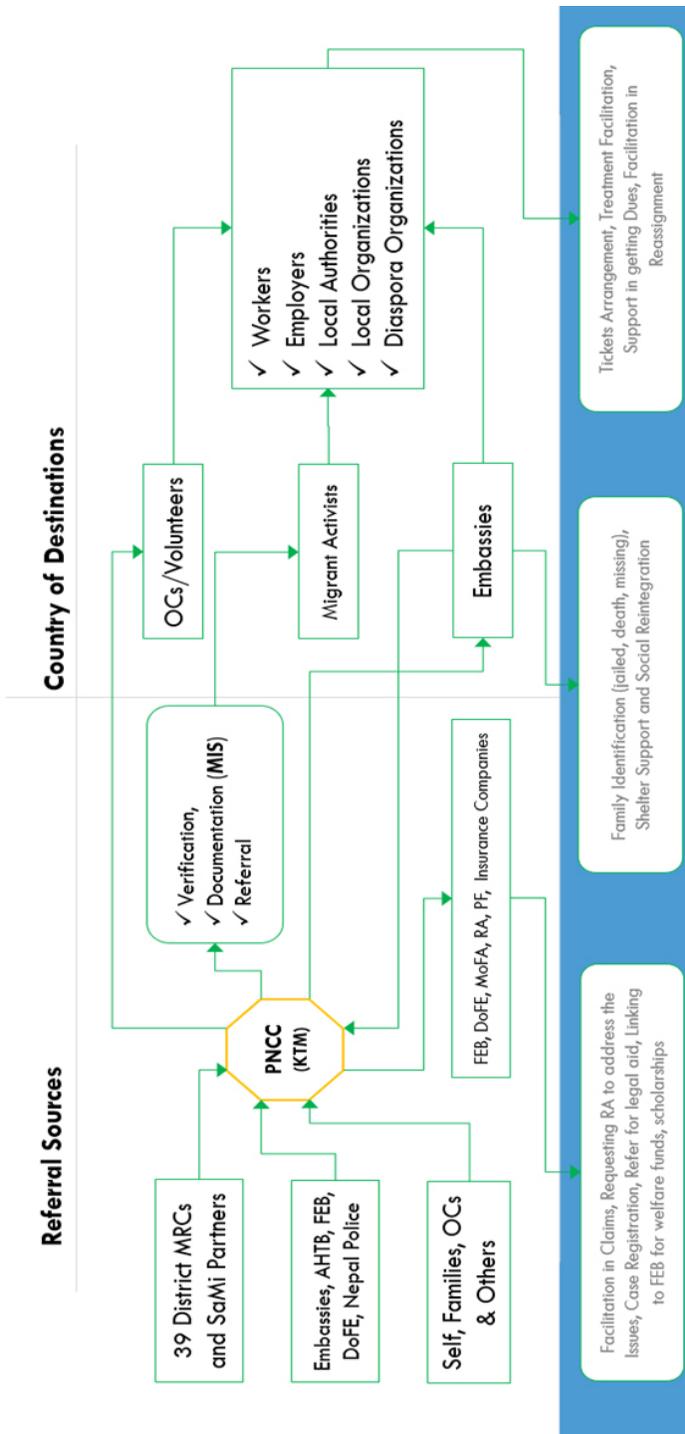
Annex-1: Services Offered to Migrant Workers and their families by PNCC

SN	Paralegal services offered to distressed Nepali migrant workers and their families	Applications
1	Assisting in preparing required documents to file cases in the labour department, search, and follow-up department as well as NHRC.	Qatar
2	PNCC contacts and requests the employer to solve the problem.	All Countries
3	Making verbal and written requests for the resolution of problems and settlements with the employer.	All Countries
4	Dissemination of weekly and daily information to MRCs in 39 districts via emails and/or phone calls.	MRCs
5	Communicating and updating information with migrant workers, their families and local government representatives.	All Countries
6	Preparing required documents such as writing letters, translating documents, online complaints registering and an exit permit for search and follow-up.	Qatar
7	Notifying the details of the deceased person to the Nepali Embassies.	All Countries
8	Coordination with the PRA for labour assistance and rescue.	Nepal
9	Referring victims to diaspora organisations like NRNA for food and shelter.	All Countries
10	Contacting FEB for the facilitation of the provision of ambulances required for the transportation of dead bodies.	Nepal
11	Assisting with the collection of necessary documents for compensation and insurance claims in the destination countries.	All Countries
12	Coordination with the FEB, DoFE, and other concerned bodies.	Nepal
13	In cases of dismissal from an employer, help initiate reinstatement.	All Countries
14	Obtaining information from the Nepali Embassy about whether a person's name is on the list in the context of jail cases.	All Countries
15	Providing voluntary tickets to a very limited number of workers, who are unable to return to their country due to financial problems and other issues, in coordination with various organisations.	All Countries
16	Providing shelter services to distressed returnees.	Nepal
17	If the cremation must be done in the destination country, help with the necessary procedures and documents.	Malaysia
18	Locating family members or relatives in Nepal for referred missing, detention centres, jailed and death cases by Embassies.	Nepal

Annex-2: PNCC Case Facilitation Model



A MODEL FOR FACILITATING HANDLING CASES



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Pravasi Nepali Coordination Committee (PNCC) is a non-profit, non-political, non-governmental social organization dedicated to safeguarding and advancing the rights of Nepali migrant workers. It was founded in 2009 by returnee migrant workers with the mission of offering all possible support to migrant workers in hardship, particularly in the Gulf countries and Malaysia.

PNCC began its mission by establishing Migration Information Centers in Jhapa and Chitwan, partnering with the International Organization for Migration Nepal in 2011. Later, in 2012, we extended these services to seven more districts, including Jhapa, Mahottari, Makwanpur, Chitwan, Palpa, Rukum, and Kanchanpur, offering counseling and emergency support.

We opened an outreach office in Qatar in 2012 to better serve these workers, expanding to Saudi Arabia, Qatar, Malaysia, and the United Arab Emirates. Further, PNCC partnered with diaspora organisations to safeguard migrant workers and their families and to promote shared interests. This extension empowered PNCC to address worker complaints through external coordinators, partnering with the Nepali embassy and other stakeholders.

PNCC has provided support to around 30,000 distressed Nepali migrant workers. This humanitarian support has propelled PNCC to the forefront of the national and international arena, and has solidified its status as one of the most trusted and dedicated organisations for Nepali migrant workers.



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