

Research Paper X

# COVID-19 and Nepali Labour Migrants

Impacts and Responses

**Jeevan Baniya, Sadikshya Bhattarai,  
Binay Jung Thapa and Vibhav Pradhan**  
with  
**Manju Gurung, Dogendra Tumsa, Ratna Kambang,  
Bhimkala Limbu and Binod Dulal**



Centre for the Study of  
Labour and Mobility

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# ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AMKAS	Aprabasi Mahila Kamdar Samuha
ANTUF	All Nepal Trade Union Federation
CCMC	COVID-19 Crisis Management Committee
CESLAM	Centre for the Study of Labour and Mobility
CoD	Country of Destination
CSO	Civil Society Organisation
DoFE	Department of Foreign Employment
EPS	Employment Permit System
FEB	Foreign Employment Board
FEIMS	Foreign Employment Information Management System
FEONA	Far East Overseas Nepali Association
FY	Fiscal Year
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GEFONT	General Federation of Nepalese Trade Unions
ILO	International Labour Organization
IOM	International Organization for Migration
JTUCC	Joint Trade Union Coordination Centre
KWD	Kuwaiti Dinar
LAPSOJ	Law and Policy Forum for Social Justice
MoFA	Ministry of Foreign Affairs
MoFAGA	Ministry of Federal Affairs and General Administration
NAFEA	Nepal Association of Foreign Employment Agencies
NHRC	National Human Rights Commission
NLFS	Nepal Labour Force Survey
NNSM	National Network for Safe Migration
NPR	Nepali Rupees
NRB	Nepal Rastra Bank
NRN	Non-Resident Nepali
NRNA	Non-Resident Nepali Association
NTUC	Nepal Trade Union Congress
PCR	Polymerase Chain Reaction
PMEP	Prime Minister Employment Programme
PNCC	Pravasi Nepali Coordination Committee

QAR	Qatari Riyal
UAE	United Arab Emirates
UN	United Nations
UN WOMEN	United Nations Women
USD	United States Dollar
WFP	World Food Program
WHO	World Health Organization



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# EXECUTIVE SUMMARY

The pandemic caused by the coronavirus disease, COVID-19, has had enormous repercussions as a global health and safety risk and it has also reshaped the socio-economic and political landscapes. The highly infectious disease has severely affected the supply chain of goods and services, affecting workers' incomes and livelihoods the world over. Of particular concern is the situation of transnational migrant workers who have found themselves in a middle of a pandemic in foreign countries, sometimes out of work and also living in the most dangerous conditions.

As a country dependent on foreign employment for a large number of its working-age population and which depends heavily on remittances from workers abroad to keep its economy afloat, the pandemic is expected to have long-term impacts on Nepal. In this context, this study aims to understand how COVID-19 has affected Nepali migrant workers, what the numbers are, how they have been coping under the circumstances, and the roles of various governing institutions in dealing with the ever-evolving situation.

Using information available in the public sphere and relying heavily on media reports, and also supplemented by select interviews and discussions around various stakeholder consultations, the assessment has identified the following key findings.

## **Nepalis in Foreign Employment**

Nepalis have been migrating primarily to India, the Gulf Cooperation Council (GCC) countries and Malaysia for employment in recent years. Data from the 24 months prior to the lockdown imposed in Nepal and most destination countries in the month of March 2020 show more than 1 million labour permits issued by the Department of Foreign Employment (DoFE) for work in countries other than India while just over 35,000 workers had gone to South Korea under the Employment Permit System (EPS) since 2015. Another source, the 2017/18 Nepal Labour Force Survey (NLFS), estimates that there are 2.8 million Nepalis who had migrated abroad for work (of whom only 5 per cent were women). The highest number of almost 1 million were in India.

According to DoFE, the highest number of labour permits issued in fiscal years 2017/18 and 2018/19 and in the first eight months of 2019/20 were to migrants from Province 2. The NLFS shows that for migrants from Provinces 1, 2, Bagmati and Gandaki, the GCC countries are the most popular destination whereas for those from Province 5, Karnali and Sudurpaschim, it is India, with more than 87 per cent of labour migrants from Sudurpaschim in India. According to the NLFS, Nepalis in foreign employment belong mostly to the unskilled and semi-skilled categories.

## **Socio-economic Impacts of COVID-19**

A significant number of Nepali migrants have lost their jobs as a result of COVID-19 and many have also been forced to either go on unpaid leave or return home before their contract period is over. It is estimated that some 20 per cent of the Nepalis abroad are at risk of being unemployed. Workers have not received their wages and other benefits either, and are deprived of access to basic services, including health facilities, while working and living at the risk of infection.

Due to loss of income, a significant number of migrant households in Nepal are already facing and are likely to face a rise in their debt burden as well shortage of food. Nepal's GDP growth rate is expected to drop in 2020 due to the reduction of remittance inflow by 14 per cent along with disruptions caused by the COVID-19 outbreak. There have already been signs of this even in the period under review, with remittances going down by half in mid-March to mid-April in the current year compared to the same time period the year before.

## **Government Response**

The pandemic has forced the Government of Nepal to take action to control the spread of the virus. These measures include the imposition of nationwide lockdowns and closure of all land borders after 24 March, with the lockdown lifted only on 15 June. All national and international flights as well as long-haul land transportation were suspended on 22 March and 23 March, respectively. In the interim, the government made arrangements to contain and manage the coronavirus through the establishment of quarantine shelters, expanded testing, purchase of medical supplies, etc.

The Nepali government's role in destination countries has been to engage with the respective governments to address wide-ranging concerns regarding Nepali workers' treatment, visa and labour permit issues, negotiating labour deals, and repatriation of stranded workers. Nepali embassies have played a key role in carrying out testing and treatment of infected Nepalis, collecting data, and assisting citizens abroad. The government has also been working with various Non-Resident Nepali Associations (NRNAs), recruitment agencies, and other groups in the repatriation process. However, the diplomatic missions have been stymied by lack of institutional capacity and resources, absence of clear directions from the Ministry of Foreign Affairs, suspension of regular flights, lack of adequate and timely data, and difficulty of reaching all Nepali migrants in the destination countries.

## **Repatriation and Return**

Safe and dignified repatriation and return of Nepali migrant workers has been a key challenge even since the outbreak of COVID-19. The Foreign Employment Board (FEB) has estimated that there are at least 127,000 migrant workers in need of immediate repatriation from the seven major destination countries: Qatar, Saudi Arabia, the United Arab Emirates, Kuwait, Bahrain, Oman, and Malaysia. The FEB also estimates there are 407,000 expected returnees from 37 different countries. The apex government body formed to tackle the pandemic, the COVID-19 Crisis Management Centre (CCMC), has estimated that including those in

India, there are 1.3 million Nepalis who want to return home. Given the staggering numbers involved and the equally huge logistical scale of repatriating such a large number, only around 25,000 has been proposed to be rescued and repatriated by air by mid-June 2020. The government has also designated 20 land border entry points through which it is estimated that 500,000 Nepalis will return from India.

However, the government's efforts have been mired in controversies and subjected to criticism. First, the number of Nepali migrants requiring immediate repatriation and rescue has been underestimated mainly because of lack of concrete information on how many Nepali workers there are in the different destination countries. The number of Nepalis returning from India over the land border was much higher than expected, creating challenges in managing them in quarantine centres. The quarantine facilities set up for them as well as those coming from other destination countries are neither in line with the WHO guidelines or the standards set by the Nepali government. Expensive air fares that returnees were charged led to strong opposition from the returnees themselves, resulting in an interim order from the Supreme Court to utilise the Foreign Employment Welfare Fund for the repatriation of migrant workers. Delays and cancellations of scheduled flights and lack of proper direction on testing of returnees in destination countries prior to return have highlighted the Nepali government's chaotic handling of the rescue and repatriation process.

## **Compensation and Legal Remedy**

With the onset of the pandemic, Nepali migrant workers have also been subjected to various forms of exploitation, forced termination of contracts, expulsion from employment, deprivation of basic services, arbitrary detention, ill-treatment, stigmatisation, and discrimination. Due to inadequate attention given to the documentation of these issues that were in violation of their labour rights, helping workers get compensation or providing them with other forms of help to seek access to justice will remain challenging and complicated in the days to come.

## **Looking Forward**

Based on the findings, the study calls upon urgent action on a number of area to address the immediate concerns of migrant workers while also looking somewhat into the future.

### ***Protecting Nepali Migrants and Their Rights***

- The Nepali government should engage with the governments of destination countries as well as employing companies to ensure the protection of the human and labour rights of migrant workers, especially of those who have migrated through irregular channels.
- Every effort should be made to ensure that the COVID-19 responses in destination countries facilitate Nepali migrant workers' free, easy and timely access to health services, including screening, testing and treatment. Such access should be guaranteed without regard to their legal standing or consideration of their health insurance coverage, and without any fear of legal action due to their visa status.

- Diplomatic missions in destination countries should monitor workplaces and accommodation facilities of Nepali migrant workers to ensure that these are safe and hygienic in accordance with the health and safety guidelines provided by the WHO.

### ***Information and Communication***

- Correct and timely information has to be provided to migrants who continue with their employment abroad as well as to those waiting to return. Information about the government's plan and policies on repatriation, holding and quarantine centres, and requirements during quarantine, among others, need to be provided to everyone. Multiple channels and methods that are accessible by as many people as possible should be employed to disseminate such information.
- Upon their return to Nepal, migrant workers should also be provided with adequate information about government policies related to reintegration and employment opportunities available nationally as well as in their provinces and home municipalities.

### ***Repatriation and Return***

- States have international obligations to respect the right of migrants to return home and reunite with their families. Both the Government of Nepal and the governments in destination countries have to work together to ensure that such rights are guaranteed.
- It is important to ensure that repatriation of Nepali migrant workers in destination countries follows an impartial criteria based on their vulnerabilities, and the return flights do not result in additional financial burdens on them.
- Repatriation of the bodies of deceased Nepalis should be given a priority. In those cases where the bodies need to be disposed of in destination countries, it should be done in full coordination with and concurrence of the families of the deceased.
- For successful repatriation as well as social and economic integration, there is an urgent need for government agencies to work in partnership with migrant workers' organisations, trade unions, business communities and international organisations.

### ***Prevent and Mitigate Stigmatisation***

It is crucial to dispel false information and spread awareness to prevent stigmatisation and ill-treatments of migrants and their families after their return to Nepal. Local governments in collaboration with NGOs, political and community leaders and the media can work to inform and make people aware about such practices.

### ***Legal Remedies***

- Migrant workers have to be provided with the option of seeking legal remedies both in destination countries and Nepal due to the circumstances in which they would have returned. The Nepali government should proactively investigate, identify and engage with the recruitment agencies that facilitated their employment to ensure that migrants are getting the necessary legal support.

- The government should work through diplomatic missions to constantly engage in finding a resolution to the various problems faced by migrant workers, including unpaid salaries, job evictions, and forced deportations.
- The government needs to develop a database working with relevant organisations to record the grievances of migrant workers in order to be able to effectively address their complaints and claims for compensation when the time comes.

### *Economic Support*

While the immediate response strategies need to focus on the protection as well as safe and dignified return of Nepali workers abroad, the mid- and long-term plans in all tiers of governments, as reflected in the government's policies and programmes for 2020/21, should be creation of jobs, including through enterprise development and self-employment, so that all working-age individuals, including returnees, have the option of not having to migrate abroad to earn their livelihoods.

### *More Data and Knowledge*

There is a need for concrete, updated and disaggregated data on migrants and returnees in order to ensure policies and plans of both the government and non-government sector are based on evidence. It is the responsibility of the government to gather such information and make it public periodically to inform such policy-making. Further studies also need to be carried out to get a better sense of the various short- and long-term socio-economic and psychological impacts of the COVID-19 pandemic on migrants and their families, including understanding what their vulnerabilities and needs are.





# I. INTRODUCTION

Caused by the most recently discovered coronavirus, the infectious disease, COVID-19, was first identified and had an initial outbreak in the city of Wuhan in Hubei Province of China in late December 2019. The World Health Organization (WHO) declared the outbreak a pandemic on 11 March 2020, suggesting that the outbreak of the virus would likely spread to most countries, and urged all countries to take precautionary measures to stop its spread. At the time data collection for this report was halted, 21 June 2020, COVID-19 had spread to 213 countries and infected nearly 8.7 million people with 461,715 confirmed deaths worldwide.<sup>1</sup> By the same date, Nepal had reported 9,025 cases of infections, with 23 deaths and 1,772 recorded cases of recovery.<sup>2</sup>

Information available as of 18 June 2020 from Nepali diplomatic missions abroad and the Non-Resident Nepali Association (NRNA)<sup>3</sup> showed that a total of 127 Nepalis living in 12 countries (outside Nepal) had died while 17,792 Nepalis from 34 countries had tested positive for COVID-19. Of the 127 deaths, 67 were in the United Kingdom, 19 in the United Arab Emirates, 17 in the United States, nine in Saudi Arabia, seven in Qatar, three each in Bahrain and Kuwait, and one each in Japan, Turkey, the Netherlands, Ireland, and Sweden. Of those infected outside Nepal, 10,000 (sic) are in Qatar, 1,700 in the US, 1,600 in the UAE, 1,517 in the UK, 1,500 in Saudi Arabia, 650 in Kuwait, 311 in Bahrain, 89 in Malaysia, 57 in Turkey, 55 in Denmark, 42 in Portugal, 24 in Canada, 22 in Ireland, among others.<sup>4</sup> Likewise, more than 10,000 Nepalis living abroad have already become free of the virus. However, this figure does not provide a complete picture of Nepalis globally, particularly since the numbers from India are likely to be deflated; only two cases of Nepalis infected had been reported as of 18 June.<sup>5</sup>

With the spread of COVID-19 beginning to accelerate around the world around the middle of March, Nepal enforced unprecedented containment measures that included complete or partial lockdowns and travel restrictions as detailed below.

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1 'Who Coronavirus Disease (Covid-19) Dashboard,' WHO, accessed 12 June 2020, [https://covid19.who.int/?gclid=EAIaIQobChMI\\_bf614qV6gIVBIVgCh3P-wvcEAAYASAAEgK\\_r\\_D\\_BwE](https://covid19.who.int/?gclid=EAIaIQobChMI_bf614qV6gIVBIVgCh3P-wvcEAAYASAAEgK_r_D_BwE).

2 'Health Sector Response to COVID-19,' Ministry of Health and Population, accessed 21 June 2020, [https://drive.google.com/drive/folders/1xXDgakAuGv-QwJmdohXJpIHk2mQ\\_cogE?usp=sharing](https://drive.google.com/drive/folders/1xXDgakAuGv-QwJmdohXJpIHk2mQ_cogE?usp=sharing). Note that the total provided in the ministry's site cited shows 9,026 positive cases but the sum of the age-wise data on the same file provides a figure of 9,025.

3 Since by law, Non-Resident Nepalis include both citizens of Nepal and non-citizens of Nepali origin who live outside Nepal, the NRNA figures include both groups of people.

4 'Status of Nepali around the Globe,' NRNA, accessed 18 June 2020, <https://www.covid19.nrna.org.np/>.

5 The Nepali Embassy in Delhi does not have or has not provided any figures on Nepalis who have died of or been infected by COVID-19 in India.

## 2 COVID-19 AND NEPALI LABOUR MIGRANTS

- Effective 10 March, Nepal suspended on-arrival visas for nationals from five countries: China, Iran, Italy, South Korea and Japan, and starting 13 March, from France, Germany and Spain.<sup>6</sup>
- Starting 12 March, the Department of Foreign Employment (DoFE) of the Government of Nepal, stopped issuing labour permits to Nepalis seeking to go for foreign employment.<sup>7</sup>
- From 14 March, Nepal suspended on-arrival visas for all foreigners, including NRNs, and introduced mandatory self-quarantine upon arrival.<sup>8</sup>
- Effective 22 March, Nepal suspended all domestic and international flights and halted long-distance transport services starting March 23.<sup>9</sup>
- On 24 March, Nepal went into a national lockdown.<sup>10</sup>

The major countries of destination for Nepali labour migrants also imposed restrictions on the flow of people within and into their countries: Malaysia restricted movement nationwide, including a ban on entry of foreigners from 18 March;<sup>11</sup> Oman suspended domestic and international flights starting 29 March,<sup>12</sup> Qatar imposed a temporary ban on arrivals from 14 countries, including Nepal, on 8 March,<sup>13</sup> Saudi Arabia suspended all international flights on 15 March;<sup>14</sup> the UAE suspended all inbound and outbound flights on 22 March;<sup>15</sup>

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6 'Updated Notice on 9th March, 2020 (21:30 Hrs) Regarding the Suspension of Visa-On-Arrival and Entry-Exit Control Measures,' Department of Immigration, accessed 16 May 2020, <http://www.nepalimmigration.gov.np/post/updated-notice-on-9th-march-2020-21-30-hrs-regarding-the-suspension-of-visa-on-a>.

7 'Notice for Postponement of Labour Approval,' Department of Foreign Employment, accessed 7 June 2020, <http://https://dofe.gov.np/DetailPage.aspx/id/136>.

8 'Updated Urgent Notice Regarding Travel Restriction Related to COVID-19 Dated 13th March 2020 12:15 Hrs NST,' Department of Immigration, accessed 14 May 2020, <http://www.nepalimmigration.gov.np/post/updated-urgent-notice-regarding-travel-restriction-related-to-covid-19-dated-13t>.

9 Roshan S. Nepal, 'Partial Lockdown from Monday,' *The Himalayan Times*, 21 March 2020, <https://thehimalayantimes.com/nepal/partial-lockdown-from-monday/>.

10 Tika R. Pradhan, 'Nepal Goes under Lockdown for a Week Starting 6am Tuesday,' *The Kathmandu Post*, 23 March 2020, <https://kathmandupost.com/national/2020/03/23/nepal-goes-under-lockdown-for-a-week-starting-6am-tuesday>.

11 Hazlin Hassan, 'Malaysia Bans Travel Abroad, Shuts Schools and Businesses over Coronavirus Spread; Lockdown till March 31,' *The Straits Times*, 16 March 2020, <https://www.straitstimes.com/asia/se-asia/malaysia-to-impose-lockdown-from-wednesday-to-march-31>.

12 Arab News, 'Oman Suspends Domestic, International Flights,' *Arab News*, 25 March 2020, <https://www.arabnews.com/node/1647036/middle-east>.

13 Chandan Kumar Mandal, 'Thousands of Nepali Workers Affected as Qatar Imposes Temporary Entry Ban Amidst COVID-19 Outbreak,' *The Kathmandu Post*, 16 April 2020, <http://bit.ly/3cE8Td8>.

14 GardaWorld, 'Saudi Arabia: Government Suspends All International Travel for Two Weeks Starting March 15,' *GardaWorld*, 14 March 2020, <https://www.garda.com/crisis24/news-alerts/322776/saudi-arabia-government-suspends-all-international-travel-for-two-weeks-starting-march-15-update-14>.

15 Arab News, 'UAE Stops Issuing Visas on Arrival and Bans Citizens from Traveling Abroad over Coronavirus,' *Arab News*, 18 March 2020, <https://www.arabnews.com/node/1643291/middle-east>; The Straits Times, 'UAE Suspends All Passenger and Transit Flights for Two Weeks,' *The Straits Times*, 23 March 2020, <https://www.straitstimes.com/world/middle-east/uae-suspends-all-passenger-and-transit-flights-for-two-weeks>.

Kuwait halted all flights to and from the country from 13 March,<sup>16</sup> and India suspended most visas apart from diplomatic, official, UN/International organisations, employment and project visas beginning 13 March, followed by a suspension of all international flights on 22 March.<sup>17</sup> Nepal decided to close its border with India from 23 March,<sup>18</sup> and with the nationwide lockdown in India starting 24 March, movement between the two countries ceased.

All these countries have also enforced lockdowns and domestic restrictions such as sports activities and closure of shops and commercial centres, suspension of internal travel, issuance of visas and labour permits, and cancellation of pre-approved permits for foreign employment, ban on large gatherings, lockdowns of parts of industrial areas, and even curfews.

These measures have affected millions of Nepalis migrants and their families in several ways. One recent report drawing on data from the Department of Foreign Employment (DoFE) noted that between 2008/2009 and 2016/2017, Nepalis had migrated to more than 153 countries for employment.<sup>19</sup> According to DoFE, a total of 5,868,090 labour permits (5,585,406 men and 282,684 women) were issued between the fiscal years 2008/09 and 2018/19 for countries other than India.<sup>20</sup> In 2017/18 and 2018/19 alone, respectively, 612,685 and 508,828 labour permits were issued.

Another source that provides an indication of the number of Nepalis living outside the country is the 2017/18 Nepal Labour Force Survey (NLFS), according to which there were approximately 3.2 million Nepali international migrants, a figure that includes those who migrated for work, education and other reasons. The NLFS 2017/18 data shows that despite the rising number of Nepalis choosing to go to other countries, India remains the most popular destination for Nepali migrants, with nearly 40 per cent of the total Nepali emigrant population in India.<sup>21</sup>

As a result of the COVID-19 pandemic, there have been news reports on an almost daily basis of rights violations of Nepali migrant workers in the countries of destination (CoDs). They face issues of lack of access to tests and treatments, loss of jobs and accommodation, abuse, harassment, stigma and mistreatment, and forced deportations and expulsions.<sup>22</sup>

16 Sam Bridge, 'Kuwait to Suspend All Flights from Friday over Virus,' *Arab Business*, 8 May 2020, <https://www.arabianbusiness.com/transport/442664-kuwait-to-suspend-all-flights-from-friday-over-virus>.

17 India Today Web Desk, 'Some Relief for Industries, Flights, Trains Remain Suspended: Govt Issues Detailed Guidelines on Lockdown,' *India Today*, 15 April 2020, <https://www.indiatoday.in/india/story/govt-mha-issues-detailed-guidelines-on-lockdown-1667092-2020-04-15>.

18 Tika R. Pradhan, 'Government to Close down Border with India and China for a Week,' *The Kathmandu Post*, 22 March 2020, <https://tkpo.st/33CV1LZ>.

19 International Organization for Migration, *Migration in Nepal: A Country Profile 2019* (Kathmandu: International Organization for Migration, 2019), 46.

20 Since Nepalis migrating to India for work do not require labour permits, DoFE does not have records of Nepalis working in India.

21 Calculation based on NLFS 2017/18, which shows that 20.7 per cent of all Nepali migrants (internal and international) are in India.

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

## 4 COVID-19 AND NEPALI LABOUR MIGRANTS

Dead bodies of several migrant workers have been lying stranded in various destination countries and hundreds of thousands are due to return. The impact of all these unexpected developments on the livelihoods of Nepali migrants and their families, not to mention the social and psychosocial costs, is immense.

Some countries with large populations of migrant workers, namely, India, Pakistan, Sri Lanka, Bangladesh and the Philippines, began the process of repatriating their citizens from countries like the UAE early on.<sup>23</sup> There were also demands made within Nepal for the repatriation of the most vulnerable migrants.<sup>24</sup> Nepal's Supreme Court issued an interim order on 7 April ordering the government to allow all Nepalis stranded at the Indian border entry into the country.<sup>25</sup> Similarly, another Supreme Court order, on 16 April, asked the government to repatriate vulnerable Nepali migrant workers stranded in foreign countries.<sup>26</sup>

Other government initiatives include a task force led by a member of the National Planning Commission (NPC) set up on 15 April to study the impact of COVID-19 on foreign employment and remittances as well as formulate concrete plans and strategies in response.<sup>27</sup> The Ministry of Foreign Affairs (MoFA), in coordination with diplomatic missions abroad, has also initiated a needs assessment of Nepali migrant workers.<sup>28</sup> In addition, the National Human Rights Commission (NHRC) has been regularly highlighting the need to ensure

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23 'Advisory Regarding Ongoing Repatriation of Indian Nationals to India,' Embassy of India, Kuwait, accessed 1 June 2020, <http://www.indembkwt.gov.in/pdf/Advisory%20-%20Repatriation%20Flight%20related%20-%2015%20May%202020.pdf>; Gillian Duncan and Haneen Dajani, 'Coronavirus: Thousands of Pakistanis Fly Home from UAE as Repatriation Flights Continue,' *The National*, 9 May 2020, <https://www.thenational.ae/uae/health/coronavirus-thousands-of-pakistanis-fly-home-from-uae-as-repatriation-flights-continue-1.1016920>; Economy Next, 'Sri Lankan Airlines Rescue Flights to Nepal, India, Pakistan to Return 433 Citizens,' *Economy Next*, 21 April 2020, <https://economynext.com/srilankan-airlines-rescue-flights-to-nepal-india-pakistan-to-return-433-citizens-67354/>; The Daily Star, '451 Bangladeshis Return from India, Pakistan and Kuwait on Special Flights,' *The Daily Star*, 13 May 2020, <https://www.thedailystar.net/city/news/451-bangladeshis-return-india-pakistan-and-kuwait-special-flights-1902139>; Ramona Talwar Badam, 'Coronavirus: 6,000 Filipinos Repatriated from Uae since Outbreak,' *The National*, 2 June 2020, <https://www.thenational.ae/uae/transport/coronavirus-6-000-filipinos-repatriated-from-uae-since-outbreak-1.1028043>.

24 'Request to Ensure the Human Rights of the Vulnerable People,' National Human Rights Commission, accessed 14 May 2020, [https://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/Request%20to](https://www.nhrcnepal.org/nhrc_new/doc/newsletter/Request%20to); Pravasi Nepal Coordination Committee, 'Brief Report on the Cases Received in COVID-19 Online Form: An Urgent Call for Action to Government for the Protection of Nepali Migrant Workers During the Pandemic of COVID-19' (Kathmandu: Pravasi Nepal Coordination Committee, 2020).

25 Tika R. Pradhan, 'Supreme Court Tells Government to Bring All Stranded Citizens Willing to Enter Nepal Home,' *The Kathmandu Post*, 7 April 2020, <https://kathmandupost.com/national/2020/04/07/supreme-court-tells-government-to-bring-all-stranded-citizens-willing-to-enter-nepal-home>.

26 Ram Kumar Kamat, 'SC Asks Govt to Bring Back Migrant Nepalis Stranded in Foreign Lands,' *The Himalayan Times*, 17 April 2020, <https://thehimalayantimes.com/nepal/supreme-court-asks-government-to-bring-back-migrant-nepalis-stranded-in-foreign-lands/>.

27 'Decisions Made by the 19th Meeting of the High-Level Coordination Committee for the Prevention and Control of COVID-19,' Embassy of Nepal, Colombo, accessed 9 July 2020, <https://lk.nepalembassy.gov.np/decisions-made-by-the-19th-meeting-of-the-high-level-coordination-committee-for-the-prevention-and-control-of-covid-19/>.

28 Jagdishwor Pandey, 'COVID-19 Bare Aakalan Report Tayar Pardai Pararastra (Ministry of Foreign Affairs Preparing Assessment Report on COVID-19),' *Kantipur*, 25 April 2020, <https://ekantipur.com/news/2020/04/25/158779020255551768.html>.

access to essential commodities, repatriation of the most vulnerable migrants, and effective health check-up services.<sup>29</sup> On 12 May, the NHRC formed a Multi-Stakeholders Task Force to carry out a rapid assessment of the situation of Nepali migrant workers to advise the government on the protection, repatriation and rehabilitation of Nepali citizens.<sup>30</sup>

Trade unions have appealed to the government to give priority to protecting the most vulnerable groups of migrants.<sup>31</sup> Civil society organisations (CSO), international agencies, development partners, recruitment agencies, and members of the academia have also been deliberating on the issue.<sup>32</sup> Discussions are also underway on how the federal, provincial and local governments and other relevant groups can and should prepare to address these challenges arising out of the need to protect as well repatriate migrant workers while also seeking ways to integrate migrant workers into the national economy and utilise their skills in Nepal. As part of this effort, the Ministry of Labour, Employment, and Social Security is planning a programme to create jobs within Nepal with a focus on protecting Nepali migrant workers who are likely to return.<sup>33</sup>

Foreign employment is a category recognised by various laws of Nepal, including the Constitution of Nepal 2015, enjoining upon the government to ensure the rights of labour migrants, including repatriation from abroad. The Foreign Employment Act (FEA) 2007 has clearly stated that it is the Nepali state's obligation and responsibility to rescue and repatriate Nepali workers abroad in times of crisis, including during pandemics like the current one.<sup>34</sup> International instruments dealing with human rights and labour rights also oblige governments of both Nepal and CoDs to protect the rights of migrant workers,<sup>35</sup>

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29 National Human Rights Commission, 'Request to Ensure the Human Rights'.

30 The Kathmandu Post, 'Rights Body Forms Task Force to Assist Government in Protecting and Repatriating Migrant Workers,' *The Kathmandu Post*, 14 May 2020, <https://kathmandupost.com/national/2020/05/14/rights-body-forms-task-force-to-assist-government-in-protecting-and-repatriating-migrant-workers>. On behalf of CESLAM, Social Science Baha, this paper's lead researcher, Jeevan Baniya, was one of two expert members providing technical support to the study.

31 Joint Statement by Joint Trade Union Coordination Centre (JTUCC) and National Network for Safe Migration (NNSM) on the Occasion of 131st Labour's Day,' JTUCC and NNSM, 1 May 2020.

32 'Meeting Minutes: CSO Engagement on COVID-Response,' virtual meeting conducted by the International Labour Organization, in coordination with NNSM with members of civil society organization. ILO and NNSM, 10 April 2020; 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting conducted by the International Labour Organization, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

33 Tulasi Subedi, 'Rojgari Srijana: 10 Arbako Karyakram Lyaene (Employment Creation: 10 Billion Programme to Be Initiated),' *Annapurna Post*, 25 April 2020, <http://annapurnapost.com/news/154171>.

34 The Constitution of Nepal states in its Directive Principles that policies on labour and employment would 'regulate and manage the sector in order to make foreign employment free from exploitation, safe and systematic and to guarantee employment and rights of the labourers.' Likewise, the FEA 2007 states: 'Where Nepalese Workers Have to Be Immediately Brought Back to Nepal Due to a War, Epidemic, Natural Calamity in the Country Where Such Workers Are Engaged in Employment, the Government of Nepal Shall Make Arrangements for Repatriating Such Workers through the Diplomatic Mission or Labor Attaché'; Government of Nepal, *Constitution of Nepal* (Kathmandu: Government of Nepal, 2015), Article 51(i); Government of Nepal, *Foreign Employment Act* (Kathmandu: Government of Nepal, 2007), Article 75.

35 All the 21 destination countries which are presumed to have more than 1,000 Nepali workers at the time of the pandemic outbreak (refer Annex I), with the exception of Malaysia, have ratified the International Convention on the

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namely, with respect to: their right to health;<sup>36</sup> their right to leave any state and re-enter their home state;<sup>37</sup> preventing actions that stigmatise or incite violence against migrants;<sup>38</sup> reducing risks to migrants' health and life;<sup>39</sup> mitigating transmission of epidemics or other diseases among migrants, including those living in camps, collective shelters and settlements;<sup>40</sup> ensuring migrants' right to information;<sup>41</sup> protecting the right to privacy of migrants, including their right to control the release of personal medical information;<sup>42</sup> ensuring the safety of migrants;<sup>43</sup> and ensuring the labour rights of migrants, including the right to health and occupational safety, job security, and the right to return home.<sup>44</sup>

The WHO has highlighted the need to lift all barriers, legal, administrative and financial, for the free movement of migrant workers during the pandemic.<sup>45</sup> Most pertinently, in 2018, as part of a group of 152 United Nations member states, the governments of Nepal as well as of the major CoDs for Nepali migrant workers signed the Global Compact for Migration (GCM), expressing their commitment to facilitate and cooperate in the safe and dignified

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Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Discrimination Against Women, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. Similarly, besides the UAE, Saudi Arabia, Oman, Malaysia and Brunei Darussalam, all have ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights while only Turkey and Seychelles have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

36 United Nations (UN), 'International Covenant on Economic, Social and Cultural Rights' (New York: UN, 1966), Article 2(2); UN, 'Charter of the United Nations and Statute of the International Court of Justice' (San Francisco: UN, 1945), Articles 1(3), 55; UN, 'Universal Declaration of Human Rights' (Paris: UN, 1948).

37 UN, 'International Covenant on Civil and Political Rights' (New York: UN, 1966), Articles 7, 13; UN High Commissioner for Refugees (UNHCR), 'Key Legal Considerations on Access to Territory for Persons in Need of International Protection in the Context of the COVID-19 Response' (Geneva: UNHCR, 2020).

38 UN, 'International Covenant on Civil and Political Rights', Article 2(1); UN, 'International Convention on the Elimination of All Forms of Racial Discrimination Against Women' (New York: UN, 1979).

39 UN, 'International Covenant on Civil and Political Rights', Articles 6, 7, 9 (1), 10, 13, 14 (1), 16, 26; UN, 'International Covenant on Civil and Political Rights General Comment No. 35' (New York: UN, 1966).

40 UN, 'Universal Declaration of Human Rights', Article 3; UN, 'International Covenant on Civil and Political Rights', Articles 2(1), 6(1); UN, 'International Covenant on Economic, Social, and Cultural Rights', Article 12(2); UNHCR, 'Guiding Principles on Internal Displacements' (Geneva: UNHCR, 1998), Articles 12(20), 18(2)(d).

41 UN, 'Universal Declaration of Human Rights', Article 19; UN, 'International Covenant on Civil and Political Rights', Article 19; UN, 'International Covenant on Economic, Social, and Cultural Rights', Article 10; UN, 'International Covenant on Civil and Political Rights General Comment No. 34' (New York: UN, 1966).

42 UN, 'Universal Declaration of Human Rights', Article 12; UN, 'International Covenant on Civil and Political Rights', Article 17; Council of Europe, 'European Convention on Human Rights' (Rome: Council of Europe, 1953), Article 8.

43 UN, 'Convention on the Elimination of All Forms of Discrimination Against Women', Articles 3, 12; UNHCR, 'Age, Gender and Diversity Considerations – COVID-19' (Geneva: UNHCR, 2020); UNHCR, 'Gender-Based Violence Prevention, Risk Mitigation and Response During COVID-19' (Geneva: UNHCR, 2020); UN, 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime' (New York: UN, 2000), Article 9.

44 UN, 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families' (New York: UN, 1990), Articles 11, 25, 55 and 56.

45 Hans Henri P. Kluge, Zsuzsanna Jakab, Jozef Bartovic, Veronika D'Anna, and Santino Severoni, 'Refugee and Migrant Health in the COVID-19 Response,' *The Lancet* 395, No. 10232 (April 2020): 1237-1239.

return of labour migrants. The signatories also agreed to re-admit their citizens with full respect for their human rights while also agreeing to work to ensure conditions of safety and reintegration of the migrants upon their return to their countries of origin.<sup>46</sup> For its part, in its Annual Policies and Programmes for the fiscal year 2020/2021, introduced on 15 May 2020, the Nepali government included some plans to support returnee migrants with seed money to start enterprises in Nepal, to upskill their knowledge, to improve the labour market situation and create conditions for decent work, and to refine social security provisions.<sup>47</sup>

Despite all these safeguards in place, the condition of Nepali migrant workers in destination countries has continued to deteriorate, and the overarching concern of protecting them and their rights has not received the kind of action required.<sup>48</sup> The government also seems to be in a state of confusion and at a loss on how to deal with this unprecedented crisis, arising mainly out of the lack of a systematic and comprehensive understanding of the Nepali labour migrant situation, starting with the magnitude itself.

In this rapidly changing context, the Centre for the Study of Labour and Mobility (CESLAM) at Social Science Baha undertook this quick assessment of what COVID-19 has meant to Nepali migrants engaged in foreign employment and what effect it could have on the country's larger socio-economic context. It is the hope that the findings presented here can serve as reference points to plan future short- and long-term responses, strategies and plans.

## Objectives

The overall objective of this assessment is to identify the impact of the COVID-19 pandemic on Nepali migrant workers in third countries and on their families. It aims to:

- identify the approximate number of Nepali migrants currently in major destination countries, including India;
- calculate the possible number of Nepali migrants requiring repatriation immediately and in the near future;
- map decisions taken by various countries in the context of COVID-19 and their implications for the Nepali labour migration sector and migrants;
- identify the impacts on the flow of remittances into Nepal;
- understand the condition of Nepali migrants in destination countries as a result of the COVID-19 pandemic, particularly with respect to infections, treatment, deaths, mobility and restriction, work and safety, accommodation, food, salary, treatment, and

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46 UN, 'Global Compact for Safe, Orderly and Regular Migration' (New York: UN, 2018), (n 27), para 37.

47 Hom Karki, 'Niti Tatha Karyakram: Sthaniya Tahamai Rojgari (Policy and Programme: Employment at the Local Level)', *Kantipur*, 16 May 2020, <https://ekantipur.com/news/2020/05/16/158959326632354943.html>.

48 Kamal Dev Bhattarai, 'COVID-19 and Nepal's Migration Crisis,' *South Asian Voices*, 20 May 2020, <https://southasianvoices.org/covid-19-and-nepals-migration-crisis/>; Chandan Kumar Mandal, 'Government Underestimates Number of Workers Awaiting Repatriation, Say Experts,' *The Kathmandu Post*, 5 June 2020, <https://tkpo.St/309ld2k>.

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- the roles played by diplomatic missions, diaspora organisations, and other agencies;
- explore the potential socio-economic impacts of the pandemic; and, finally,
- highlight issues relevant to crafting immediate, mid- and long-term strategies to address the impact of COVID-19 in relation to migrants and their families.



## II. RESEARCH METHODOLOGY AND APPROACH

This rapid assessment was undertaken over the period 13 April to 2 July 2020, making use of information derived from a number of sources, as detailed below.

### **Review of Reports**

A review of national and international publications relating to different aspects of COVID-19 was conducted to gain an understanding of the nature, current situation, and impact of the disease with reference to migrant workers. In addition, the responses to COVID-19 in relation to labour migrants by Nepal as well as the destination countries were also analysed as were reports, technical and policy briefs related to COVID-19 from various organisations, including the International Labour Organization (ILO), the World Bank, and the World Health Organization (WHO), among others. Reports from two Nepali NGOs working with migrant workers, Pravasi Nepali Coordination Committee (PNCC) and People Forum for Human Rights, were also used in the assessment.

### **Review of News Reports**

Newspapers (both in Nepali and English) and other sources of news along with media reports from major destination countries were analysed (Table 1). In the case of the Nepali media, news from December 2019 was collected since it was around this time that reports about the novel coronavirus began surfacing. Although more than 2,000 news items were collected, only around 600 news articles as of 21 June 2020 were considered for the review. As for international news sources, articles published from 1 March 2020 were used in this study since the governments of CoDs started coming up with strategies that affected migrant workers only in March.

A comprehensive matrix was developed of all the articles collected and analysed based on the different aspects of COVID-19 those covered. Each piece of news was categorised along the following themes: infection, treatment, death, safety, repatriation, services received, protection measures, precarity, vulnerabilities, lay-offs, restrictions/bans, students, remittances, domestic violence, education, Nepali government, Nepali diplomatic missions, destination country governments, diaspora organisations, I/NGOs, lockdown in Nepal, lockdown in third countries, political parties, recruitment agency, social stigma, and discrimination. Where a particular issue was covered by more than one source, only one or two were used. Besides media outlets, sites such as Hello Nepal Korea, operated by Nepali migrant workers in South Korea, and the Facebook group, Shramik Sanjaal, run by migrant workers around the Gulf countries and who have been posting news related to labour issues and decisions taken by the governments of the Gulf

**Table 1: Sources of News Articles**

National News Sources	International News Sources
<p><u>English</u></p> <ol style="list-style-type: none"> <li>1. The Kathmandu Post</li> <li>2. The Himalayan Times</li> <li>3. The Rising Nepal</li> <li>4. MyRepublica</li> <li>5. Nepali Times</li> </ol> <p><u>Nepali</u></p> <ol style="list-style-type: none"> <li>1. Kantipur</li> <li>2. Naya Patrika</li> <li>3. Nagarik</li> <li>4. Gorkhapatra</li> <li>5. Annapurna Post</li> </ol> <p><u>Online</u></p> <ol style="list-style-type: none"> <li>1. Setopati</li> <li>2. Onlinekhabar</li> <li>3. Ujyaalo Online</li> <li>4. The Record</li> </ol> <p><u>Newspapers specifically dealing with migration</u></p> <ol style="list-style-type: none"> <li>1. Deshpradesh</li> <li>2. Madhyanha</li> <li>3. Ujyalo</li> </ol>	<p><u>Gulf countries</u></p> <ol style="list-style-type: none"> <li>1. Emirates News Agency</li> <li>2. Gulf News</li> <li>3. Khaleej Times</li> <li>4. Peninsula Daily</li> <li>5. Migrant Rights</li> <li>6. Arab News</li> <li>7. Al-Jazeera</li> <li>8. Gulf Times</li> </ol> <p><u>Malaysia</u></p> <ol style="list-style-type: none"> <li>1. New Straits Times</li> </ol> <p><u>South Korea</u></p> <ol style="list-style-type: none"> <li>1. The Korean Times</li> <li>2. The Korea Herald</li> </ol> <p><u>India</u></p> <ol style="list-style-type: none"> <li>1. The Times of India</li> <li>2. India Today</li> </ol> <p><u>Others</u></p> <ol style="list-style-type: none"> <li>1. The Guardian</li> <li>2. BBC News</li> <li>3. Reuters</li> <li>4. The New York Times</li> <li>5. The Washington Post</li> <li>6. The Wall Street Journal</li> <li>7. Foreign Policy</li> <li>8. The Diplomat</li> </ol>

countries, were also consulted for background information.<sup>49</sup>

## Analysis of Data

In order to come up with the best estimates of the number of Nepali labour migrants in countries outside Nepal, figures published by DoFE on the number of labour permits issued and the raw data from the NLFS 2017/18 were used. The data from DoFE are actual numbers while NLFS 2017/18 figures are based on a sample of 18,000 households and are only approximates calculated after assigning weights to the raw data.

With regard to DoFE data, in order to come up with a reliable estimate of the number of Nepali labour migrants working in various countries, the research team considered the number of labour permits issued by DoFE in the 24-month period of 15 March 2018 to 13 March 2020,<sup>50</sup> with the latter date corresponding to the period that saw international travel

<sup>49</sup> Hello Nepal Korea, <https://www.hellonepalkorea.com/>; Shramik Sanjal, <https://www.facebook.com/shramik.sanjal/>.

<sup>50</sup> The dates mentioned here correspond to the beginning and end, respectively, of Chait and Fagun, two months in Bikram Sambat, Nepal's official calendar, and reflect the fact that DoFE publishes data on a monthly basis.

slowly grind to a halt. It also nearly corresponds with the date that DoFE suspended issuance of labour permits—12 March 2020.<sup>51</sup> Such a duration was chosen since work contracts of labour migrants in major CoDs such as the GCC countries and Malaysia are generally for two years.<sup>52</sup> One prominent exception is with regard to workers in South Korea under the Employment Permit System (EPS), who go on contracts of four years and 10 months. Hence, for the EPS, figures for the last five years were used to come up with an approximate number of Nepali labour migrants there, and supplemented, where necessary, by secondary data. These numbers, however, do not capture the substantial population of Nepali workers who have gone abroad without getting labour permits or who have overstayed the expiry of their work visas and permits.

The data on remittances is based on information derived from the World Bank and Nepal Rastra Bank sources.

It should be noted that most of the data presented in this report correspond with the Nepali fiscal year that begins in mid-July since that is how government data is recorded in Nepal. Data from international sources use the international calendar year.

## Insights from Stakeholder Consultations

Even as the research was going on, the lead author of this study participated in a total of 11 separate group discussions focusing on COVID-19 and Nepali migrants. This report, particularly the recommendations section, has benefitted immensely from these discussions. Among these a few need to be highlighted. The National Network of Safe Migration (NNSM) held meetings on 10 April and 18 April. The former was attended by representatives of several CSOs,<sup>53</sup> with the major objectives being to receive situational updates on the impact of COVID-19 on migrant workers, to discuss existing gaps and challenges, and to provide recommendations for immediate, mid- and long-term interventions. The latter brought together national and international organisations<sup>54</sup> as well as lawyers and researchers to focus on the rescue, repatriation and reintegration of migrant workers, the role of CSOs, and the need to prioritise female migrants at higher risk while also expressing concern about their access to health facilities and information. In particular, the recommendations in this report were strengthened by insights provided at four different consultations held by the ILO with

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51 'Notice for Postponement of Labour Approval,' Department of Foreign Employment, accessed June 7, 2020, <http://www.dofe.gov.np/DetailPage.aspx/id/138/lan/ne-NP>.

52 Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2020* (Kathmandu: Ministry of Labour, Employment and Social Security, 2020), 33.

53 People Forum, Aprabasi Mahila Kamdar Samuha (AMKAS), United Nations Development Programme, ILO, WHO, Pourakhi Nepal, *Kantipur* daily, Social Science Baha, Pravasi Nepali Coordination Committee (PNCC), Helvetas, International Organization for Migration (IOM), UN Women, Equidem, World Bank, Hamro Samman, Winrock International, Women's Rehabilitation Centre (WOREC), Safer Migration Project (SaMI), The Asia Foundation, United States Agency for International Development (USAID), Far East Overseas Nepali Association (FEONA), etc.

54 People Forum, Asian Human Rights and Culture Development Forum (Asian Forum), Pourakhi Nepal, AMKAS, PNCC, National Envirand Equity Development Society (NEEDS) Nepal, FEONA, Social Science Baha, Equidem Research.

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CSOs working on the issues of labour migrants (on 10 April), with workers' unions (23 April), with private recruitment agencies (22 April), and UN agencies (5 May).<sup>55</sup>

The report also benefitted from the lead author's participation in the following discussions: a webinar hosted by the People Forum for Human Rights on 4 May 2020, which focused on briefing participants on the writ filed by People Forum to rescue stranded Nepalis abroad and the Supreme Court order of 16 April, its implications and future strategies for rescue, repatriation and reintegration of Nepali migrant workers; 'Plight of Migrants in the Pandemic', hosted by the South Asia Institute of Advanced Studies on 24 April, which discussed the opportunities and challenges created by COVID-19 for employment and livelihoods in Nepal; and the multi-stakeholder consultation organised by the NHRC on 13 May 2020, where key government agencies, civil society organisations and the National Association of Foreign Employment Agencies (NAFEA) provided updates on the situation of Nepali migrants, and discussed ongoing activities and some immediate actions possible.

### **Interviews**

Interviews with around 10 migrant workers in Kuwait, Qatar and the UAE were carried out in May and June. Most of the interviewees are active in Nepali diaspora organisations. Unstructured online interviews were also carried out with one official each at the Nepali embassies in Kuwait and the UAE in order to understand the situation of migrant workers in these two countries and to understand the activities the missions have been engaged in and challenges facing them.<sup>56</sup>

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<sup>55</sup> The research team is grateful to the ILO for making the meeting notes available. The lead author of this study participated in two of these meetings.

<sup>56</sup> Both officials spoke on the condition of anonymity.

### III. TRENDS IN INTERNATIONAL LABOUR MIGRATION

This section presents the scale of international (external) labour migration from Nepal. At a time when the COVID-19 pandemic is stretching national resources thin, formulating realistic strategies and policies for the protection of Nepali migrant workers in various destination countries, their repatriation, management of quarantine facilities, reintegration, and other follow-up actions require a thorough understanding of the nature of migration nationally as well as at the level of provinces. Likewise, for reintegration and employment-generation plans under consideration to succeed it is crucial for information on the skills of labour migrants to be systematically recorded before and after their return. Since there is no clarity on whether and how any mechanisms to capture that have been or are being developed, the kinds of skills migrants presented here will also be useful in formulating and implementing evidence-based plans.

#### **Department of Foreign Employment Data**

According to DoFE, a total of 1,071,686 labour permits were issued in the 24 months, from 15 March 2018 to 13 March 2020 (Table 2).<sup>57</sup> Of these, 1,000,863 were issued to men and 70,823 to women. Although the government has identified 110 international destinations for foreign employment,<sup>58</sup> data on labour permits issued reveals that more than 86 per cent were issued to Nepali migrant workers planning to go to just four countries: Qatar, the UAE, Saudi Arabia and Malaysia (see Table 3). The full list of countries for which Nepalis received labour permits from DoFE in the previous two years is presented in Annex I. It should be noted that these figures do not include: i) labour migrants in South Korea under the EPS; ii) those who used informal or irregular channels to migrate to international destinations, and, hence, were not recorded in the government system; and iii) workers who went to India.

With regard to South Korea, the number of Nepalis who have gone there in the five-year period, 2015 to 2019, under the EPS is 35,716 (33,605 men and 2,111 women).<sup>59</sup> This includes 836 men and 53 women who left in 2020 till the temporary halt in the departure

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<sup>57</sup> This figure includes both new permits issued and labour permit renewals. The latter refers to instances when any worker at the expiry of his or her contract seeks to return to the same job in the same country.

<sup>58</sup> 'Recognized Destinations for Foreign Employment,' Department of Foreign Employment, accessed 17 April 2020, <http://www.dofe.gov.np/recognized.asp>.

<sup>59</sup> The number 35,716 is only indicative of how many Nepali migrant workers were in South Korea under EPS at the time travel was restricted since the EPS figures do not contain monthly data, making it impossible to ascertain how many Nepali migrant workers were within their contract period of four years 10 months at the time.

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of migrant workers to South Korea in late February due to the rapid spread of COVID-19 there at the time.<sup>60</sup>

**Table 2: Labour Permits Issued in Last Two Years (15 March 2018 to 13 March 2020)**

Destination Countries	Total	Men	Women
GCC	870,996	820,135	50,861
Malaysia	140,659	137,119	3,540
South Korea	323	322	1
Other Countries	59,708	43,287	16,421
<b>Total</b>	<b>1,071,686</b>	<b>1,000,863</b>	<b>70,823</b>

Source: DoFE, 'Countrywide Labour Approval for 2074 for the Month of Chait' (Kathmandu: DoFE, 2018); DoFE, 'Countrywide Labour Approval for 2075 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun, Chait' (Kathmandu: DoFE, 2018/19); DoFE, 'Countrywide Labour Approval for 2076 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun' (Kathmandu: DoFE, 2019/20).

**Table 3: Labour Permits Issued in Last Two Years (15 March 2018 to 13 March 2020)**

Destination Countries	Total	Men	Women
Qatar	303,626	293,663	9,963
Saudi Arabia	235,272	232,140	3,132
Malaysia	140,659	137,119	3,540
UAE	250,094	220,480	29,614
Kuwait	53,190	47,815	5,375
Bahrain	17,393	15,760	1,633
Oman	11,421	10,277	1,144
South Korea	323	322	1
Israel	1,108	327	781
Afghanistan	3,172	3,165	7
Japan	8,863	8,498	365
Others	46,565	31,297	15,268
<b>Total</b>	<b>1,071,686</b>	<b>1,000,863</b>	<b>70,823</b>

Source: DoFE, 'Countrywide Labour Approval for 2074 for the Month of Chait' (Kathmandu: DoFE, 2018); DoFE, 'Countrywide Labour Approval for 2075 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun, Chait' (Kathmandu: DoFE, 2018/19); DoFE, 'Countrywide Labour Approval for 2076 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun' (Kathmandu: DoFE, 2019/20).

Table 4 presents a province-level breakdown of the number of labour permits issued by DoFE in the fiscal years 2017/18-2018/19 and in the first eight months of fiscal year 2019/20 (i.e.,

<sup>60</sup> The breakdown of EPS workers over the years are as follows: 5,460 men and 406 women in 2015; 7,501 and 578 in 2016; 7,424 and 376 in 2017; 8,107 and 404 in 2018; and 4,277 and 294 in 2019. Gopal Sangraula, 'Koronaka Karan Koriya Jane Nepali Rokiye (Nepali Going to Korea Halted Due to Corona),' *Karobar daily*, 24 February 2020, <https://www.karobar daily.com/news/employment/29376>; and Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2020*.

**Table 4: Labour Permits Issued by Province (FY 2017/18 to 2018/19)**

Province	2017/18-2018/19						2019/20*					
	Total	Men		Women		Total	Men		Women			
		Number	Per cent	Number	Per cent		Number	Per cent	Number	Per cent		
Province 1	259,031	237,342	91.6	21,689	8.4	84,992	75,931	89.3	9,061	10.7		
Province 2	288,251	285,297	99.0	2,954	1.0	83,115	81,897	98.5	1,218	1.5		
Bagmati (Province 3)	155,412	128,414	82.6	26,998	17.4	56,504	44,771	79.2	11,733	20.8		
Gandaki (Province 4)	170,159	163,703	96.2	6,456	3.8	57,639	54,806	95.1	2,833	4.9		
Province 5	192,283	186,857	97.2	5,426	2.8	63,515	60,864	95.8	2,651	4.2		
Karnali (Province 6)	30,356	29,461	97.1	895	2.9	10,881	10,486	96.4	395	3.6		
Sudurpashchim (Province 7)	25,842	25,180	97.4	662	2.6	9,291	8,991	96.8	300	3.2		
<b>Total</b>	<b>1,121,334</b>	<b>1,056,254</b>	<b>94.2</b>	<b>65,080</b>	<b>5.8</b>	<b>365,937</b>	<b>337,746</b>	<b>92.3</b>	<b>28,191</b>	<b>7.7</b>		

Source: Data provided to CESLAM researchers by the Department of Foreign Employment

\* The data for FY 2019/20 includes the number of labour permits issued for the month of Shaun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh and Fagun 2076 according to the Nepali calendar.

**Table 5: Major Destination Countries of Those Migrating for Work**

Destination country	Total		Men		Women	
	Number	Per cent	Number	Per cent	Number	Per cent
India	969,113	34.5	922,149	34.6	46,964	31.2
Malaysia	468,556	16.7	461,468	17.3	7,088	4.7
Qatar	436,387	15.5	432,142	16.2	4,244	2.8
Saudi Arabia	352,135	12.5	345,243	13.0	6,892	4.6
United Arab Emirates	227,292	8.1	207,936	7.8	19,356	12.8
Kuwait	82,630	2.9	62,248	2.3	20,381	13.5
South Korea	50,483	1.8	46,548	1.7	3,935	2.6
Japan	34,055	1.2	23,436	0.9	10,619	7.0
Bahrain	27,873	1.0	26,443	1.0	1,430	0.9
Australia	15,579	0.6	10,903	0.4	4,676	3.1
Oman	8,520	0.3	6,128	0.2	2,391	1.6
Israel	3,665	0.1	2,483	0.1	1,182	0.8
Lebanon	861	0.0	413	0.0	448	0.3
Other Countries	135,140	4.8	114,103	4.3	21,038	14.0
<b>Total</b>	<b>2,812,289</b>	<b>100.0</b>	<b>2,661,645</b>	<b>100.0</b>	<b>150,645</b>	<b>100.0</b>

Source: Calculations based on raw dataset of NLFS 2017/18.

**Table 6: Major Destination Countries of Those Migrating for Work by Province**

Province	India		GCC		Malaysia		South Korea		Others		Total
	Number	%	Number	%	Number	%	Number	%	Number	%	
Province 1	55,800	12.4%	255,746	56.7%	111,356	24.7%	10,132	2.2%	17,657	3.9%	450,692
Province 2	76,056	15.1%	246,965	49.2%	163,998	32.7%	868	0.2%	14,216	2.8%	502,102
Bagmati (Province 3)	21,631	6.3%	155,873	45.2%	65,168	18.9%	15,121	4.4%	87,247	25.3%	345,041
Gandaki (Province 4)	66,506	19.9%	203,741	61.0%	21,894	6.6%	9,032	2.7%	32,911	9.9%	334,084
Province 5	282,311	46.8%	221,228	36.7%	57,355	9.5%	10,611	1.8%	32,019	5.3%	603,524
Karnali (Province 6)	96,549	63.3%	26,613	17.4%	25,170	16.5%	1,844	1.2%	2,414	1.6%	152,590
Sudurpashchim (Province 7)	370,261	87.3%	24,670	5.8%	23,615	5.6%	2,876	0.7%	2,836	0.7%	424,257
<b>Total</b>	<b>969,113</b>	<b>34.5%</b>	<b>1,134,836</b>	<b>40.4%</b>	<b>468,556</b>	<b>16.7%</b>	<b>50,483</b>	<b>1.8%</b>	<b>189,300</b>	<b>6.7%</b>	<b>2,812,289</b>

Source: Calculations based on raw dataset of NLFS 2017/18.



mid-July 2019 to mid-March 2020). The highest number were issued to labour migrants from Province 2 and lowest to those from Sudurpaschim. There is considerable variance among the provinces between the number of permits issued to men and women. In Province 2 nearly all the permits were issued to men while it was over 90 per cent in all the other provinces with the exception of Bagmati.

### **Nepal Labour Force Survey Data**

An extrapolation of the NLFS 2017/18 data shows there are approximately 3.2 million migrants outside Nepal, a number comprising those who migrated for work, education or other reasons.<sup>61</sup> An overwhelming majority of 88 per cent, i.e., 2.8 million, have left Nepal for reasons related to work, 'service/job' or 'looking for work', while around 6 per cent went for studies or training and 5 per cent migrated as dependents.<sup>62</sup> Of those who migrated for work, women made up just 5 per cent of those away from Nepal (see Table 5 below).<sup>63</sup> India is by far the most popular destination for work among Nepali migrants. Next come Malaysia, Qatar and Saudi Arabia.

There are, however, significant differences at the provincial level in terms of the major destination countries (Table 6). For instance, in Provinces 1, 2, Bagmati and Gandaki, the GCC countries are the most preferred whereas for migrant workers from Province 5, Karnali and Sudurpashchim it is India. In fact, more than 87 per cent of migrants from Sudurpashchim province are in India for work. However, these figures are from 2017/18 and only represent values extrapolated from the survey data.

### **Skills and Occupation of International Migrants**

Although not extensive, there has been some public discussion on how the country can capitalise on the skills of migrants who are due to return home sooner or later.<sup>64</sup> Considering the fact that hundreds of thousands of Nepalis are likely to come back from foreign employment due to the COVID-19 crisis, the Government of Nepal has also given special priority to creating employment and encouraging entrepreneurship within the country. Further, plans are afoot to link returnees and their skills with available jobs within the country.<sup>65</sup>

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61 Those away or expected to be away (within or outside Nepal) from the household for more than six months in the last 12 months were identified as 'absentees' in the NLFS. Based on the calculation of raw data from NLFS 2017/18.

62 This figure includes everyone away from Nepal for reasons of work, ranging from unskilled workers to highly skilled professionals.

63 The numbers are weighted and based on the raw data from NLFS 2017/18.

64 'Meeting Minutes: CSO Engagement on COVID-Response,' virtual meeting conducted by the International Labour Organization, in coordination with National Network of Safe Migration (NNSM) with members of CSOs. ILO and NNSM, 10 April 2020; 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting conducted by the ILO, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

65 Chandan Kumar Mandal, 'Seed Money for Migrant Workers, Entrepreneurs as Government Targets Employment Opportunities inside Country,' *The Kathmandu Post*, 16 May 2020, <https://tkpo.st/362WGvG>.

Table 7 shows the skill categories of migrants who were issued labour permits in the 24 months under consideration here. More than half (57 per cent) of the permits were for unskilled occupations compared to a very small number for professional and high-skilled work. A higher proportion of women (61 per cent) are engaged in unskilled work and correspondingly a smaller proportion of women are involved in skilled work (28 per cent) compared to men (35 per cent).

**Table 7: Number of Labour Permits Issued by Skill Type in Last Two Years**  
(15 March 2018 to 13 March 2020)

Skill Type*	Total	Men		Women	
		Number	Per cent	Number	Per cent
Professional	1,245	1,138	0.1	107	0.2
High Skilled	360	333	0.04	27	0.04
Skilled	327,768	310,319	35.1	17,449	28.3
Semi-skilled	81,730	74,982	8.5	6,748	11.0
Unskilled	535,316	498,046	56.3	37,270	60.5
<b>Total</b>	<b>946,419</b>	<b>884,818</b>	<b>100.0</b>	<b>61,601</b>	<b>100.0</b>

Source: DoFE, 'Countrywide Labour Approval for 2074 for the Month of Chait.' (Kathmandu: DoFE, 2018). DoFE, 'Countrywide Labour Approval for 2075 for the Months of Baisakh, Jeth, Asar, Saau, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun and Chait.' (Kathmandu: DoFE, 2018/19). DoFE, 'Countrywide Labour Approval for 2076 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh and Fagun,' (Kathmandu: DoFE, 2019/20).

\* This figure does not include data for three months since information on the number of labour permits issued by skill types is not available for the months of Pus 2075 and Bhadau and Asoj 2076.

The NLFS 2017/18 data also shows that work-related migration to international destinations is dominated by unskilled or low-skilled workers who mostly work in the manufacturing, construction and service sectors: more than 900,000 migrants were engaged in 'elementary occupations' (cleaners, labourers, helpers, etc) and around 725,000 as 'service workers and shop and market sales workers' (see Table 8 below).<sup>66</sup> However, there are observable variations among the provinces in the numbers and proportion of migrants in terms of occupation. A plurality or majority of migrant workers from Provinces 1, 2, Gandaki and Karnali were engaged in elementary occupations in the CoDs, while for those from Bagmati, Province 5 and Sudurpashchim 'service workers and shop and market sales workers' was the most popular occupation.

<sup>66</sup> The classification of occupation in NLFS 2017/18 follows the ILO's International Standard Classification of Occupation (ISCO-88), <https://www.ilo.org/public/english/bureau/stat/isco/isco88/major.htm>. As defined in ISCO-88, 'elementary occupation' are jobs such as street vendors (except food), helpers, cleaners, labourers in the manufacturing, construction, agriculture sectors among others which may require the use of hand-held tools and considerable physical efforts and includes unskilled workers; and 'service workers and shop and market sales workers' consists of work related to travel, housekeeping, catering, personal care, as well as sale of goods in wholesale or retail shops or similar establishments and stalls or markets and which requires a certain level of skill.

**Table 8: Occupation of Migrants in Destination Countries (NLFS 2017/18)**

Occupations	Province 1		Province 2		Bagmati Province (Province 3)		Gandaki Province (Province 4)		Province 5		Karnali Province (Province 6)		Sudurpashchim Province (Province 7)		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
	Legislators, Senior Officials And Managers	627	0.2	-	-	2,232	0.8	414	0.2	443	0.1	171	0.1	578	0.2	4,465
Professionals	749	0.2	3,255	0.8	6,829	2.5	510	0.2	3,664	0.7	-	-	976	0.3	15,982	0.7
Technicians and Associate Professionals	7,625	2.1	7,532	1.7	4,303	1.6	3,527	1.4	7,230	1.4	562	0.4	3,517	1.0	34,296	1.5
Clerks	6,752	1.8	3,919	0.9	11,947	4.3	4,595	1.8	7,221	1.4	223	0.2	1,742	0.5	36,398	1.5
Service Workers and Shop and Market Sales Workers	93,850	25.4	37,056	8.6	97,604	35.5	78,823	31.5	217,183	40.8	27,960	22.2	173,370	46.9	725,846	30.8
Skilled Agriculture and Fishery Workers	2,872	0.8	2,575	0.6	1,261	0.5	2,633	1.1	3,122	0.6	838	0.7	1,913	0.5	15,214	0.6
Craft and Related Trades Workers	43,268	11.7	91,896	21.2	15,404	5.6	28,501	11.4	57,011	10.7	6,994	5.6	10,680	2.9	253,754	10.8
Plant and Machine Operators and Assemblers	51,552	14.0	37,495	8.7	50,045	18.2	19,982	8.0	43,601	8.2	6,427	5.1	20,760	5.6	229,863	9.8
Elementary Occupation	151,100	40.9	248,755	57.4	79,661	29.0	88,747	35.5	173,018	32.5	80,356	63.9	155,326	42.0	976,964	41.5
Armed Forces	10,809	2.9	802	0.2	5,470	2.0	22,267	8.9	20,104	3.8	2,304	1.8	600	0.2	62,357	2.6
<b>Total</b>	<b>369,205</b>	<b>100.0</b>	<b>433,285</b>	<b>100.0</b>	<b>274,756</b>	<b>100.0</b>	<b>250,000</b>	<b>100.0</b>	<b>532,597</b>	<b>100.0</b>	<b>125,835</b>	<b>100.0</b>	<b>369,461</b>	<b>100.0</b>	<b>2,355,139</b>	<b>100.0</b>

Source: Calculations based on raw dataset of NLFS 2017/18

## IV. GOVERNMENT MEASURES AND IMPLICATIONS FOR NEPALI MIGRANTS

On 11 March 2020, the WHO declared COVID-19 to be a pandemic. It was around the same time that the Government of Nepal began taking actions aimed at preventing the spread of the coronavirus. On 2 March, visa-on-arrival was temporarily suspended for nationals from China, Iran, Italy, South Korea and Japan, effective 10 March.<sup>67</sup> On 9 March, on-arrival visas were temporarily suspended effective from 13 March for nationals from three additional countries: France, Germany and Spain.<sup>68</sup> DoFE had stopped issuing labour permits to Nepalis starting on 12 March.<sup>69</sup> All on-arrival visas were suspended from 14 March for everyone, including NRNs.<sup>70</sup> Effective the same day, Nepal also imposed mandatory self-quarantine of 14 days on all foreign nationals entering the country and home quarantine for Nepalis and NRNs while land ports of entry were closed to ‘foreigners from third countries’ while the Nepal-Indian border crossings were still open for Nepalis and Indians. This was followed by a decision on 18 March to ban the entry of everyone from Europe, West Asia, the Gulf countries, Turkey, Malaysia, South Korea and Japan starting from 20 March until 12 April.<sup>71</sup>

Likewise, on 22 March the district administrations of Kanchanpur, Banke, Rupandehi and Dang districts, the locations of major entry points along the Indian border in the western Tarai, sealed the border points as more and more Nepali migrant workers began entering Nepal through those places.<sup>72</sup> On the same day, the government banned all domestic and international flights as well as long-haul bus transportation. Non-essential services in both

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67 ‘Urgent Notice about the Suspension of Visa-On-Arrival,’ Department of Immigration, accessed 18 June 2020, <http://www.nepalimmigration.gov.np/post/urgent-notice-about-the-suspension-of-visa-on-arrival>.

68 ‘Updated Notice on 9th March, 2020 (21:30 Hrs) Regarding the Suspension of Visa-On-Arrival and Entry-Exit Control Measures,’ Department of Immigration, accessed 18 June 2020, <http://www.nepalimmigration.gov.np/post/updated-notice-on-9th-march-2020-21-30-hrs-regarding-the-suspension-of-visa-on-a>.

69 ‘Notice for Postponement of Labour Approval,’ Department of Foreign Employment, accessed 7 June 2020, <https://dofe.gov.np/DetailPage.aspx/id/136>.

70 ‘Updated Urgent Notice Regarding Travel Restriction Related to COVID-19 Dated 13th March 2020 12:15 Hrs NST,’ Department of Immigration, accessed 14 May 2020, <http://www.nepalimmigration.gov.np/post/updated-urgent-notice-regarding-travel-restriction-related-to-covid-19-dated-13t>. According to the Non-Resident Nepali Act, 2064, a ‘Non-Resident Nepali’ is a foreign citizen of Nepali origin but the term also applied to a Nepali citizen residing abroad for a certain period of time.

71 ‘Very Urgent Updated Notice Regarding Arrival Restriction in Nepal (Updated on 18th March, 2020, Wednesday 23:45 Hrs),’ Department of Immigration, accessed 17 July 2020, <http://www.nepalimmigration.gov.np/post/very-urgent-updated-notice-regarding-arrival-restriction-in-nepal-updated-on-18t>.

72 MyRepublica, ‘4 Districts Close Border with India from Sunday,’ *MyRepublica*, 23 March 2020, <https://myrepublica.nagariknetwork.com/news/4-districts-close-border-with-india-from-sunday/>.

public and private sectors were also halted from 23 March to 3 April.<sup>73</sup> This was followed by the decision on 23 March to impose a country-wide lockdown for the week of 24–31 March. Subsequently, the government extended the lockdown seven times, sometimes by a week and sometimes by two, with the final extension on 30 May. A further decision was taken on 14 June to continue with the suspension of all domestic and international flights till 5 July.<sup>74</sup>

**Table 9: Lockdown Decisions in Nepal**

SN	Date of decision	Decision	Effective period
1.	20 March	Ban on international flights	22 March to 31 March <ul style="list-style-type: none"> <li>• extended till 15 April on 31 March</li> <li>• extended till 30 April on 14 April</li> <li>• extended till 31 May on 28 April</li> <li>• extended till 14 June on 10 May</li> <li>• extended till 5 July on 14 June</li> </ul>
2.	20 March	Ban on long-haul domestic bus transportation and non-essential travel	23 March till further notice
3.	21 March	Nationwide lockdown	24 March - 31 March <ul style="list-style-type: none"> <li>• extended till 7 April on 29 March</li> <li>• extended till 15 April on 7 April</li> <li>• extended till 27 April on 14 April</li> <li>• extended till 7 May on 26 April</li> <li>• extended till 18 May on 6 May</li> <li>• extended till 2 June on 18 May</li> <li>• extended till 14 June on 30 May</li> </ul>
4.	10 June	Nationwide lockdown eased starting 15 June	

The government decision on 6 May relaxed rules for the manufacturing, services, industry and banking sectors, albeit with guidelines regarding the number of workers allowed at the workplace and the provision for mandatory health check-ups.<sup>75</sup> At the same time, a spike in the number of COVID-19 positive cases led to a stricter imposition of the lockdown rules, including on the issuance of internal travel permits.<sup>76</sup> As calls and protests to ease the lockdown from citizens and civil society leaders increased as the continued lockdown began to affect small business and the livelihoods of the poor and disadvantaged, on 10 June the government decided to ease the lockdown in phases, effective from 11 June.<sup>77</sup>

<sup>73</sup> Nepal, 'Partial Lockdown'.

<sup>74</sup> 'Urgent Notice about Extension of Suspension Period of Domestic and International Commercial Flights,' Civil Aviation Authority of Nepal, accessed 17 July 2020, <https://caanepal.gov.np/news-detail/post/urgent-notice-about-extension-suspension-period-domestic-and-international-commercial>.

<sup>75</sup> Nepali Times, 'Nepal Relaxing Lockdown after All,' *Nepali Times*, 6 May 2020, <https://www.nepalitimes.com/latest/nepal-relaxing-lockdown-afterall/>.

<sup>76</sup> Dhungana Shuvam, 'Police Officials Adopt Stringent Measures to Prevent People from Entering Valley without Valid Reason,' *The Kathmandu Post*, 8 May 2020, <https://tkpo.st/2SIr8Wj>.

<sup>77</sup> Anil Giri, 'Cabinet Decides to Ease Lockdown in Phases,' *The Kathmandu Post*, 10 June 2020, <https://tkpo.st/30tRhNA>.

Governments all over the world have also been implementing measures to control the spread of the pandemic, primarily by limiting the movement of people. As the Director-General of the ILO has stated, COVID-19 is ‘not just a medical crisis’ and that it can have further economic, social and political repercussions.<sup>78</sup> That has become especially true for the large number of Nepali migrant workers who find themselves in a state of distress due to preventative steps taken by governments in CoDs. For instance, the UAE asked a number of migrant workers-sending countries to repatriate their citizens and even warned that failure to do so would result in a review and suspension of bilateral labour agreements with those countries.<sup>79</sup> At the same time though, the UAE also waived fines for those whose visas expired starting early March, including those with expired labour permits, and provided a grace period of three months, starting 18 May, after which migrant workers have to return to their own countries. Most GCC countries have announced policies to provide financial assistance to workers. In reality however, most of these policies cover only their own nationals while most foreign workers, who make up the vast majority of the workforce in the GCC countries, are left to fend for themselves.<sup>80</sup> In Malaysia, the migrant worker levy was reduced by 25 per cent for employers of workers whose permits were due to expire between 1 April and 31 December 2020.<sup>81</sup> The government of Malaysia also announced measures to support the Malaysian economy and workers, which, however, did not cover migrant workers.

### Impact on Human Lives in Nepal

Despite the almost three-month-long lockdown, there has been a steady increase in the number of COVID-19 positive cases in Nepal, registering a sharp increase in late May and June 2020, including a high of 671 cases on 18 June.<sup>82</sup> Most of those affected have been Nepali workers returning from India, or those who were in close contact with the returnees, with the majority of the cases seen in the west and central Tarai districts.<sup>83</sup> According to the Ministry of Health and Population (MoHP), as of 21 June 2020, of the 12 districts with more than 201 cases, nine were from the Tarai.<sup>84</sup> By that same date, a total of 175,173

78 Guy Ryder, ‘COVID-19 Has Exposed the Fragility of Our Economies,’ *ILO*, 27 March 2020, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_739961/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_739961/lang--en/index.htm).

79 The Times of India, ‘UAE to Take Action against Nations Refusing Repatriation of Migrant Workers: Report,’ *The Times of India*, 13 April 2020, <https://timesofindia.indiatimes.com/world/middle-east/uae-to-take-action-against-nations-refusing-repatriation-of-migrant-workers-report/articleshow/75114063.cms>.

80 Deutsche Welle, ‘Coronavirus Deepens Risks for Migrant Workers in the Gulf,’ *Info Migrants*, 1 May 2020, <https://www.infomigrants.net/en/post/24494/coronavirus-deepens-risks-for-migrant-workers-in-the-gulf>.

81 Florida Sandanasamy, Marja Paavilainen, and Nilim Baruah, *Covid-19: Impact on Migrant Workers and Country Response in Malaysia* (Bangkok: ILO, 2020).

82 MyRepublica, ‘Nepal Records Highest Single-Day Spike with 671 Fresh Cases of Coronavirus,’ *MyRepublica*, 18 June, 2020. <https://myrepublica.nagariknetwork.com/news/nepal-records-highest-single-day-spike-with-671-fresh-cases-of-coronavirus-total-number-of-covid-19-cases-soars-to-7848/>.

83 Nepali Times, ‘Lockdown = Breakdown,’ *Nepali Times*, 31 May 2020, <https://www.nepalitimes.com/latest/lockdown-breakdown/>.

84 Namely, Kailali, Banke, Dang, Kapilvastu, Rupandehi, Rautahat, Sarlahi, Mahottari and Dhanusha. ‘Health Sector Response to COVID-19,’ Ministry of Health and Population, accessed 22 June 2020, [https://drive.google.com/drive/folders/1xXDgakAuGv-QwJmdohXJpIHk2mQ\\_cogE?usp=sharing](https://drive.google.com/drive/folders/1xXDgakAuGv-QwJmdohXJpIHk2mQ_cogE?usp=sharing).

Reverse Transcription-Polymerase Chain Reaction (RT-PCR) Tests and 262,174 Rapid Diagnostic Tests (RDT)<sup>85</sup> had been conducted in the country while 9,025 people (8,214 male and 812 females) had tested positive and the number of deaths stood at 23.

## Impact on Nepali Workers in Foreign Employment

Nepalis travel all over the world for various reasons all-year round. Work and education are the two most common reasons for Nepali to migrate to foreign countries for longer periods of time, with work-related migration superseding education migration by a factor of three.<sup>86</sup> India is the most popular destination for Nepali migrant workers, according to the NLFS 2017/18, with more than 900,000 Nepalis having gone there for work, followed by Qatar with more than 400,000 (Table 5). According to the NLFS 2017/18, of all the Nepali migrants in the GCC countries and Malaysia, more than 99 per cent are there for work, while that proportion is 80 per cent in India and 94 per cent in South Korea.

Migrants are one of the most vulnerable groups in destination countries.<sup>87</sup> As a sign of things to come, the Government of Qatar deported 20 migrant workers without any warning towards the beginning of the outbreak after being kept in a detention centre for a few days and sent back without any benefits they were entitled to.<sup>88</sup> Globally and in Nepal, concerns have been expressed about the need to ensure the basic needs, safety, rescue and repatriation of workers in difficult conditions, taking care of their health and wellbeing, invoking social protection measures, testing and keeping them in quarantine as well as taking steps toward their rehabilitation and integration upon return to home countries.<sup>89</sup>

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85 RT-PCR test is a type of antigen test to detect viral Ribonucleic Acid (RNA) through respiratory samples from the nasal cavity to detect coronavirus and is the most preferred method. RDT uses samples from the respiratory tract to detect antigen or blood to detect host antibody in a person to test for coronavirus and provides results within 30 minutes or in a short period of time. Chloe Kent, 'Different Paths to the Same Destination: Screening for COVID-19,' *Verdict*, accessed 9 June 2020, <https://www.medicaldevice-network.com/features/types-of-covid-19-test-antibody-pcr-antigen/>; 'Advice on the Use of Point-Of-Care Immunodiagnostic Tests for COVID-19,' WHO, accessed 9 June 2020, [https://www.who.int/news-room/commentaries/detail/advice-on-the-use-of-point-of-care-immunodiagnostic-tests-for-covid-19#:~:text=Rapid%20diagnostic%20tests%20\(RDT,typically%20within%2030%20minutes.](https://www.who.int/news-room/commentaries/detail/advice-on-the-use-of-point-of-care-immunodiagnostic-tests-for-covid-19#:~:text=Rapid%20diagnostic%20tests%20(RDT,typically%20within%2030%20minutes.)

86 Calculations based on raw dataset from NLFS 2017/18.

87 Natasja Sheriff and Zara Khan, 'COVID-19 Relief Efforts Are Ignoring the People Who Need It Most,' *Quartz*, 14 April 2020, <https://qz.com/1836995/how-covid-19-is-affecting-low-wage-workers/?fbclid=IwAR39tkEPIFugjx0F34gz8qkschEftq0SGQQkvGcZXyCLbtJmpS4XFGPt9I>; David Brennan, 'Coronavirus Leaves Foreign Workers in the Gulf Stranded, Unemployed and Forgotten, Advocates Warn,' *Newsweek*, 9 April 2020, [https://www.newsweek.com/coronavirus-leaves-foreign-workers-gulf-stranded-unemployed-forgotten-advocates-warn-1497079?fbclid=IwAR19VXB11FDsfBW\\_mVj34KH-YFFh-fpcKD7rALiICe-Vs8MDtjjs7-4JQes](https://www.newsweek.com/coronavirus-leaves-foreign-workers-gulf-stranded-unemployed-forgotten-advocates-warn-1497079?fbclid=IwAR19VXB11FDsfBW_mVj34KH-YFFh-fpcKD7rALiICe-Vs8MDtjjs7-4JQes); Joe Mellor, 'Murder of Fifth Woman Raises Fears of Domestic Violence During Lockdown,' *The London Economic*, 7 April 2020, [https://www.thelondoneconomic.com/news/murder-of-fifth-woman-raises-fears-of-domestic-violence-during-lockdown/07/04/?fbclid=IwAR2DtQQcZvIc37bZYMmiC59AWqIXFLcZCei0i2VkSS\\_pv6tA\\_s6DfkwWh8](https://www.thelondoneconomic.com/news/murder-of-fifth-woman-raises-fears-of-domestic-violence-during-lockdown/07/04/?fbclid=IwAR2DtQQcZvIc37bZYMmiC59AWqIXFLcZCei0i2VkSS_pv6tA_s6DfkwWh8).

88 Amnesty International, 'Qatar: Migrant Workers Illegally Expelled during COVID-19 Pandemic,' Amnesty International, 15 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/qatar-migrant-workers-illegally-expelled-during-covid19-pandemic/>.

89 ILO, 'ILO Monitor: COVID-19 and the World of Work – Second Edition Updated Estimates and Analysis' (Geneva: ILO, 2020); 'Joint Statement on COVID-19 by International Organisation of Employers and International Trade Union Confederation' International Organisation of Employers and International Trade Union Confederation,

In interviews conducted by the online news portal, Ratopati, with Nepali ambassadors in Malaysia, Israel, Kuwait and Saudi Arabia, the latter were of the view that Nepali migrant workers were feeling disappointed at how the Nepali government has responded to their plight.<sup>90</sup> Despite being one of the major pillars of the Nepali economy, migrant workers feel abandoned by their country at a time of need. The ambassadors said that all the embassies have been in constant communication with stranded Nepali migrants through their 24-hour hotline services, emails and social media. Nepali migrant workers appeared to be in a state of panic and desperate for support, and a large number are facing dire situations such as illness, loss of jobs, lack of money, and precarious living conditions in close proximity with infected individuals while those who have been stranded abroad for a long time due to the suspension of flights have been pleading with the government for their immediate repatriation. Since many countries began flying back their citizens from these countries, there was mounting pressure on the Nepali embassies as well. Expressing his anger with the government and how the repatriation process is being carried out and about being placed in a holding centre, one Nepali migrant worker in Kuwait said: 'We are supporting the economy of Nepal by earning in foreign countries.... But, now, when we are facing difficulties, the Government of Nepal, which is like our parents, should have embraced us. Instead, we are being thrown away like stray dogs. That is why we are getting angry... We were better where we were before. We had work there and we were safe there. But, here, there is no management for taking baths, washing hands and clothes... We also have not received any relief.'<sup>91</sup>

According to the Ratopati interview, in Malaysia, the Nepali Embassy has been using the social media platform, Facebook Live, to talk to Nepali workers. The embassy has been providing health-related information by featuring a doctor on live call. There are around 3,000 Nepali migrant workers in Malaysia with tickets to return to Nepal but unable to come back due to the ban on international flights and the lockdown imposed in both Nepal and Malaysia. In Saudi Arabia, Nepali migrant workers are facing problems of accommodation and payment of salary. The NRNA and the Nepali Embassy in Saudi Arabia have been helping stranded Nepali migrant workers by providing shelter and food to those in touch with the embassy.

Nepali migrant workers in Kuwait employed in cafes, beauty parlours, salons and other small retail businesses have lost their jobs due to the partial and full lockdowns in place since early 20 April. Only a few have been paid in part. Many Nepali migrant workers are in various camps run by the Kuwaiti government. In Israel, on the other hand, following a

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accessed 1 June 2020, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/genericdocument/wcms\\_739522.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/genericdocument/wcms_739522.pdf); IOM, 'COVID-19: Guidance for Employers and Business to Enhance Migrant Worker Protection During the Current Health Crisis' (Geneva: IOM, 2020); Juan Pablo Bohoslavsky, 'COVID-19: Urgent Appeal for a Human Rights Response to the Economic Recession' (Geneva: UNHRC, 2020).

<sup>90</sup> Ratopati, 'Interview with Ambassadors' *Ratopati*, 18 May 2020, [https://www.facebook.com/watch/live/?v=249272142821541&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=249272142821541&ref=watch_permalink).

<sup>91</sup> Gayak Ramchandra Thapa (Singer Ramchandra Thapa), 'Sarkar le Jantako Chaso Narakhda Kuwait Bata Dajubhai (Brothers from Kuwait, When the Government is Not Interested in Them)', Facebook, 9 June 2020, <https://www.facebook.com/109298250771571/videos/1112364835806058>.



request from the Nepali embassy, Nepali migrant workers who have been laid off, and even those staying in the country illegally, have found jobs in the agriculture sector.<sup>92</sup>

The Nepali NGO, PNCC, has been collecting cases and complaints online through the 'Form to Facilitate Those Affected by COVID-19' from Nepali migrants in various CoDs. Of a total of 447 cases concerning 1,073 individuals collected from 16 different CoDs till 2 June 2020, there were 54 group cases.<sup>93</sup> The highest numbers were recorded from Qatar (138), followed by the UAE (116), Malaysia (75), Saudi Arabia (65), India (15), Kuwait (14), and the rest from other countries. Of the responses, both as individuals and groups, 21 per cent were related to fundamental needs due to loss of jobs, with workers either being placed on unpaid leave or asked to return to their home countries.<sup>94</sup> Another 18 per cent related to problems of repatriation; 17 per cent to non-payment of wages; 13 per cent to food shortages and access to food due to lockdowns; and 11 per cent lacked access to basic health safeguards such as sanitisers, hand-washing facilities and protective equipment like masks while working. In addition, 3 per cent were related to problems of accommodation since the migrant workers without jobs were not able to pay rent for their living quarters.

In the following sections, we illustrate some of the major challenges and issues facing these migrants and their families.

### **Impact on Economy, Employment and Livelihoods**

The impact of the pandemic is being felt globally and is expected to have huge ramifications at the macro- and micro-economic levels in all countries. An ILO report in early April 2020 estimated that the lockdown has affected 2.7 billion workers, i.e., 81 per cent of the global workforce.<sup>95</sup> The report notes: 'As of 1 April 2020, estimates indicate that working hours will decline in the current quarter (Q2) by around 6.7 per cent, which is equivalent to 195 million full-time workers (assuming a 48-hour working week).' The ILO estimates that by the end of 2020 the number of global unemployed could significantly exceed ILO's initial projection of 25 million. In late May, the ILO updated its analysis and reported that globally there will be around 305 million full-time jobs lost in the second quarter of 2020.<sup>96</sup> There are higher chances of unemployment in sectors such as retail, trade, accommodation and food services, and manufacturing, with a loss of workers' income of as much as USD 3.4 trillion.<sup>97</sup> According to the same report, 37.5 per cent of the total workers in the world are engaged in the at-risk sectors of whom 50.5 per cent are in the non-agriculture sector.<sup>98</sup> Further, only 45.2 per cent of the total global workers engaged in the at-risk sectors are protected by some form of social security.

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92 Ratopati, 'Interview with Ambassadors'.

93 Pravasi Nepal Coordination Committee, 'Brief Report'.

94 These were single-answer responses and hence do not capture cases where workers had multiple grievances.

95 ILO, 'ILO Monitor: Second Edition'.

96 ILO, 'ILO Monitor: Fourth Edition'.

97 Ryder, 'COVID-19 Has Exposed'.

98 ILO, 'ILO Monitor: Second Edition'.

Among those to be hit hardest will be migrant workers,<sup>99</sup> a fact that is equally true for Nepalis since these are the sectors employing the majority of Nepali workers in key destination countries.<sup>100</sup> The spread of COVID-19 and the ensuing lockdown has led to a slump in oil demand all over the world and the price of oil has also gone down.<sup>101</sup> That will have a long-term impact on Nepali workers for many of whom the major destinations are oil-exporting countries. For a country which already had a high rate of unemployment (11.4%) and a poverty rate of 18.7 per cent, the financial stress caused by the pandemic will grip millions of Nepalis. According to initial estimations from the FEB, nearly 20 per cent (280,000) of the Nepali migrant workers abroad are at risk of losing their jobs as a result of the pandemic and will return home in the coming months.<sup>102</sup>

According to the Asian Development Outlook 2020, Nepal's GDP growth rate is expected to drop from 7.1 per cent in 2019 to 5.3 per cent in 2020, due to lower remittances, trade and tourism, and border disruptions caused by the COVID-19 outbreak.<sup>103</sup> Highly dependent on remittances, with its contribution to the national GDP having exceeded 25 per cent since 2012,<sup>104</sup> Nepal can expect a strong decline in the coming years. The country's central bank, Nepal Rastra Bank (NRB), reported that Nepal received NPR 755.1 billion (c. USD 6.2 billion) and NPR 879.3 billion (c. USD 7.2 billion) in remittance in the fiscal years 2017/18 and 2018/19,<sup>105</sup> and in the first nine months of fiscal year 2019/20 (i.e., mid-July 2019 to mid-April 2020), remittance inflow was NPR 626.90 billion (c. USD 5.1 billion).<sup>106</sup> (According to the latest disaggregated figures from the NRB, Nepal received NPR 128.5 billion [c. USD 1 billion]) from India through formal and informal channels in the fiscal year 2018/19 and NPR 750.8 billion [USD 6.1 billion] through formal channels from countries other than India.)<sup>107</sup> Compared to the same period in the previous fiscal year, remittance inflow was already down by 4 per cent. But the striking difference came in the Nepali calendar month of Chait 2076 (i.e., mid-March to mid-April 2020), registering a reduction in remittances by nearly half compared to the same month one year earlier: NPR 34.5 billion (USD 283 million) as opposed to NPR 71 billion (USD 583 million).<sup>108</sup>

99 ILO, *Protecting Migrant Workers*.

100 Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2020*, 33.

101 Dharshini David, 'Who Wins and Who Loses When Oil Prices Fall,' *BBC News*, 22 April 2020, <https://www.bbc.com/news/business-52375422>.

102 Jagdishwor Pandey, 'Char Lakh Shramik Tatkal Pharkina Sakne (Four Lakh Workers Can Return Immediately),' *Kantipur*, 7 May 2020, <https://ekantipur.com/news/2020/05/07/158881692093682346.html>.

103 ADB, *Asian Development Outlook 2020: What Drives Innovation in Asia? Special Topic: The Impact of the Coronavirus Outbreak—an Update* (Mandaluyong City: ADB, 2020).

104 Deepak Thapa, 'Failing Our Migrant Workers,' *The Kathmandu Post*, 9 July 2020, <https://tkpo.st/2ZHsQtK>.

105 Nepal Rastra Bank, *Current Macroeconomic and Financial Situation of Nepal (Based on Annual Data of 2017/18)* (Kathmandu: Nepal Rastra Bank, 2018); Nepal Rastra Bank, *Current Macroeconomic and Financial Situation of Nepal (Based on Annual Data of 2018/19)* (Kathmandu: Nepal Rastra Bank, 2019).

106 Nepal Rastra Bank, *Current Macroeconomic and Financial Situation of Nepal (Based on Nine Months' Data of 2019/20)* (Kathmandu: Nepal Rastra Bank, 2020), 4.

107 Nepal Rastra Bank, *Nepalma Bipresan Aprawabako Sthiti (Remittance Status in Nepal)* (Kathmandu: Nepal Rastra Bank, 2020).

108 Nepal Rastra Bank, *Current Macroeconomic and Financial Situation (Based on Nine Months' Data of 2019/20)*, 10.

In terms of calendar years, according to the World Bank, Nepal received USD 8.1 billion in 2018 and USD 8.1 billion in 2019—28 and 27.3 per cent of the country's GDP, respectively.<sup>109</sup> The bilateral remittance matrix published by the World Bank shows that among the major destination countries, Nepal received the highest amounts from Qatar, Saudi Arabia and India in the years 2017 and 2018 (Table 10). Due to the global economic slowdown as well as decline in oil prices caused by the coronavirus pandemic, Nepal is expected to experience a decline in remittances of around 14 per cent in 2020.<sup>110</sup>

Migration has long been a lifeline for Nepalis and the Nepali economy for a very long time. The Nepal Living Standards Survey from 2010/11 showed that more than half (56 per cent) of the households in Nepal receive remittances from within the country or abroad, with the share of remittances in total household income averaging 31 per cent.<sup>111</sup> More than 80 per cent of these funds came from abroad. A study by CESLAM on labour migration and the remittance economy reported that money received from outside Nepal was the main source of income in 33 per cent of migrant households.<sup>112</sup> With a sharp decline in remittances and uncertainty looming in the domestic economy and job market, the effect on individuals and families who have lost their sources of income due to the COVID-19 pandemic is likely to be quite significant.<sup>113</sup> Many labour migrant households are in debt, often due to loans taken to finance migration to destination countries.<sup>114</sup> With many migrant workers having to return to Nepal with no prospect of earning or employment in the near future, the debt burden on their families will increase further.

As a result of the pandemic, in some cases, people are being laid off or placed on leave without pay. In the UAE, there have been cases of workers' salaries being cut by 75 per cent.<sup>115</sup> In Oman, some companies have asked only 30 per cent of the workers to come to work, while the rest have been ordered to stay at home without pay.<sup>116</sup> In Romania, 500 Nepali migrant workers have been put on leave without pay.<sup>117</sup> The expiration of visas and the labour permits due to the imposition of bans by destination countries and Nepal have also created problems for Nepalis planning to go abroad for employment. For example, Qatar

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109 World Bank, 'Migration and Remittances: Recent Development and Outlook,' *Migration and Development Brief* 31 (2019); World Bank, 'Covid-19 Crisis Through the Migration Lens,' *Migration and Development Brief* 32 (2020).

110 World Bank, 'COVID-19 Crisis.'

111 Central Bureau of Statistics, *Nepal Living Standard Survey 2010/11: Statistical Report Volume II* (Kathmandu: Central Bureau of Statistics, 2011), 78.

112 Bandita Sijapati, Ang Sanu Lama, Jeevan Baniya, Jacob Rinck, Kalpana Jha & Amrita Gurung, *Labour Migration and the Remittance Economy: The Socio-Political Impact* (Kathmandu: Centre for the Study of Labour and Mobility, 2017), 19. <https://www.ceslam.org/our-publications/the-socio-political-impact>

113 Peter Gill, 'Coronavirus Severs Nepal's Economic Lifeline,' *The Diplomat*, 20 April 2020, <https://thediplomat.com/2020/04/coronavirus-severs-nepals-economic-lifeline/>.

114 Sijapati et al, *Labour Migration and the Remittance Economy*, 12.

115 Muna Kunwar, 'Bideshma Raheka 50 Lakh Nepaliko Rojgari Jokhimma (Jobs at Risk of 5 Million Migrant Workers Abroad),' *Naya Patrika*, 2 April 2020, <https://www.nayapatrikadaily.com/news-details/40178/2020-04-02>.

116 Kunwar, 'Bideshma Raheka 50 Lakh'.

117 Chandan Kumar Mandal, 'In Romania, Hundreds of Nepalis, Forced to Take Unpaid Leave, Pay Cuts,' *The Kathmandu Post*, April 8, 2020, <https://tkpo.st/2JQcMOS>.

**Table 10: Remittances Received from Major Destination Countries (in million USD)**

Remittance-sending Countries	2017	2018
Qatar	1,968	2,227
Saudi Arabia	1,841	2,039
India	1,021	1,337
UAE	836	136
Kuwait	246	301
Malaysia	190	745
South Korea	35	45
Bahrain	2	16

Source: The World Bank. 2018. 'Migration and Remittances: Bilateral Remittances Matrix 2017', accessed 29 April 2020; The World Bank. 2019. 'Migration and Remittances: Bilateral Remittances Matrix 2018', accessed 29 April 2020, <https://www.worldbank.org/en/topic/labormarkets/brief/migration-and-remittances>.

banned all visitors from 14 countries, including Nepal, on 9 March, effectively putting the work visas of nearly 40,000 Nepalis on hold.<sup>118</sup> In light of this development, NAFEA, the umbrella body representing Nepali recruitment agencies, requested the Qatar Embassy in Kathmandu to consider extending the visa status of those individuals without imposing any penalties. The UAE also suspended the issuance of labour permits, including for domestic workers, from 19 March until further notice.

The governments in CoDs have also introduced measures for labour migrants in the country and whose visas or permits have expired or are expiring soon. On 20 April, Qatar's Ministry of Interior issued a new guidance where foreigners on tourist, visit, and on-arrival visas, along with those whose visas have expired can stay in the country without extending their visas or paying any fees.<sup>119</sup> South Korea also extended the visas of Nepali workers in the country under the EPS by 50 days.<sup>120</sup>

There have been many cases in the GCC states where employers have refused to pay the full salary even as some of the destination countries have declared their commitment to protecting migrants' employment and directed employers to provide the minimum wage to workers.<sup>121</sup> For example, a ministerial meeting in Qatar decided that starting from April 2020, 80 per cent of the private sector workers will work from home for six hours a day.<sup>122</sup>

118 Mandal, 'Thousands of Nepali Workers'.

119 Ministry of Interior (@MOI\_QatarEn), Twitter Post, 20 April 2020, [https://twitter.com/MOI\\_QatarEn/status/1252237669049995266](https://twitter.com/MOI_QatarEn/status/1252237669049995266).

120 Himalayan News Service, 'South Korea Extends Visa of Nepali Migrants,' *The Himalayan Times*, 14 April 2020. <https://thehimalayantimes.com/nepal/south-korea-extends-visa-of-nepali-migrants>; and Rameshwar Nepal, Jeevan Baniya, Kamal Thapa Chhetri and Deepika Thapaliya, *Kovid-19 Mahamariko Chapetama Nepali Aaprabasi Shramikko Adhikaar: Drut Addhyan Pratibedan* (Rights of Nepali Migrant Workers in the Clutches of the COVID-19 Pandemic: Rapid Assessment Report), National Human Rights Commission, Nepal 2020.

121 Kunwar, 'Bideshma Raheka 50 Lakh'.

122 Hom Karki, 'Qatarma 80 Pratisat Kaamdarlai Gharbatai Kaamma Lagaine, Sanaiyako Lockdown Thapiyo (80 Percent Migrant Workers in Qatar Will Be Working from Home),' *Kantipur*, 2 April 2020, <https://ekantipur.com/diaspora/2020/04/02/158579483177943165.html>.

In Bahrain, the government said that workers would be compensated even if employing companies remain closed.<sup>123</sup> In South Korea, the government expressed its commitment to compensate workers' salaries in situations where the private companies cannot provide it due to the current pandemic while also requiring that companies provide at least 70 per cent of the salary to those workers who have lost their jobs due to COVID-19. In Malaysia, minimum wages will be given to workers. Saudi Arabia, too, has a law that states that companies cannot place workers on unpaid leave for any reason. Despite these provisions in some of these CoDs, uncertainty prevails over whether Nepali workers will receive adequate compensation or whether their jobs will remain secure.

Every year around half a million Nepalis enter the labour force.<sup>124</sup> With many people within the country having lost or likely to lose their jobs, and thousands of migrant workers expected to return from abroad due to the COVID-19 crisis, there will be a rapid rise in unemployment in the country. While the government has announced plans to create 700,000 jobs in the fiscal year 2020/21, a task force formed to study the impact of COVID-19 on foreign employment and economy has reported that the government needs to create at least 1.5 million jobs to accommodate the new workforce and avoid an imminent unemployment crisis.<sup>125</sup>

Adverse impacts on domestic income from industry,<sup>126</sup> services and tourism have been predicted.<sup>127</sup> Small and medium enterprises have been reported to have been the most affected, with around 60 per cent of those employed in this sector having lost their jobs.<sup>128</sup> It is also estimated that there will be a huge rise in the price of consumer goods.<sup>129</sup> The wholesale and retail sector, which had contributed 23.1 per cent to Nepal's GDP in fiscal year 2018/19,<sup>130</sup> has already seen a drastic reduction in imports. With such an outlook, there is a high risk of inflation caused by the fall in aggregate demand and resulting deceleration in spending, spurring a downward pressure on the market.<sup>131</sup> The economic fallout as a result of the outbreak has already started to surface in a number of sectors like tourism, trade, supply and health. Entire service industries like tourism, aviation and the hospitality

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123 Kunwar, 'Bideshma Raheka 50 Lakh'.

124 Government of Nepal, *Pandbraun Yojana (Aarthik Barsa 2076/77-2080/81) (Fifteenth Plan [Fiscal Year 2076/77-2080/81])* (Kathmandu: Government of Nepal, 2020), 328.

125 Prithvi Man Shrestha, 'Government Task Force Says Nepal Needs 1.5 Million Jobs to Avoid Unemployment Crisis,' *The Kathmandu Post*, 10 June 2020, <https://tkpo.st/30qWLBbL>.

126 Kantipur, 'Sana Udhyamma 60 Pratisat Rojgari Gumyo (60 per cent Employment Lost in Small Enterprises),' *Kantipur*, 17 May 2020, <https://ekantipur.com/business/2020/05/17/158967922597179399.html>.

127 Paban Raj Pandey, 'The Novel Coronavirus Puts Nepal's Economy under the Microscope,' *The Kathmandu Post*, 4 April 2020, <https://tkpo.st/3bT69aL>.

128 Kantipur, 'Sana Udhyamma 60 Pratisat Rojgari Gumyo (60 per cent Employment Lost in Small Enterprises),' *Kantipur*, 17 May 2020, <https://ekantipur.com/business/2020/05/17/158967922597179399.html>.

129 Asian Development Bank, *Nepal: Macroeconomic Update* (Kathmandu: Asian Development Bank, 2020).

130 Ministry of Finance, *Economic Survey 2018/19* (Kathmandu: Ministry of Finance, 2019).

131 Kaustubh Dhital, 'Nepal Prepares for Economic Fallout of Pandemic,' *Nepali Times*, 18 April 2020, <https://www.nepalitimes.com/latest/nepal-prepares-for-economic-fallout-of-pandemic/>.

sector have been hit badly by the outbreak.<sup>132</sup> The most prominent casualty in tourism was the ‘Visit Nepal 2020’ campaign that had aimed to attract 2 million visitors to Nepal in 2020 but which had to be called off despite having been launched with some fanfare in January.<sup>133</sup>

### Stranded Nepalis: Repatriation and Return

Various international laws guarantee the freedom of movement, including the right to return to the home country.<sup>134</sup> The Foreign Employment Act 2007 actually obligates the Government of Nepal to facilitate the return of migrant workers from countries suffering from war, epidemic or natural calamities.<sup>135</sup> Hence, in the current situation it is the right of migrants in various CoDs to be able to return home and it is the government’s responsibility to facilitate their safe and dignified return.<sup>136</sup>

Nepalis stranded in various foreign countries have not been repatriated because of the lockdown in Nepal and suspension of international flights into the country.<sup>137</sup> Migrant workers in foreign countries are also facing acute problems of food and accommodation as well as uncertainty regarding how they would pay for their return. Many who had already bought tickets for subsequently cancelled flights are also being made to pay additional fees for rescheduling.<sup>138</sup> While this has put additional financial pressure on already distressed migrants who are left to grapple with managing their own basic needs, this situation is likely to persist until and unless normal flights are resumed or, better still, the government puts in place emergency evacuation plans. As mentioned by an embassy official in the UAE: ‘Those who resigned themselves to returning home due to the fear of contracting the disease but could not go face the challenge of sustaining themselves due to lack of a regular income’.<sup>139</sup>

Despite these challenges faced by Nepali workers abroad, the relevant government institutions have only incomplete information on the number of Nepalis in need of immediate repatriation or planning to return. According to preliminary estimates by the Foreign Employment Board (FEB) in early May, at least 127,000 migrant workers are in need of immediate repatriation from seven CoDs—Qatar, Saudi Arabia, the UAE, Kuwait,

132 Asian Development Bank, ‘Nepal’s Economy to Slow in FY 2020,’ ADB, 3 April 2020, <https://www.adb.org/news/nepals-economy-slow-fy-2020>.

133 Sangam Prasain, ‘Visit Nepal 2020 Called Off, Finally,’ *The Kathmandu Post*, 31 March 2020, <https://kathmandupost.com/national/2020/03/31/visit-nepal-2020-called-off-finally>.

134 UN, ‘Universal Declaration of Human Rights’, Article 13(2); UN, ‘International Covenant on Economic, Social and Cultural Rights’, Article 12(4); UN, ‘International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families’, Article 8(2).

135 Government of Nepal, ‘Foreign Employment Act’ (Kathmandu: Government of Nepal, 2007), Section 75(2).

136 LAPSOJ, *Policy Brief: Vulnerability of Migrant Workers and Their Right to Return to the Country of Origin* (Kathmandu: LAPSOJ, 2020).

137 Global Voices, ‘For Nepal’s Migrant and Daily Wage Workers, Lockdown Is More Dangerous Than the Coronavirus,’ *Global Voices*, 19 April 2020, <https://globalvoices.org/2020/04/19/for-nepals-migrant-and-daily-wage-workers-lockdown-is-more-dangerous-than-the-coronavirus/>.

138 Rabintra Ghimire, ‘Uddar Udanko Bhada Nityamit Bhanda Char Guna Mahango (The Fare for the Rescue Flight Four Times More Expensive Than Regular),’ *Onlinekhabar*, 12 June 2020, <https://www.onlinekhabar.com/2020/06/872330?fbclid=IwAR2KU7FluI2lKm6CdRFFG5aC1dX2jlVYpU7K8gEVNuKrggwIBC9HAsUaYk>.

139 Online interview, 30 June 2020.

Bahrain, Oman, and Malaysia—and nearly 280,000 other Nepalis who are out of work in these countries because of the pandemic are due to return.<sup>140</sup> Later in the month, the country's apex body in the fight against the coronavirus, the COVID-19 Crisis Management Centre (CCMC), estimated that including India, a total of 1.3 million Nepalis are seeking to come back. Despite these staggering numbers, the plan was to immediately repatriate only 24,148 people from 30 different countries by the end of June.<sup>141</sup>

Besides the number of Nepali migrant workers planning to but have not yet been able to return together with those who have been laid off due to the pandemic, there are also those whose contracts have been expiring as a matter of course. The study team analysed DoFE data in order to get a reliable estimate of how many Nepali workers are likely to be in a situation where their stay in foreign countries would have exceeded the duration of their contracts. Since work contracts for the vast majority of workers in most destination countries are for two years, calculations based on the number of work permits issued by DoFE two years earlier show that on an average 1,500 workers have been running out of contracts every day since international flights were suspended (Table 11). The highest number of labour permits expiring are of those in Qatar, the UAE, Saudi Arabia and Malaysia.<sup>142</sup> By this reckoning, a total of an estimated 138,000 labour permits have expired since the halt in international flights to Nepal on 22 March 2020 till the time of finalising this report (21 June 2020). And, every new day continues to add to the number of Nepali migrant workers waiting to be repatriated back home because their contracts have expired.

The same calculation shows that the highest number of workers with expired labour permits would be from Province 2, with 34,776 having expired since 22 March and 378 expiring every day (Table 12). The provinces of Sudurpashchim and Karnali, on the other hand, have the smallest number of migrant workers with expired labour permits. It should, however, be noted here that the figures presented here do not include Nepali workers in India, and, as Table 6 shows, close to 90 per cent of those working abroad from Sudurpashchim are in India while that proportion is more than 60 per cent in the case of Karnali. In that sense, the needs and challenges for medical, holding centres, quarantine facilities and their social, economic and psychosocial rehabilitation and reintegration is quite similar in all the provinces.

A study by the NGO, PNCC Nepal, based on responses to their online forms highlighted

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140 These countries host 1.3 million Nepali migrant workers currently. Pandey, 'Char Lakh'.

141 Matrika Paudel, 'America Sahit 30 Deshko 24 Hajar Nepali lai Tatkal Uddar Garnuparne (24 Thousand Nepalis from 30 Countries Need to be Repatriated Immediately),' *Onlinekhabar*, June 8, 2020, <https://www.onlinekhabar.com/2020/06/871395>.

142 With the amendment to the Foreign Employment Regulations in 2019, it is now possible to renew labour permits in the destination countries although in practice renewals had still not started by the time of writing this report. See also, Chandan Kumar Mandal, 'New Provision Allows Migrant Workers to Obtain Re-Entry Labour Permits in Destination Countries,' *The Kathmandu Post*, 25 August 2019, <https://kathmandupost.com/national/2019/08/25/new-provision-allows-migrant-workers-to-obtain-re-entry-labour-permits-in-destination-countries>.

**Table 11: Number of Labour Permits Expiring\***  
(22 March to 21 June 2020)

Destination Countries	Labour Permits Expiring per Day†	Total Number of Expired Labour Permits
GCC	1,210	111,320
<i>Qatar</i>	422	38,824
<i>UAE</i>	347	31,924
<i>Saudi Arabia</i>	327	30,084
<i>Bahrain</i>	24	2,208
<i>Kuwait</i>	74	6,808
<i>Oman</i>	16	1,472
Malaysia	195	17,940
Other countries	94	8,648
Total	1,500	138,000

\* Excluding India since Nepalis do not require work permits to go for work in India.

† These are figures based on the monthly total of labour permits issued in the two years before the lockdown began (15 March 2018 to 13 March 2020).

Source: Calculations based on DoFE, 'Countrywide Labour Approval for 2074 for the Month of Chait' (Kathmandu: DoFE, 2018); DoFE, 'Countrywide Labour Approval for 2075 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun and Chait' (Kathmandu: DoFE, 2018/19); and DoFE, 'Countrywide Labour Approval for 2076 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh and Fagun' (Kathmandu: DoFE, 2019/20).

concerns about Nepalis stranded in the destination and not being able to return to Nepal.<sup>143</sup> With some labour migrant-sending countries in South Asia like India, Pakistan, Sri Lanka and Bangladesh as well as the Philippines having started early repatriation of their citizens from countries like the UAE and Kuwait,<sup>144</sup> there have also been increased calls within Nepal for the repatriation of the most vulnerable migrants.<sup>145</sup>

On 25 May 2020, the government passed an executive order to facilitate the repatriation of Nepali citizens needing to return home from countries other than India and listed the order of priority to be followed: i) those who have been granted general amnesty; ii) those in detention centres and who have been permitted to return to Nepal; iii) those on expired visas; iv) those whose family members have died and need to return to conduct death rituals; v) those whose work permits have expired or those who have lost their jobs; vi) those facing severe health issues other than COVID-19; vii) pregnant women; viii) children, the elderly

143 Pravasi Nepal Coordination Committee, 'Brief Report'.

144 'Advisory Regarding Ongoing Repatriation of Indian Nationals to India,' Embassy of India, Kuwait, accessed 1 June 2020, <http://www.indembkwt.gov.in/pdf/Advisory%20-%20Repatriation%20Flight%20related%20-%202015%20May%202020.pdf>; Duncan and Dajani, 'Coronavirus: Thousands of Pakistanis Fly Home from UAE as Repatriation Flights Continue'; Economy Next, 'Sri Lankan Airlines Rescue Flights to Nepal, India, Pakistan to Return 433 Citizens.'; The Daily Star, '451 Bangladeshis Return from India, Pakistan and Kuwait on Special Flights.'; and Talwar Badam, 'Coronavirus: 6,000 Filipinos Repatriated from UAE since Outbreak.'

145 Pravasi Nepal Coordination Committee, 'Brief Report'; 'Meeting Minutes: CSO Engagement on COVID-Response,' virtual meeting conducted by the International Labour Organization, in coordination with National Network of Safe Migration (NNSM) with members of civil society organization. ILO and National Network for Safe Migrations, 10 April 2020; National Human Rights Commission, 'Request to Ensure the Human Rights'.



**Table 12: Number of Labour Permits Expiring\***  
(22 March to 21 June 2020)

Province	Labour Permits Expiring per Day <sup>†</sup>	Total Number of Expired Labour Permits
Province 1	353	32,476
Province 2	378	34,776
Bagmati (Province 3)	219	20,148
Gandaki (Province 4)	234	21,528
Province 5	263	24,196
Karnali (Province 6)	43	3,956
Sudurpashchim (Province 7)	36	3,312

\* Excluding India since Nepalis do not require work permits to go for work in India.

† These are figures based on the number of labour permits issued in the FY 2017/18-2018/19 and first eight months of FY 2019/2020.

Source: Data provided to CESLAM researchers by the Department of Foreign Employment.

and the handicapped; ix) public servants who have gone for training or education; x) students who have finished their education; xi) students who have demonstrable urgency to come to Nepal; xii) those who went for family reunions; xiii) those who retain their jobs and are on leave; xiv) those employed in international organisations and need to return; and xv) those on tourist and business visas.<sup>146</sup> The plan also envisioned a total of 10 daily flights (with one flight per country per day) to carry Nepalis back from countries other than India. The returnees have to show negative COVID-19 test results and would be placed in 'holding centres' in various parts of Kathmandu Valley once they reach Nepal.<sup>147</sup>

For those in India, the same order designated 20 land ports of entry in 18 districts for returnees from India: Pashupatinagar (Ilam district), Kakarbitta (Jhapa), Rani (Morang), Kunauli (Saptari), Thadi (Siraha), Gaur (Rautahat), Birgunj (Parsa), Maheshpur (Nawalparasi West), Belhiya (Rupandehi), Taulihawa and Krishnanagar (Kapilvastu), Jamunah (Banke), Surajpur and Gulariya (Bardiya), Gauriphanta (Kailali), Gaddachauki (Kanchanpur), Jhulaghat (Baitadi), and Darchula (Darchula).<sup>148</sup> The government expected

146 MoFAGA, 'COVID-19 ko Bishwobyapi Sankramanko Karan Bata Utpanna Asahaj Paristhitima Swadesh Aaunaiparne Awasthama Raheka Nepali Nagariklai Swadesh Aauna Sahajikaran Garne Sambandhi Aadesh', 2077 (Order to Facilitate the Repatriation of Nepali Citizens Who Have to Return Home Due to the Inconvenient Situation Caused by the COVID-19 Global Pandemic, 2020), <https://mofaga.gov.np/news-notice/1872>.

147 Jagdishwor Pandey and Hom Karki, 'Bidesh bata Ayekalai Yasari Puryaincha Ghar (This Is How Returnees Will Be Returned to Their Homes)', *Kantipur*, 3 June 2020, [https://ekantipur.com/news/2020/06/03/159115124393674619.html?fbclid=IwAR2Uyq08UKkVn7PAFD5h5KwmavvVYC7VKpgdSqzq52\\_HpUGYb3kYLTdSWE](https://ekantipur.com/news/2020/06/03/159115124393674619.html?fbclid=IwAR2Uyq08UKkVn7PAFD5h5KwmavvVYC7VKpgdSqzq52_HpUGYb3kYLTdSWE).

148 'COVID-19 ko Bishwobyapi Sankramanko Karan Bata Utpanna Asahaj Paristhitima Swadesh Aaunaiparne Awasthama Raheka Nepali Nagariklai Swadesh Aauna Sahajikaran Garne Sambandhi Aadesh', 2077 (Order to Facilitate the Repatriation of Nepali Citizens Who Have to Return Home Due to the Inconvenient Situation Caused by the Global Infection of COVID-19, 2020), <http://rubivalleymun.gov.np/sites/rubivalleymun.gov.np/files/Notices-bahira-bata-aaune-ko-laagi-aadesh.pdf>.

### Box 1: Calculating Expired Labour Permits

The estimate of the average number of labour permits expiring per day is based on the assumption that most labour permits issued by DoFE are valid for two years. Accordingly, the analysis looked at monthly data on labour permits for two years preceding the lockdowns, 15 March 2018 to 13 March 2020, which correspond to the Nepali calendar months of Chait 2074 to Fagun 2077. Nepal suspended incoming and outgoing flights on 22 March 2020. Hence, workers whose labour permits expired and who would have returned had the situation been normal were not able to make the journey back home after this date.

To calculate the work permit visa expiration rate, first, the average of daily permits issued based on the monthly data was calculated. Then, an average of averages for the 24-month period under consideration was computed to estimate the population mean. This provided an average number of labour permits expiring per day. This calculation was used to estimate the average daily of labour permits expiring for the major destination countries as well as for all the others. Finally, the average number of labour permits expiring per day was multiplied by the total number of days starting from the date when the Government of Nepal suspended international flights up to the period this report was finalised, i.e., 22 March to 21 June 2020, to estimate the total number of labour permits that would have expired during the period under consideration. For calculations at the province level, the annual data on labour permits issued in the fiscal years 2017/18 and 2018/19 along with the monthly data for the first eight months of 2019/20 were used, and followed the same calculations as above.

500,000 Nepalis to return from India through these land ports, and the plan is to place them in 'holding centres' in public buildings, public schools, party palaces, and other open-area facilities near the border entry points.<sup>149</sup> For the implementation of the aforementioned order, on 29 May 2020 the government published an Action Plan for repatriating stranded Nepalis at the Nepal-India border as well as from countries other than India.<sup>150</sup> The Plan assigned responsibilities to the various departments within the three tiers of government (see Annex II).

In early June 2020, during a virtual discussion hosted by the Labour Employment Journalist Group with the ambassadors of Malaysia, Qatar and Saudi Arabia, gaps in communication between the government and embassies abroad became quite clear.<sup>151</sup> In particular some of the issues raised during the discussion were:

149 Jagdishwor Pandey, 'Bidesh Bata Nepalilai Uddar Garna Dinma 10 Udan (10 Flights Daily to Rescue Nepalis from Abroad)', Kantipur, 1 June 2020, <https://ekantipur.com/news/2020/06/01/15909738153987427.html?fbclid=IwAR0F8S6ojmT6x-wqbx44mpe4RIP4f9pvpUmRmiqDEYEyM0o1Urubzpu0HKL>.

150 'Nepali Nagariklai Swadesh Auna Sahajikaran Garne Sambandhi Karya Yojana', 2077 (Action Plan to Facilitate the Return Home of Nepali Citizens, 2020), <https://www.opmcm.gov.np/wp-content/uploads/2020/05/Action-plan-2077.pdf>.

151 Sajha Sawal Media, 'Repatriation of Nepalis from Foreign Countries Has Begun, a Discussion with Ambassadors,' YouTube, 5 June 2020, [https://www.youtube.com/watch?v=HgcQtNi\\_ZGA](https://www.youtube.com/watch?v=HgcQtNi_ZGA).

- Tickets on chartered flights being much more expensive than normal fares and many Nepali migrant workers not being able to afford them.
- The ambassadors requested the government to resume regular flights in order to reduce the burden on Nepali migrants.
- Regarding the testing of Nepali migrant workers before repatriation the government has not issued clear directives to the embassies on who would conduct these tests or who would bear the cost.
  - Failure to resolve this matter will mean that Nepali migrant workers will be sent to Nepal after thermal testing only, meaning the country has to be ready with a strong quarantine protocol for returnees.
- An earlier assessment by the FEB reported that at least 20,000 Nepalis have to be immediately repatriated from Saudi Arabia.<sup>152</sup> The embassy in Saudi Arabia had collected information of around 10,000 Nepali migrant workers for repatriation. The discrepancy in the numbers between the initial assessment and later data could be due to the high number of illiterate Nepali labourers who may not have filled the embassy's repatriation form.
- In Malaysia, 6,343 Nepali migrants had contacted the Nepali embassy for repatriation, of whom priority would be granted to 201 sick individuals and pregnant women, to 3,675 individuals whose contracts have expired, and to 1,036 individuals who have lost their jobs.
  - There are also Nepalis in Malaysia who had wanted to go back to Nepal earlier but have now decided to stay back and work since the number of COVID-19 infections has been controlled in Malaysia while it is rising in Nepal.
- Qatar has 7,000 Nepali migrants who need to return to Nepal, with priority to be given to pregnant women, individuals whose visas have expired, those who have lost their jobs, and those in need of medical care. Some companies in Qatar are willing to bear the cost of their employees' flights back home.

Emphasising the challenges faced by Nepali missions abroad about how repatriation is taking place, an official at the Nepali embassy in Kuwait said: 'The process is going smoothly. However, instead of one flight per day, it could have been accelerated if more than two flights had been provided. As the number of people wanting to go back due to valid reasons is rising, the limited number of chartered flights cannot provide a full solution to the problem.'<sup>153</sup>

Repatriation flights kicked off on 5 June, with that day's flights bringing back 23 Nepalis from Myanmar and 168 from the UAE.<sup>154</sup> None of the returnees from the UAE, however,

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<sup>152</sup> Pandey, 'Char Lakh Shramik'.

<sup>153</sup> Online interview, 25 June 2020.

<sup>154</sup> Kantipur, '26 Nepali Liyera Kathmandu Aayo Myanmar Air Force ko Biman (Myanmar's Air Force Brings 26 Nepalis to Kathmandu)', *Kantipur*, 5 June 2020, <https://ekantipur.com/photo-feature/2020/06/05/159133781614235394.html>; and Chandani Hamal, 'Air Arabia's Aircraft Carrying 168 Nepalis

were among the 17,375 Nepalis who had registered their names with the Nepali embassy there, leading to an uproar, including a march to the embassy in Abu Dhabi.<sup>155</sup> The planned repatriation process in accordance with the Action Plan began on 11 June when the first of the 3,000 undocumented workers who had been kept in transit camps and who had been granted amnesty by the Kuwaiti government arrived. The Kuwait government paid for two chartered flights that arrived in Kathmandu on 11 June that brought back 306 Nepalis, 150 of whom were women.<sup>156</sup>

The repatriation efforts have been mired by several shortcomings. Those prioritised by the government under its Action Plan are still being left out as was seen in the case of Nepali citizens repatriated from the UAE.<sup>157</sup> The embassies in the CoDs were not clear about who is going to bear the cost of the COVID-19 test that is mandatory before returning and neither do they seem apprised about the cost and date of flights. Lack of coordination was most evident with chartered flights flying out of Nepal to countries where a significant number of Nepalis are waiting to come back home. Hence, a chartered Nepal Airlines plane to Australia returned with only 11 Nepalis while two earlier ones returned empty as did one from Japan even though the embassies there have drawn up lists of 1300 and 916 Nepalis, respectively, who have to return home.<sup>158</sup>

Around 25,000 Nepalis were expected to fly back to Nepal over the month of June to be carried out by 67 special chartered flights of Nepal Airlines, Himalaya Airlines and other international companies.<sup>159</sup> Flights were planned from 14 to 25 June to bring back Nepalis from the GCC states, Bangladesh, Pakistan, Thailand, Cambodia, Malaysia, Singapore, Japan, the Maldives, Australia, Cyprus, Israel, the United States, Nigeria, and Uganda. Because of the large logistical challenge such a rescue plan entails, experts say this will be possible only with expert management by the government and its missions abroad and minimisation of the already scarce resources and communication problems as has been felt so acutely so far.<sup>160</sup>

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from UAE Lands in Kathmandu,' *The Rising Nepal*, 5 June, 2020, <https://risingnepaldaily.com/mustread/air-arabias-aircraft-carrying-168-nepalis-from-uae-lands-in-kathmandu>.

155 Upasana Khadka, 'The Kathmandu Airlift Begins,' *The Nepali Times*, 10 June 2020, [https://www.nepalitimes.com/latest/the-kathmandu-airlift-begins/?fbclid=IwAR0z\\_5rSoUfO53I7skk4GVTx-vYIHuOvxj8826JYsswZXdL4U7UQPVIKuvq](https://www.nepalitimes.com/latest/the-kathmandu-airlift-begins/?fbclid=IwAR0z_5rSoUfO53I7skk4GVTx-vYIHuOvxj8826JYsswZXdL4U7UQPVIKuvq).

156 Ibid; and Onlinekhabar, 'Nepalis from Kuwait Return to Kathmandu in First Flight,' *Onlinekhabar*, 11 June 2020, <https://www.onlinekhabar.com/2020/06/872221>.

157 Sanjita Devkota, 'Bidesh Bata Nepali ko Swadesh Phirta: Udaan Miti, Kharcha ra Corona Parikshan Bare Dutabaslai Spasta Nirdeshan Bhayena (Repatriation of Nepalis from Abroad: The Embassy Did Not Receive Clear Instructions on Flight Dates, Expenses and Corona Testing),' *Ujyalo*, 5 June 2020, [https://ujyaaloonline.com/story/38306/2020/6/5/repatriation-of-nepali-worker-from-gcc-and-malaysia?fbclid=IwAR1gqwUUUlxEFFvEQgYi\\_UDEDAtZaXaQYLXYyiveSrNYQZMTcB9RfnL5cAM](https://ujyaaloonline.com/story/38306/2020/6/5/repatriation-of-nepali-worker-from-gcc-and-malaysia?fbclid=IwAR1gqwUUUlxEFFvEQgYi_UDEDAtZaXaQYLXYyiveSrNYQZMTcB9RfnL5cAM).

158 Muna Kunwar, 'Bideshka Nepali Uddarma Sarkarko Ulto Bato: Uddar Garnuparne Nepali Uttai, Pharkada Nepal Airlines ka Jahaj Rittai (Government's Reverse Path in Rescuing Nepalis Abroad: Nepalis That Need to Be Rescued Are the Still There, Nepal Airlines Planes Are Returning Empty),' *Naya Patrika*, 10 June 2020, <https://www.nayapatrikadaily.com/news-details/45042/2020-06-10>.

159 Arpana Ale Magar, 'Govt Schedules 67 Flights to Repatriate Nepalis,' *The Himalayan Times*, 10 June 2020, <https://thehimalayantimes.com/nepal/govt-schedules-67-flights-to-repatriate-nepalis/>.

160 Khadka, 'The Kathmandu Airlift Begins.'

Being stranded abroad and not being able to come to Nepal for months has deprived migrants of their right to return as guaranteed in the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990. Their hope of a dignified return now lies in tatters since migrant workers have been asked to pay two to four times more for the air fare.<sup>161</sup> As per the rates fixed by the government, migrants will have to pay NPR 70,800-92,400 (USD 590-770) from Saudi Arabia, NPR 60,000 (USD 500) from the UAE, NPR 65,400 (USD 545) from Qatar and Bahrain, NPR 61,200 (USD 510) from Oman and NPR 62,400 (USD 520) from Malaysia. It is telling that at the initiative of the Embassy of Nepal in Oman, the air fare was brought down to USD 298 from the USD 510 fixed by the Nepali government.<sup>162</sup> Later, due to widespread criticism over the high price of the tickets, the Ministry of Culture, Tourism and Civil Aviation (MoCTCA) also reduced the fare by up to 20 per cent.<sup>163</sup> However, even the reduced fares are still too high for Nepali migrants, with many expressing anger, alleging that the government was more interested in making money than helping their citizens in distress.<sup>164</sup> Highlighting the difficult situation migrants have been facing, the official at the Nepali embassy in Kuwait said: 'Only those who can buy a ticket as per the price set up by the Government of Nepal can manage to go back to Nepal. For those who have no money, and are getting food through charity, the situation looks grim. There is a need for an alternative soon as their situation could go from bad to worse very soon.'<sup>165</sup>

On the other hand, the situation of Nepali migrants in India has not been addressed apart from making arrangements for when they enter Nepal.<sup>166</sup> While 20 different crossings along the Nepal-India border have been designated for migrants returning from India, no clear plans have been made to help those stranded in various parts of India.<sup>167</sup> Due to lack of transportation facilities, restrictions on flights, and the subsequent hike in transportation fares in India, the migrants wanting to return to Nepal are facing further problems.<sup>168</sup>

The Supreme Court on 15 June issued an interim order directing the government to use the Foreign Employment Welfare Fund to repatriate those who went for foreign

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161 For a more detailed discussion on dignified return, see Nepal et al, *Kovid-19 Mahamariko Chapetama*.

162 MyRepublica, 'Nepalis from Oman Returning to Nepal Paying Half of Govt-Set Airfare,' *MyRepublica*, 12 June 2020, <https://myrepublica.nagariknetwork.com/news/nepalis-from-oman-returning-to-nepal-paying-half-of-govt-set-airfare/>.

163 Ghimire, 'Uddar Udanko'.

164 Bishnu Ghimire, 'Ek Tarfi Bhada 93 Hajar Samma, Saudi ma Alapatra Nepali Nirash (One-Way Fare up to Rs 93,000, Nepalis Stranded in Saudi Are Disappointed),' *Annapurna Post*, 12 June 2020, <http://annapurnapost.com/news/158458>; Ghimire, 'Pravasi Nepali ko Prasna: Sarkarle Uddar Garna Khojeko Ki Byapar? (Migrant Nepali's Question: Is the Government Trying to Rescue or Trade?),' *Onlinekhabar*, 12 June 2020, [https://www.onlinekhabar.com/2020/06/872711?utm\\_source=Facebook&utm\\_medium=FBpage1&fbclid=IwAR1NcI1pg3 BXpQ5IYT3t-L2TcRJEHbbjMi3nwUP2wpSdVnJ\\_Ks8eR7m-s](https://www.onlinekhabar.com/2020/06/872711?utm_source=Facebook&utm_medium=FBpage1&fbclid=IwAR1NcI1pg3 BXpQ5IYT3t-L2TcRJEHbbjMi3nwUP2wpSdVnJ_Ks8eR7m-s).

165 Online interview, 25 June 2020.

166 Nepal et al, *Kovid-19 Mahamariko Chapetama*.

167 Sureshraj Neupane, 'Bharat Bata Ghar Pharkanai Sasti (Tormenting to Return Home from India),' *Kantipur*, 8 June 2020, <https://ekantipur.com/diaspora/2020/06/08/159157746638538303.html>.

168 Not being able to return to Nepal using airways is considered discriminatory against Nepali migrants. For more details, see Nepal et al, *Kovid-19 Mahamariko Chapetama*.

employment after getting labour permits, those who have to return prior to the completion of their labour contracts, and those whose employers or the governments in the CoDs will not bear the return expenses. The order also asked the government to prepare guidelines for using the Foreign Employment Welfare Fund. But that still leaves open the question of how others will be brought back.

It may not be feasible for the government to bear the flight costs of all Nepali migrants and may not even be necessary since employers are also obligated to pay for the return tickets in case of termination of contract by the employer prior to its expiration as provisioned by the bilateral labour agreements (BLAs) Nepal has signed with various countries.<sup>169</sup> However, as per these agreements, it is also true that employers are not liable to provide the full cost of return tickets for those migrants who have not completed the full contract period. Also, in case the employers have gone bankrupt due to COVID-19, the migrants may not receive financial support for their return home. In addition, the government decision to make those who enter Nepal pay for their stay in holding centres as well as their travel to their respective districts adds to their financial burden.

### ***Repatriation of the Deceased***

The bodies of dead Nepali migrant workers have been lying stranded in different destination countries for months. On an average, two Nepali migrant workers die every day in a foreign country.<sup>170</sup> In the past, their bodies were brought by air and handed over to their families, a process handled by the FEB in coordination with the authorities of the destination countries. However, since 25 March, the transport of deceased migrant workers has been halted. Nepal also does not have proper medical resources to safely handle dead bodies in the current situation. The destination countries, however, have been pressuring Nepal to repatriate the remains of the deceased.<sup>171</sup>

Applications for repatriation of bodies of the deceased have been halted. According to the Executive Director of the FEB, 'Under the prevailing circumstances, it's difficult to bring bodies to Nepal and then transport them to their family members. Even family members might face hurdles travelling to Kathmandu to receive the bodies. We have requested Nepali missions abroad not to issue no objection certificates for a few days to send bodies to Nepal. Although we are on standby with our vehicles, families [of the deceased] are not approaching us. They also know that the country is under lockdown and almost everything is closed for now. Receiving dead bodies is not easy for them too.'<sup>172</sup>

169 As per the BLAs signed by Nepal with different destination countries. 'Bilateral Arrangements', CESLAM, <https://www.ceslam.org/governance/bilateral-arrangements>.

170 Rewati Sapkota, 'Nepal Receiving Two Dead Migrant Workers Every Day for Past Seven Years: Report,' *The Himalayan Times*, 23 August 2018, <https://thehimalayantimes.com/kathmandu/nepal-receiving-two-dead-migrant-workers-every-day-for-past-seven-years-report/>.

171 Naya Patrika, 'Khadi Bata Tin Saya 36 Kaamdar Phirta Lyauna Nepallai Dabab (Nepal Pressured to Bring Back 336 Workers from Gulf),' *Naya Patrika*, 23 March 2020, <https://www.nayapatrikadaily.com/news-details/39325/2020-03-23>.

172 Chandan Kumar Mandal, 'Repatriation of Bodies of Nepali Migrant Workers Who Died Abroad Also

Embassy officials have also started the process to dispose of the remains of the deceased Nepali migrants in the destination countries. As the official from the embassy in Kuwait put it, 'Due to the lockdown and suspension of flights, the increasing number of dead bodies in this country had led to shortage of space in mortuaries to keep dead bodies. After facing a lot of hurdles, the embassy has managed to send dead bodies after three months. A few have been buried here after getting consent from their families.'<sup>173</sup>

As families of the dead could not perform the final funeral rites by repatriating the dead bodies to Nepal, their social and cultural rights were violated.<sup>174</sup> According to one report, since the lockdown began on 24 March 2020 and until 24 May, a total of 207 deaths were reported abroad, out of which 58 bodies were buried/cremated abroad, while the remaining were awaiting transport back to Nepal.<sup>175</sup> On 10 May, in an attempt to encourage the disposal of dead bodies in the destination countries, the government announced that families who go for that option would be provided NPR 50,000.<sup>176</sup>

### **Stranded at the Nepal-India border**

Nepalis travel across to all corners of India in search of employment. With the imposition of the nationwide lockdown in India on 25 March, many Nepalis lost their jobs and many were rendered homeless.<sup>177</sup> Thousands of Nepali workers tried to make their way back home from various parts of India only to be denied entry at the border due to Nepal's own lockdown that had begun a day earlier. As a result, thousands of Nepali workers, mostly from the western part of the country from where migration to India is more extensive (see Table 6), were stranded on the other side of the border and kept in makeshift quarantine facilities there.<sup>178</sup> There were attempts by some Nepalis stuck in India to cross the Nepal-India border by swimming across the Mahakali River in Darchula district in the country's north-western corner, only to be sent into police detention in Nepal.<sup>179</sup> The Mahakali crossings continued for weeks, indicating the

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Affected Due to COVID-19,' *The Kathmandu Post*, 29 March 2020, <https://tkpo.st/2ULjBX4>.

173 Online interview, 25 June 2020.

174 See also Nepal et al, *Kovid-19 Mahamariko Chapetama*.

175 Chandan Kumar Mandal, 'Deceased Migrants Are Being Cremated Overseas as Lockdowns Delay Repatriation,' *The Kathmandu Post*, 24 May 2020, <https://tkpo.st/3d0ysot>; Onlinekhabar, 'Bodies of 149 Nepali Workers Await Repatriation Amid Lockdown,' *Onlinekhabar*, 24 May 2020, <https://english.onlinekhabar.com/bodies-of-149-nepali-workers-await-repatriation-amid-lockdown.html>.

176 Onlinekhabar, 'Sarkarko Prastab: Sab Bidesh mai Antesti Garna Dinus, 50 Hajar Linus (Government's Proposal: Let the Body Be Buried Abroad, Take 50 Thousand),' *Onlinekhabar*, 11 May 2020, <https://www.onlinekhabar.com/2020/05/863076>.

177 Anil Giri, 'Thousands of Nepalis Stranded in India Lockdown Urge Their Government to Rescue Them,' *The Kathmandu Post*, 1 April 2020, <https://tkpo.st/2X1Q3XR>.

178 Rupa Ghatraj and Narayan Sharma, 'Temporary Quarantine Facility Built on No Man's Land to Keep More Than a Hundred Nepalis Caught at Indo-Nepal Border in Nepalgunj,' *The Kathmandu Post*, 3 April 2020, <https://tkpo.st/3dOgaHX>.

179 Jasmine Chia and Yong Han Poh, 'Amid COVID-19 Crisis, Southeast Asia's Migrant Workers Fall through the Cracks,' *The Diplomat*, 31 March 2020, <https://thediplomat.com/2020/03/amid-covid-19-crisis-southeast-asias-migrant-workers-fall-through-the-cracks>.

### Box 2: 'He Might Have Survived'

Bishnu Prasad Neyopane, 41, originally from Kapilvastu, had been fired from his job in Kuwait in April 2020 after refusing to pay his employer an advance for renewing visas for himself and his wife, Chandrakala. It was also around this time that he began having health problems. Since he had no job and little money to pay for his medical bills, his only option was to return to Nepal. But, on May 6, while waiting for the lockdown in Nepal to be lifted, he died, with the cause of his death listed as a 'heart attack'.

Neyopane and 11 other Nepali workers had been facing difficulties paying the visa renewal fees. A relative of the deceased, Shankar Bhattarai, said the company they worked for wanted the workers to pay KWD 450 (c. USD 1450) for their visas, a huge sum considering their monthly salaries of just around KWD 100. Bhattarai said that Neyopane and other Nepalis have been desperate to come back to Nepal, but due to the prolonged lockdown, thousands had been stranded in Kuwait. In a handwritten letter with the signatures of 11 other stranded workers, Neyopane narrated how his employer had made them sign a visa cancellation paper that had left them without jobs or pay for 50 days.

Neyopane informed the Nepali Embassy at Kuwait several times regarding the severity of his problem, but to no avail. Workers there are now blaming his death on the negligence of the Nepali government and the Nepali Embassy in Kuwait. They are now hoping that the Nepal Government at least make necessary arrangements for his body to be brought back to Nepal to conduct the proper funeral rites. Bhattarai, too, holds the Nepali government accountable, saying, 'If only there had been no lockdown, or if the government had arranged to bring workers home, he might have survived.'

Source: Chandan Kumar Mandal, 'He Lost His Job and Wanted to Come Home. The Lockdown Killed Him,' *The Kathmandu Post*, 17 May 2020, <https://tkpo.st/2Z8IUpx>.

difficulties of border management in situations like the current pandemic.<sup>180</sup>

Due to the lockdown in India, many Nepali migrants took to walking for days all the way to the Nepali border. Besides the gruelling walk, the migrants also faced the uncertainty of finding food, water and medical assistance along the way. The returnees expressed disappointment at the incompetence of the government in providing basic provisions such as food and water for the returnees even after being placed in quarantine in Nepal. At the border checkpoints, all that health desk personnel could do is measure the body temperature of as many people as they could and forward them to the quarantine, to be kept there for two weeks. The indifference and mismanagement displayed by the authorities even led to anti-government slogans being raised by Nepalis at the border.<sup>181</sup>

<sup>180</sup> Manoj Badu, 'Nepalis Stranded in India Continue to Brave Mahakali River to Return Home,' *The Kathmandu Post*, 29 April 2020, <https://tkpo.st/2W6Z7cb>.

<sup>181</sup> Kalendra Sejuwal and Ajit Tiwari, 'Thousands of Returnees from India Run Out of Food and Water,' *The Kathmandu Post*, 28 May 2020, <https://tkpo.st/3cddb9U>.



By early April, a large number of Nepalis, consisting primarily of migrant workers, found themselves stranded in India and requested the government as well as the Embassy of Nepal in New Delhi to seek ways for their return home.<sup>182</sup> It was in this context that the authorities of Nepal and India agreed to look after each other's citizens stuck at the border due to the lockdown, including quarantining them. But the same level of support was not available for the unfortunate Nepalis who, initially, remain stranded in various parts of India due to the lockdown there.<sup>183</sup>

It took the Supreme Court order of 7 April before the government began to allow Nepalis at the border into the country.<sup>184</sup> It is estimated that more than 750,000 Nepalis entered Nepal from India in the period between 22 March and 8 June 2020.<sup>185</sup> In the 15 days prior to the beginning of the lockdown in Nepal, i.e., between 8 March and 23 March 2020, that number was 555,469. By 29 May 2020, Nepalis had been quarantined in different sites on both sides of the Nepal-India border.<sup>186</sup> By 29 May 2020, 112,946 had already come into Nepal and 5,658 had been placed in quarantine. Local governments have been managing the quarantine centres and performing COVID-19 tests on Nepali migrants coming from India in coordination with the respective district administration offices.<sup>187</sup> Some local governments have even been arranging for the transportation of 'their' migrants straight from the border areas,<sup>188</sup> but such attempts have sometimes been unsuccessful because of non-cooperation by officials at the border.<sup>189</sup>

## Quarantine Facilities in Nepal

Migrants entering the country were initially tested for COVID-19 using RDT and PCR tests.<sup>190</sup> Because of the open border with India, many returnees coming from there were initially able to reach home without any tests or following quarantine measures, while also hiding from the authorities.<sup>191</sup> Later, with the sharp increase in the number of migrants from India and a shortage of testing materials, they were sent home without any testing.<sup>192</sup>

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182 Anil Giri, 'Thousands of Nepalis Stranded in India Lockdown Urge Their Government to Rescue Them,' *The Kathmandu Post*, 1 April 2020, <https://tkpo.st/2X1Q3XR>.

183 Sureshraj Neupane, 'Bharat Bata'.

184 Tika R. Pradhan, 'Supreme Court'.

185 Matrika Dahal, 'Corona Sankraman Failyepachi Bharat bata Sade 7 Lakh Nepali Bhitriye,' (Seven Hundred and Fifty Thousand Nepalis Have Returned from India with the Spread of Corona), *Kantipur*, 8 June 2020, <https://ekantipur.com/news/2020/06/08/15916226042428739.html?fbclid=IwAR2t39xoICMmFItgTIIxu8SOkJPIOPIDL4CefaRm91tQY6Sus7qyU4kWdfw>.

186 Nepal et al, *Kovid-19 Mahamariko Chapetama*.

187 Democracy Resource Center, *Management of Nepali Migrants Returning from India During the Lockdown* (Kathmandu: Democracy Resource Center, 2020).

188 Ibid.

189 Toyanath Bhattarai, 'Sthaniya Sarkarko Laparbahile Majdurlai Sasthi (Migrants Facing Problems Due to Local Government),' *Annapurna Post*, April 30, 2020, <http://annapurnapost.com/news/154621>.

190 Democracy Resource Center, *Management of Nepali Migrants*; Kantipur, 'Bharat Bata Pharkiye Sade 7 Lakh (7 and a Half Lakh Returned from India).'; Nepal et al, *Kovid-19 Mahamariko Chapetama*.

191 Nepal et al, *Kovid-19 Mahamariko Chapetama*.

192 Democracy Resource Center, *Management of Nepali Migrants*.

### Box 3: Son Forced to Conduct Death Rituals in India

Thirty-five-year-old Vasudev Bhatta works as a seasonal labourer in various hill towns in India. This time, too, he had gone to India in the winter. But the global spread of COVID-19 and the nationwide lockdowns in both India and Nepal forced him to come back to Nepal like thousands of others. Coming back to his own country was not as easy as he had expected since he, along with thousands of Nepali workers like him, were stopped at the border in Darchula and prevented from entering Nepal after the country-wide lockdown was put in place.

Despite his home being just across the Mahakali river, Bhatta decided to wait on the Indian side. He had been in touch with his family daily over the phone and internet, and his mother would ask him when he was returning. Bhatta would console her that it would be soon. Sadly, on a Tuesday, he received the heart-breaking news of his mother's death from heart attack. Bhatta and his friends' efforts to contact the Chief District Officer and local representatives from Darchula availed no response. Since he was the eldest child in the family, it was important for him to carry out the death rituals. But, he was not allowed to cross the border, and his younger brother took his place during the cremation rites.

The local administration and the border police said that only the federal government could decide on whether to let Bhatta into Nepal since it would involve getting permission from both the Indian and Nepali governments. Nepali officials blamed the Indian side for not fast-tracking this particular case since it had to be routed to the state government of Uttarakhand via New Delhi. It was only six days after his mother's demise that Bhatta could enter Nepal.

Source: Unique Shrestha, 'Ghar ma Aama Bitin, Mahakali Paari Chora Base Korama (Mother's Death at Home, Son Forced to Conduct Death Rituals across the Mahakali in India),' Setopati, 15 April 2020, <https://www.setopati.com/social/203954>.

Local governments have been coordinating with the respective district administration offices to manage Nepali migrants coming from India.<sup>193</sup> But the quarantine facilities set up by local governments have proved far insufficient to handle the huge influx from India, a number much larger than what the government had expected. The government has prepared national standards for operating and managing quarantine facilities, according to which these places need to be equipped with gender-friendly toilets and bathrooms as well as make provisions for health officials and security officers, among others.<sup>194</sup> However, many facilities were found failing to meet the standards either of the government or the WHO.<sup>195</sup> Besides not being prepared for use by all genders, the elderly and the disabled,<sup>196</sup>

193 Ibid.

194 MoFAGA, 'Coronavirus (COVID-19) Sambandhi Quarantine Sanchalan Tatha Bewasthapan Garna Baeko Mapdanda 2076 (Standard for Operating and Managing Quarantine for Coronavirus [COVID-19]),' Ministry of Federal Affairs & General Administration, accessed 22 June 2020, <https://mofaga.gov.np/news-notice/1803>.

195 WHO, 'Situation Update #9 - Coronavirus Disease 2019 (COVID-19)' (Kathmandu: World Health Organization, 2020).

196 Arjun Paudel, 'Public Health Experts Point at Government Failure Amid Projections of Spike in Cases,' *The*

the question of the protection and safety of women has also been raised, with sexual assaults on women in quarantine facilities reported.<sup>197</sup> Recognising this danger, there has been at least one instance, in the case of the Pokhara Metropolitan City, establishing a women-only quarantine facility.<sup>198</sup>

In addition, serious concerns regarding the lack of safety standards have arisen which has resulted in a rapid spread of the virus, especially in the month of June. Many returnees were accommodated in quarantine facilities that failed to meet the prescribed standards, with hundreds of returnees crammed into a single space where social distancing was impossible.<sup>199</sup> Quarantine facilities thus became hotspots for transmission of the disease while also increasing the risk of infection in the community and families of the migrants upon their return home.

Besides the health risks to people in the quarantine facilities, another challenge was the resistance by incomers to abiding by quarantine rules and moving around freely in the village, claiming inadequate facilities and lack of hygiene in the quarantine centres.<sup>200</sup> There were also instances of people running away from quarantines after learning that they were infected by the coronavirus.<sup>201</sup> In at least one instance, the police were reported to have been given the order to shoot COVID-19 patients should they try to flee the health facility.<sup>202</sup>

As coronavirus started spreading on a global scale, the government mandated coronavirus tests for returnees coming from abroad, with the intention of allowing them to return home only after two consecutive coronavirus tests were reported negative.<sup>203</sup> However, returnees were also allowed to return home based only on RDT tests. Consequently, some of them later started to show symptoms of the virus and were found to be infected after PCR tests were conducted.<sup>204</sup> In some cases, because of delays in reports coming in, those in quarantine were allowed to leave even before the test results were known. The results also took more than a

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*Kathmandu Post*, 4 June 2020, <https://tkpo.st/3dwQFKJ>.

197 Dil Bahadur Chhatyal, 'Woman in Quarantine in Kailali Gang Raped,' *Myrepublica*, 15 June 2020, <https://myrepublica.nagariknetwork.com/news/woman-in-quarantine-in-kailali-gang-raped/>; Khabarhub, 'Youth Arrested for Rape Attempt at Quarantine,' *Khabarhub*, 24 April 2020, <https://english.khabarhub.com/2020/24/91345/>.

198 Smita Adhikat, 'PMC Establishes Women-Only Quarantine,' *The Rising Nepal*, 21 June 2020, <https://risingnepaldaily.com/nation/pmc-establishes-women-only-quarantine>.

199 Binod Ghimire, 'Quarantine Centres Are Turning into COVID Breeding Ground, National Human Rights Commission,' *The Kathmandu Post*, 12 June 2020, <https://tkpo.st/3hiNRTG>; Binu Subedi, Santosh Singh and Sunita Baral, 'Dinbhar Quarantine, Raat Parepachi Ghar (In Quarantine All Day, at Home during Night),' *Kantipur*, 9 June 2020, <https://ekantipur.com/news/2020/06/09/159166772210578037.html>.

200 Himalayan News Service, 'Returnee Migrant Workers from India Resist Quarantine,' *The Himalayan Times*, 30 March 2020, <https://thehimalayantimes.com/nepal/returnee-migrant-workers-from-india-resist-quarantine/>.

201 Thakur Singh Tharu, 'Narainapur Declared "Prohibited Area" as Chaos and Misinformation Continues,' *The Kathmandu Post*, 24 May 2020, <https://tkpo.st/36rJsZy>.

202 Onlinekhabar, 'Parsa Police Authorised to Shoot at COVID-19 Patients if They Run Away,' *Onlinekhabar*, 15 May 2020, <https://english.onlinekhabar.com/parsa-police-authorised-to-shoot-at-covid-19-patients-if-they-run-away.html>.

203 For a detailed account of the condition of quarantines, see Nepal et al, *Kovid-19 Mahamariko Chapetama*.

204 Thakur Singh Tharu, 'Ghar Pharkaiyeka Bardiya ka 26 Janama Corona Sankraman (26 People in Bardiya Who Were Returned Found to Be Infected by Corona),' *Kantipur*, 17 June 2020, <https://ekantipur.com/news/2020/06/17/159237771030376742.html>.

week, forcing many to continue to stay in quarantine centres. As the risk of contracting the virus in quarantine facilities became pronounced, many people have resorted to protesting against the local authorities, while delays in test reports have simultaneously aided in the spread of the virus.<sup>205</sup>

### Loss of Jobs and Income

Migrant workers abroad have become particularly vulnerable during the pandemic. Experiences of Nepali workers have ranged from salary cuts, unpaid leave, and being sacked.<sup>206</sup> A survey conducted by the NRN-UAE with 4,240 Nepali respondents, which include both migrant workers and others, showed that 35 per cent were on leave without pay and 20 per cent had had their resident visas cancelled.<sup>207</sup> In fact, non-payment of wages during the current economic downturn caused by COVID-19 has become a significant issue across all GCC states.<sup>208</sup> Similarly, a survey of 19,571 migrant workers in Malaysia, Qatar, Saudi Arabia, Kuwait and Bahrain conducted by the Nepali trade union, General Federation of Nepalese Trade Unions (GEFONT), showed that 2.5 per cent of the workers have lost their jobs.<sup>209</sup> The study also found that 2.9 per cent of the migrant workers had not received their salaries while another 11 per cent had only been paid partially.

Since most labour migrants work in menial jobs they lack the skills to do anything else. Lack of savings and dire living conditions exacerbate the terrible conditions migrants find themselves in. Those without jobs or on unpaid leave have great difficulty paying for accommodation, food, and health services and neither were they able to return home due to the lockdowns and suspension of flights. Neither does this group of workers have any kind of benefit such as health and unemployment insurance, and instead face an increased risk of exploitation by employers.<sup>210</sup> To provide some perspective on the matter, this is what a male migrant worker in the UAE said: 'I have been working in this hotel for over six years. This hotel has seven franchises across the UAE. For three months, we have been asked to work 15 days and paid half the salary. Most hotels have cut working hours and payment by half. I have about 10,000 Dirhams [approximately NPR 300,000] gratuity due to be received from my employer. But I am worried whether the employer will give it to me if I want to return to Nepal.'<sup>211</sup>

205 Shiva Puri and Jyotee Katuwal, 'Frustration Grows in Quarantine Centres as Corona Test Results Delayed,' *The Kathmandu Post*, 16 June 2020, <https://tkpo.st/3daPAHx>.

206 Chandan Kumar Mandal, 'Qatar Used Coronavirus Pandemic as a Ruse to Expel Nepali Migrant Workers, Amnesty International Says,' *The Kathmandu Post*, 16 April 2020, <https://tkpo.st/34H6meG>; Hom Karki, *Kantipur*, in a meeting call organised by ILO in coordination with National Network of Safe Migration (NNSM), dated 10 April 2020; and Pravasi Nepal Coordination Committee, 'Brief Report'.

207 Upasana Khadka, 'UAE Warning to Send Back Workers, Including Nepalis,' *Nepali Times*, 13 April 2020, <https://www.nepalitimes.com/latest/uae-threat-to-send-back-workers-including-nepalis/>.

208 Pravasi Nepal Coordination Committee, 'Brief Report'; and Nepal et al, *Kovid-19 Mahamariko Chapetama*.

209 GEFONT, *Quick Survey Report on the Study of Problems Faced by Workers Due to COVID-19* (Kathmandu: GEFONT, 2020).

210 Sharmila Dhal, 'Coronavirus: Forced to Take Unpaid Leave, Salary Cut in UAE?' *Gulf News*, 18 April 2020, <https://gulfnews.com/uae/coronavirus-forced-to-take-unpaid-leave-salary-cut-in-uae-1.71039899>.

211 Online interview with a male Nepali migrant worker in the UAE, 3 June 2020.

According to the official in the Nepali embassy in the UAE, ‘The problems faced by Nepali migrant workers during COVID-19 pandemic are manifold. Most of them have been asked to leave the company forcefully or provided only half the salary. Many Nepali workers are provided only food allowances and they have to pay for accommodation themselves. Also, with the cancellation of visas, resident permits, and medical insurance along with the receipt of the settlement amount from the employer, they were no longer liable to the company. With savings having been remitted back home in preparation for their departure, sustaining themselves here for over three months has been a challenge.’<sup>212</sup>

## Impact on Household Food Security and Nutrition

Among the different impacts of the COVID-19 pandemic, there is growing concern about how it will affect household food security. According to a World Food Programme (WFP) report, more than a quarter of a billion people could face acute hunger by the end of the year, with the lives and livelihoods of 265 million people from low- and middle-income countries upended by the end of 2020, an increase of nearly double from an earlier estimate of 135 million.<sup>213</sup> In Nepal, the number of people who can be categorised as ‘food insecure’ is 4.6 million.<sup>214</sup>

The impact will be acutely felt by countries suffering from poverty, poor healthcare infrastructure, and a poor social security net, where malnutrition is already prevalent, with the possibility that the economic consequences of this disease could end up hurting more people than the disease itself,<sup>215</sup> conditions that are true for Nepal as well. Most recent government calculations put Nepal’s poverty rate at 28.6 per cent but these are figures from before the 2015 earthquake,<sup>216</sup> which had pushed nearly a million people into poverty.<sup>217</sup> Hence, the impact of COVID-19 in Nepal is likely to be much more severe in the weeks and months to come.<sup>218</sup>

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212 Online interview, 25 June 2020.

213 Paul Anthem, ‘Risk of Hunger Pandemic as COVID-19 Set to Almost Double Acute Hunger by End of 2020,’ *World Food Programme Insight*, 16 April 2020, <https://insight.wfp.org/covid-19-will-almost-double-people-in-acute-hunger-by-end-of-2020-59df0c4a8072>; Food Security Information Network, *2020 Global Report on Food Crisis: Joint Analysis for Better Decisions* (n.p.: Food Security Information Network, 2020).

214 World Food Programme, ‘WFP Nepal: Country Brief’ (Kathmandu: WFP, 2020).

215 World Food Programme, ‘COVID-19 and the 5 Major Threats It Poses to Global Food Security,’ *World Food Programme Insight*, 20 March 2020, <https://insight.wfp.org/covid-19-and-the-5-major-threats-it-poses-to-global-food-security-1c4da2ff665>; Simona Beltrami, ‘How to Minimize the Impacts of Coronavirus on Food Security,’ *World Food Programme Insight*, 16 March 2020, <https://insight.wfp.org/how-to-minimize-the-impact-of-coronavirus-on-food-security-be2fa7885d7e>.

216 National Planning Commission, *Nepal Multidimensional Poverty Index: Analysis Towards Action* (Kathmandu: National Planning Commission and Oxford Poverty and Human Development Initiative, 2018).

217 Chandan Sapkota, ‘Final Take on Economic and Poverty Impact of Nepal Earthquake,’ *Asian Development Blog*, 1 July 2015, <https://blogs.adb.org/blog/final-take-economic-and-poverty-impact-nepal-earthquake#:~:text=The%20report%20shows%20that%20the,living%20below%20the%20poverty%20line>.

218 Sara Shneiderman, Jeevan Baniya and Philippe Le Billon, ‘Learning from Disasters: Nepal Copes with Coronavirus Pandemic 5 Years after Earthquake,’ *The Conversation*, 15 May 2020. <https://theconversation.com/learning-from-disasters-nepal-cope-with-coronavirus-pandemic-5-years-after-earthquake-134009>; Kripa Basnet

Furthermore, the lockdown, border closure and social distancing have led to food shortages and hikes in food prices.<sup>219</sup> This has come at a time when loss of income has curtailed households' ability to buy food. With remittances the source of main income for a third of Nepali families,<sup>220</sup> the reduction in the income of migrant workers in all destinations due to the COVID-19 pandemic is expected to contribute to food insecurity in such households as well. With a national survey showing that 79 per cent of the remittances received by households are used for daily consumption,<sup>221</sup> the decline in remittances will reduce the purchasing power of households that rely on that source for sustenance.<sup>222</sup>

Shortage of food can have a direct impact on people's health as they become prone to non-communicable diseases and malnutrition.<sup>223</sup> Food insecurity, including lack of access to health services due to restrictions in mobility and loss of income, will lead to an increase in the malnutrition rate, especially among children, pregnant women and the elderly. Malnutrition contributes to more than a third of child mortality in Nepal, and children who survive often lead diminished lives due to impaired cognitive development, reduced economic productivity, and increased risk of malnutrition-related chronic diseases.<sup>224</sup> COVID-19 has made this situation more precarious.

The demand for food commodities in markets across Nepal has been low and declining as well. With the slowing of economic activities due to the pandemic-induced lockdown, certain sectors of the economy have been hit hard, including agriculture and livestock. The lockdown has led to a lack of inputs required for both, and difficulties in transportation pushed down demand for farm produce, while supply of the products decreased as well.<sup>225</sup> In light of the disruption in food supplies, the government has taken measures to facilitate the transportation of goods from farmers to the markets.<sup>226</sup> By the end of April, vegetable prices had increased 50-75 per cent in Province 2 all the way to 100 per cent in Province 5. Provincial governments have taken various steps, including providing cash or food supplies to the 'most affected' households. Other major risk factors to food security exist as Indian producers have halted rice exports.<sup>227</sup> While Nepal's food stocks were estimated to last three

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and Dipti Tamang, '2015 Nepal Earthquake Lessons for COVID-19: How to Put Women at the Forefront of the Crisis and Recovery,' *LSE Southasia Center*, 25 April 2020. <https://blogs.lse.ac.uk/southasia/2020/04/25/2015-nepal-earthquake-lessons-for-covid-19-how-to-put-women-at-the-forefront-of-the-crisis-and-recovery/>.

219 World Bank, *South Asia Economic Focus, Spring 2020: The Cursed Blessing of Public Banks* (Washington DC: World Bank, 2020).

220 Sijapati et al, *Labour Migration and the Remittance Economy*, 19.

221 Central Bureau of Statistics, *Nepal Living Standard Survey 2010/11: Statistical Report, Volume II*, 79.

222 Food Security Information Network, *2020 Global Report on Food Crisis: Joint Analysis for Better Decisions* (n.p.: Food Security Information Network, 2020).

223 Food Security Information Network, *2020 Global Report*.

224 National Planning Commission, *Multi-Sector Nutrition Plan (2018-2022)* (Kathmandu: National Planning Commission, 2017).

225 Krishana Prasain, 'Wholesale Prices of Vegetables Jump as Supply Shrinks,' *The Kathmandu Post*, 6 July 2020. <https://tkpo.st/31NfcZ1>.

226 World Food Programme, 'Nepal COVID-19 Food Security & Vulnerability Update 3' (Kathmandu: WFP, 2020).

227 Sangam Prasain and Prithivi Man Shrestha, 'India Halts All Rice Exports but Nepal Will Be Fine Say

months, unless these are replenished, food security could prove to be a major issue given the country's high dependence on imports.<sup>228</sup>

## Health Risks and Access to Basic Services

The ILO estimates that of the 2.78 million work-related deaths annually, 2.4 are due to occupational diseases.<sup>229</sup> The ILO convention on occupational safety and health puts the onus of protecting workers from sickness, diseases and injury on employers.<sup>230</sup> However, millions of workers still work under risky conditions, more so in today's scenario of a global pandemic.<sup>231</sup>

Migrant workers in the destination countries, especially in the GCC, are at increased risk of contracting COVID-19 because they typically live in conditions that are overcrowded, lacking in sanitation, and without the means to abide by the recommended public health guidelines like social distancing.<sup>232</sup> This is equally true of Nepali migrant workers with many still made to work and live in crowded places and camps and without proper protection measures.<sup>233</sup> As stated by the Nepali embassy official in the UAE, 'The majority of workers live in shared accommodation provided by the company and those who live on their own also share apartments with friends. Quarantine and isolation for them are a challenge. Migrants lack awareness about the disease and are anxious about possibly contracting the virus.'<sup>234</sup>

In an encouraging move, the Malaysian government has called for all undocumented workers to get tested but fear of being arrested and harassment has hindered Nepali migrants' access to such tests.<sup>235</sup> But Nepali workers in many of the GCC states have limited access to healthcare and other benefits.<sup>236</sup> The same embassy official said, 'In the absence of a regular income, proper healthcare and nutrition has been a challenge. Medical insurance for workers in this country is only partial. Workers have to bear a certain amount themselves. Those who tested positive for COVID-19 were in distress when they were not taken to hospital immediately after diagnosis. Quarantine and isolation have created fear in the COVID-19 positive and some have even committed suicide while in isolation.'<sup>237</sup>

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Officials,' *The Kathmandu Post*, 7 April 2020, <https://kathmandupost.com/money/2020/04/07/india-halts-all-rice-exports-but-nepal-will-be-fine-say-officials>.

228 World Food Programme, 'Nepal COVID-19'.

229 'International Labour Standards on Occupational Safety and Health,' ILO, accessed 14 May 2020, <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/occupational-safety-and-health/lang-en/index.htm>.

230 ILO, *Occupational Safety and Health Convention, 1981* (Geneva: ILO, 1981); ILO, *Promotional Framework for Occupational Safety and Health Convention* (Geneva: ILO, 2006).

231 'Covid-19 Global Immigration Detention Platform,' Global Detention Project, accessed 15 May 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform>.

232 ILO, *Protecting Migrant Workers*.

233 Pravasi Nepal Coordination Committee, 'Brief Report'; and Nepal et al, *Kovid-19 Mahamariko Chapetama*.

234 Online interview, 30 June 2020.

235 Upasana Khadka, 'Nepali Workers in Malaysia Fear COVID-19 Crackdown,' *Nepali Times*, 3 May 2020, <https://www.nepalitimes.com/latest/nepali-workers-in-malaysia-fear-covid-19-crackdown/>.

236 Amnesty International, 'Qatar: Migrant Workers'; Nepal et al, *Kovid-19 Mahamariko Chapetama*.

237 Online interview, 30 June 2020.

It has been reported that migrant workers in countries like Qatar, the UAE, Saudi Arabia and Kuwait have been quarantined in places where they work or have been forcefully put in separate facilities.<sup>238</sup> Some migrants detained in overcrowded space in the GCC countries have also reported unhygienic living situations and high risks of infection.<sup>239</sup> There are also cases of forceful detention of Nepali migrants where authorities kept migrant workers in ‘appalling’ and ‘inhuman’ conditions for days, and were deported without proper testing.<sup>240</sup> Some workers were not even allowed to collect their belongings before they were put on flights home, and some were even handcuffed, although reports suggest that they were provided with some monetary compensation thereafter.<sup>241</sup>

### Experience and Risks of Ill-treatment, Violence and Forced Labour

The imposition of nationwide lockdowns in all the labour migrant-sending South Asian countries, including Nepal, meant that millions of their citizens have been stranded in destination countries where they have been facing increased risk of abuse and forced labour situations. In the UAE, companies were allowed to send workers on unpaid leave.<sup>242</sup> Many workers were affected by this policy and are stranded in the UAE without pay. Some big companies downsized their staff. Some smaller companies were closed due to the financial crisis. As a result, a significant number of workers, including Nepalis, have been laid off. There is the risk that employers in destination countries might use the pandemic as an excuse to avoid providing compensation to migrant workers.<sup>243</sup>

In Malaysia, the 382,000 documented Nepali workers make up the second highest number of foreign workers in the security, eatery and agriculture sectors.<sup>244</sup> It is believed that there are a significant number of undocumented Nepali workers in Malaysia, with some estimates of the total number of Nepalis migrants being as high as 500,000.<sup>245</sup> Reports suggest that there have been crackdowns on undocumented workers and refugees, which have led to widespread fear among Nepali workers of losing their jobs.<sup>246</sup>

Those working as domestic help in the GCC countries faced additional difficulties since

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238 Amnesty International, ‘Qatar: Migrant Workers’; Martin Chulov, ‘Migrant Workers Bear Brunt of Coronavirus Pandemic in Gulf,’ *The Guardian*, 19 April 2020, <https://www.theguardian.com/world/2020/apr/19/migrant-workers-bear-brunt-of-coronavirus-pandemic-in-gulf>; and Nepal et al, *Kovid-19 Mahamariko Chapetama*.

239 ‘Covid-19 Global Immigration Detention Platform,’ Global Detention Project, accessed 15 May 2020, <https://www.globaldetentionproject.org/covid-19-immigration-detention-platform>. Nepal et al, *Kovid-19 Mahamariko Chapetama*.

240 Amnesty International, ‘Qatar: Migrant Workers.’

241 Mandal, ‘Qatar Used Coronavirus’.

242 Online interview with a Nepali embassy official in a GCC country, 30 June 2020.

243 Nepal et al, *Kovid-19 Mahamariko Chapetama*.

244 Khadka, ‘Nepali Workers in Malaysia’.

245 Chandan Kumar Mandal, ‘As Malaysia Enforces Complete Lockdown, Nepali Workers Struggle with Reduced Working Hours,’ *The Kathmandu Post*, 19 March 2020, <https://tkpo.st/3a4kMaq>.

246 Nepal et al, *Kovid-19 Mahamariko Chapetama*; Upasana Khadka, ‘Nepali Workers in Malaysia Fear COVID-19 Crackdown,’ *Nepali Times*, 3 May 2020, <https://www.nepalitimes.com/latest/nepali-workers-in-malaysia-fear-covid-19-crackdown/>.



governments there implemented restrictions on movement, prohibiting workers from leaving their workplaces.<sup>247</sup> For example, the initial selective lockdowns in Kuwait limited domestic workers' mobility and the subsequent nation-wide lockdown pushed live-out domestic workers into unemployment since employers did not want them coming to their homes, perceiving them as a high-risk group to transmit the virus as they would travel to several homes and interact with many people. Bahrain put forward a similar proposal to restrict hourly domestic work, adding that every domestic worker must have a medical examination certificate confirming they do not have the virus. The Bahraini government has also required cleaning companies and recruitment offices to conduct daily health examinations of workers before they are dispatched.<sup>248</sup>

With the lockdowns and everyone in the household staying at home, the work burden of domestic workers has increased.<sup>249</sup> Further, in the GCC countries, there was increased household work during the Ramadan period in April-May. Domestic workers reported employers forcing them to work up to 21 hours a day without rest and without any day off. They were also given little food, were underpaid, and delays in their salaries were common. Similarly, many are also at an increased risk of not receiving their wages, face restrictions in communicating with their families, have their passports confiscated, and also face increased risks of physical or sexual abuse.

Referring to the plight of Nepali domestic workers, the Nepali embassy official from Kuwait said: 'There are a number of Nepalis housemaids leaving their sponsors and seeking help from the embassy. They complain about being made to do extra work, felt pressured and mentally disturbed. Many sponsors of housemaids are reluctant to pay for their return ticket, so it is difficult to solve this problem by sending them back to Nepal. As the Embassy has no larger shelter or adequate resources and staff, it has become quite difficult to address their ever-increasing number of complaints.'<sup>250</sup>

## Access to Information

It is a basic human right to express, seek and receive the right information, especially during times of crisis like the current one. It is mainly the responsibility of the concerned governments to provide accurate and up-to-date information, cutting through misinformation and rumours, in this case, regarding the novel coronavirus, access to available services, disruptions in services, and other aspects of the response to the outbreak. It is vital that the right information gets disseminated through proper channels and reaches the people most

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247 Rothna Begum, 'Domestic Workers in Middle East Risk Abuse Amid COVID-19 Crisis,' *Al-Jazeera*, 4 April 2020, <https://www.aljazeera.com/indepth/opinion/domestic-workers-middle-east-risk-abuse-covid-19-crisis-200404152201409.html>.

248 'GCC Covid-19 Policies Need to Better Protect Migrant Workers from Infections and Other Related Vulnerabilities,' Migrants Rights, accessed 16 May 2020, <https://www.migrant-rights.org/2020/03/gcc-covid-19-policies-need-to-better-protect-migrant-workers-from-infections-and-other-related-vulnerabilities/>.

249 Begum, 'Domestic Workers'.

250 Online interview, 25 June 2020.

in need.<sup>251</sup> As seen in countries such as Taiwan, South Korea and Singapore,<sup>252</sup> adequate, timely and effective communication can play a vital role in the prevention of the spread of the virus and in saving lives.

Migrant groups become particularly vulnerable to misinformation and absence of information due to their vulnerable circumstances during situations like the current pandemic. They face obstacles and prejudices in accessing healthcare, relief services, legal and regulatory assistance.<sup>253</sup> Since there are a number of migrant workers who could face threats of deportation and even detention, they may be less willing to access health services or provide information on their health status.<sup>254</sup> Likewise, due to reasons such as illiteracy, lack of technological prowess as well as access to the internet, language barriers and physical distance, many migrants would be quite unable to access information disseminated by their respective government agencies, including calls to fill out forms seeking to return home, a factor that has also hindered the process of identifying the exact number of migrants in need of repatriation and return.<sup>255</sup>

In Nepal, different news media and other sources have continued to provide information regarding COVID-19. Different government and private entities are also working on relaying important information through different platforms in an attempt to ensure that appropriate and accurate information reaches the most vulnerable migrant communities across the country.<sup>256</sup> Nepali diplomatic missions in various destination countries have also been providing information through hotline services and social media platforms. For example, the embassy in Kuala Lumpur published an official notice on their Facebook page on 18 March informing Nepali migrant workers already in Malaysia as well as those planning to go there about the ongoing travel restrictions in Malaysia.<sup>257</sup> The embassy not only used this platform to collect information on those Nepali workers whose flights to Nepal got cancelled and those whose visas had expired, but also to disseminate information on the progress in

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251 'Uphold Migrants' Rights in Times of Crisis Situations,' Migrant Forum in Asia, accessed 1 April 2020, <https://mfasia.org/uphold-migrants-rights-in-times-of-crisis-situations/>.

252 C. Jason Wang, Chun Y. Ng, and Robert H. Brook, 'Response to COVID-19 in Taiwan: Big Data Analytics, New Technology, and Proactive Testing,' *Jama* 323, No. 14 (2020): 1341-1342; 'Press Release,' KCDC, accessed 15 May 2020, <https://www.cdc.go.kr/board/board.es?mid=a30402000000&bid=0030>; and Shashank Bengali, 'How Singapore Has Kept the Coronavirus under Control,' *Los Angeles Times*, 11 March 2020, <https://www.latimes.com/world-nation/story/2020-03-11/a-singaporeans-view-of-the-coronavirus-its-surprising-to-see-the-u-s-so-messed-up>.

253 'Meeting Minutes: CSO Engagement on COVID-Response,' virtual meeting conducted by the International Labour Organization, in coordination with National Network of Safe Migration (NNSM) with members of civil society organization. ILO and National Network for Safe Migrations, 10 April 2020.

254 UNHCR, 'COVID-19 Does Not Discriminate Nor Should Our Response,' 15 May 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25730&LangID=E>.

255 Sajha Sawal Media, 'Repatriation of Nepalis'.

256 'Sallaha Sujhab (Advice, Suggestion) NNSM Virtual Meeting,' virtual meeting conducted by the National Network for Safe Migration (NNSM) with the executive committee and member organisations that all work in the field of migration, 18 April 2020.

257 Embassy of Nepal, Malaysia, 'Embassy of Nepal, Malaysia,' Facebook, accessed 30 June 2020, <https://www.facebook.com/nepalembassykl/photos/a.180102122433031/882601755516394/>.

their repatriation process.<sup>258</sup> Hotlines have also been set up enabling the migrant workers to call the Embassy when in need of assistance. Likewise, Nepali embassies in Qatar, Saudi Arabia, Kuwait, and Bahrain have been regularly publishing updated information regarding COVID-19.<sup>259</sup> However, such information has not always been accessible to many migrants unfamiliar with the technology such as social media.<sup>260</sup> The embassies also failed to have considered the language barrier for non-Nepali speakers. There were also instances where migrant workers were turned away from the embassy gates while seeking information.<sup>261</sup>

## Access to Justice

The COVID-19 pandemic has affected the capacity to access legal remedies at a time when there is a need for a strong legal and judicial system to direct local, national and international interventions.<sup>262</sup> Migrant workers have little recourse to the law even in normal times, facing as they do various risks, including restrictive migration policies, insecure forms of labour, language barriers, overcrowded living conditions, racism and xenophobia, lack of legal recognition, and undervaluation of their contribution to the economy, all of which have been exacerbated as the pandemic unfolded in different parts of the world. The impact is even greater on women migrant workers, given that 74 per cent of the service industry workers are women and in many cases they experience higher job insecurity.<sup>263</sup> Women have been historically exploited, and bear higher socio-economic impacts as a significant portion of their earnings are sent to their families in their home countries.<sup>264</sup> They also face higher possibilities of xenophobic rejection and stigma at their domestic work places. Further,

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258 Chandan Kumar Manda, 'Nepal Embassy in Malaysia Collects Data of Stranded Nepali Workers,' *The Kathmandu Post*, 2 April 2020, <https://kathmandupost.com/national/2020/04/02/nepal-embassy-in-malaysia-collects-data-of-stranded-nepali-workers>.

259 Embassy of Nepal, Doha, State of Qatar, 'Embassy of Nepal, Doha, State of Qatar,' Facebook, accessed 30 June 2020, <https://www.facebook.com/eondoha/>; Embassy of Nepal, Riyadh, 'Embassy of Nepal, Riyadh,' Facebook, accessed 30 June 2020, <https://www.facebook.com/nepalembassysaudiArabia/>; Embassy of Nepal, State of Kuwait, 'Embassy of Nepal, Doha, State of Kuwait,' Facebook, accessed 30 June 2020, <https://www.facebook.com/nepalembassykuwait/>; and Embassy Of Nepal, Manama Kingdom of Bahrain, 'Embassy of Nepal, Manama Kingdom of Bahrain,' Facebook, accessed 30 June 2020, <https://www.facebook.com/Embassy-Of-Nepal-Manama-Kingdom-of-Bahrain-1165480700224423/>.

260 Sajha Sawal Media, 'Repatriation of Nepalis'.

261 Chandan Kumar Mandal, 'Nepali Embassies' Ill-Treatment of Workers Continues Even during Pandemic,' *The Kathmandu Post*, 16 June 2020, <https://tkpo.st/37xKKTk>.

262 'COVID-19,' IDLO, accessed 15 May 2020, <https://www.idlo.int/what-we-do/covid-19>.

263 International Organization for Migration, *World Migration Report 2020* (Geneva: International Organization for Migration, 2019).

264 Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, *Migrant Workers' Access to Justice at Home: Nepal* (New York: Open Society Foundation, 2014); Benjamin Harkins and Meri Åhlberg, *Access to Justice for Migrant Workers in South-East Asia* (Bangkok: ILO, 2017); National Human Rights Commission, *Research-Report on the Situation of the Rights of Migrant Workers: Recruitment Practices and Access to Justice of Migrant Workers* (Kathmandu: National Human Rights Commission, 2019); and UN Women, *Guidance for Action: Addressing the Emerging Impacts of the COVID-19 Pandemic on Migrant Women in Asia and the Pacific for a Gender-Responsive Recovery* (New York: UN Women, 2020); and IOM, 'The Additional Risks of COVID-19 for Migrant Women, and How to Address Them,' UN Migration, accessed 29 June 2020, <https://rosanjose.iom.int/SITE/en/blog/additional-risks-covid-19-migrant-women-and-how-address-them-0>.

pregnant migrant women are at a higher risk due to inadequate care at the healthcare centres.<sup>265</sup>

The issue of justice is all the more pertinent in a situation where workers have been laid off, wages and benefits deducted or not provided at all, are not provided basic services, no compensation given to those deported and expelled, and return tickets of those planning to return have expired. There are reports that Nepalis have been arrested and detained for (unintentionally and unknowingly) violating lockdown measures in destination countries. Then there are also more than 50,000 Nepalis, who have received their labour permits and visas but are now stuck in Nepal, having paid huge sums to recruitment agencies and their agents during the recruitment process.<sup>266</sup>

While the government and diplomatic missions of Nepal are tied up with managing relief and working to facilitate the repatriation of migrant workers, little attention has been given to what kind of legal options they have to claim compensation or some kind of reparations for jobs lost. Neither is it clear if and how their grievances will be documented, whether before repatriation or after their return to Nepal, and what steps they can take thereafter. Organisations such as People's Forum and Law and Policy Forum for Social Justice (LAPSOJ) have been providing free legal advisory support and disseminating information about foreign migrant repatriation, health care, reimbursement and reintegration back in Nepal to the migrant population stranded in their destination countries and the general public via social media and virtual meetings.<sup>267</sup> But, seeking and obtaining justice in both the CoDs and Nepal is likely to be a huge challenge.<sup>268</sup>

Commenting on the rising number of complaints at the embassy, the official at the Nepali embassy in Kuwait said: 'The increasing problems faced by Nepalis in company sectors increases the number of complaints in the embassy. Due to the financial problems faced by the companies like small restaurants, coffee shops, salons, and department stores, trying to find solutions to the problems is difficult which also makes the situation of embassy staff difficult due to the rising pressure to resolve them. Although the embassy has been doing the best it can with the available means and resources, the scale of the problems caused by this pandemic is huge and the response and delivery of the embassy may not be up to the level of public expectation. This might lead to more complaints about the embassy authorities.'<sup>269</sup>

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265 Nepal et al, *Kovid-19 Mahamariko Chapetama*.

266 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting conducted by the ILO, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

267 A letter from People's Forum to the National Human Rights Commission shared with CESLAM. People's Forum, 'Letter to National Human Rights Commission.'

268 People Forum for Human Rights, 'Report of Consultation Meeting among Civil Society's Representatives to Discuss on Issues of Writ Petition Filed at Supreme Court Interim Order and to Identify Future Strategy for Rescue, Repatriation and Reintegration of Nepali Migrant Workers Affected by COVID-19 in Destination Countries' (Kathmandu: People Forum for Human Rights, 2020).

269 Online interview, 25 June 2020.

## V. ROLE OF GOVERNMENTS

Governments with large populations of migrant workers have been faced with the challenge of containing the outbreak within their borders as swiftly as possible among their own citizens as well as guest workers. This has come in the form of strict national lockdowns, in particular shutting off migrant worker residential areas as many cases of the spread have been among migrant worker communities.<sup>270</sup> Such actions have been especially problematic as reports suggest wide-scale violations of labour rights, including instances of forced lockdowns in unhealthy living conditions, among others.<sup>271</sup>

The crisis has also highlighted the treatment of lower-paid migrant workers in the GCC countries. Reports have described 'labour camp'-like living conditions, which is a key reason for the spread of the virus among this group of migrant workers for whom social distancing measures are impossible to maintain.<sup>272</sup> There have also been reports of migrant workers facing discrimination in terms of getting adequate testing and treatment in hospitals, and also facing discrimination in receiving essential food supplies.<sup>273</sup> As a major labour-importing country, Saudi Arabia's foreign labour migrants make up 75 per cent of its workforce, and 37 per cent of its total population.<sup>274</sup> Reports have shown that new cases of the virus are disproportionately higher among the labour migrants. In order to counter this, Saudi Arabia has issued a series of strict guidelines to further control the spread of COVID-19, including checkpoints to inspect workers' temperatures and respiratory health, provision of isolation rooms, and disinfection of surfaces twice a day.<sup>275</sup>

### Dealing with Migrant Workers

In conjunction with various international and national organisations, Nepali missions abroad have asked destination country governments to carry out free testing and treatment of infected patients, and provide salaries, job security, and safe and healthy shelters for Nepali workers.<sup>276</sup> Similarly, discussions are also underway with employer companies to

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270 Sara Al Shurafa, 'COVID-19: Saudi Arabia to Cut Salaries by 40%', *Gulf News*, 4 May 2020, <https://gulfnews.com/world/gulf/saudi/covid-19-saudi-arabia-to-cut-salaries-by-40-1.1588609488167>.

271 Amnesty International, 'Qatar: Migrant Workers.'

272 Chulov, 'Pandemic Raises Fears over Welfare of Domestic Workers in Lebanon.'

273 Pette Pattison and Roshan Sedhai, 'Qatar's Migrant Workers Beg for Food as COVID-19 Infections Rise,' *The Guardian*, 7 May 2020, <https://www.theguardian.com/global-development/2020/may/07/qatars-migrant-workers-beg-for-food-as-covid-19-infections-rise>.

274 Amrita Gurung, *Factsheet: Saudi Arabia* (Kathmandu: Centre for the Study of Labour and Mobility, 2019).

275 Financial Times, 'Saudi Arabia Moves to Control Spread of Virus among Migrant Worker,' *Financial Times*, <https://www.ft.com/content/c24262f1-2f13-4432-9eda-6ec5622f72e7>.

276 A Call Organised by the ILO of Nepali Worker Organisations; SARTUC, JTUCC, GEFONT, NTUC

provide food and shelter to Nepali workers while recruitment agencies are being mobilised to assist in the repatriation process by collecting information on migrants in destination countries in coordination with the employers. However, there has also been criticism about the response from the embassies such as in the UAE where the Nepali embassy has simply fulfilled the role of relaying information instead of providing services.<sup>277</sup> Talking about relief and support to the migrants, the Nepali embassy official in the UAE said: 'Although the embassy coordinated with employers and recruitment agencies, charity organisations and the Nepali community, and distributed food kits to some needy Nepali migrants, arranging shelter for helpless workers was a challenge due to the COVID-19 situation. Since travel between the different emirates was constrained, it was difficult for the embassy to reach out to Nepali migrants outside of Dubai with relief materials. Embassy officials tried to provide some counselling over the phone, but there was no continuity to that either.'<sup>278</sup>

### *Relief Packages Abroad*

In light of the immediate threat to the economy due to the global outbreak of COVID-19, host governments in CoDs have begun putting in place relief measures and economic bailout plans. These packages consist of cash vouchers, tax deferrals, interest holidays, refinancing schemes and personal loans.<sup>279</sup> But with the exception of Qatar, these measures are aimed only for its citizens, thereby largely excluding foreign migrant workers' rights from any government support.

The Qatar government has announced a QAR 75 billion (USD 20.6 billion) stimulus package aimed at the country's private and service sector, with QAR 3 billion (USD 815 million) allocated to support companies in paying their workers.<sup>280</sup> Qatar has also promised to pay its foreign migrant workers in quarantine full salaries.<sup>281</sup> Such a stimulus is not the norm across the GCC states, however, as Saudi Arabia, Oman and the UAE have already reduced workers' salaries without the consent of the workers.<sup>282</sup> Similarly, Bahrain has announced that it will allocate USD 570 million to pay the salaries of workers, but this

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and ANTUF; ILO, 'Meeting Notes: Engagement with Trade Unions,' virtual meeting conducted by the ILO, with members of Nepali worker organisations, 23 April 2020; 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting conducted by the International Labour Organization, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

277 Hom Karki, 'UAE Ka Sankramit Nepali Le Uchit Upachar Payenan (Infected Nepalis in the UAE Did Not Receive Proper Treatment),' *Kantipur*, 13 April 2020, <https://ekantipur.com/news/2020/04/13/158674567273682060.html>.

278 Online interview, 30 June 2020.

279 'Policy Responses to COVID-19,' International Monetary Fund, accessed 17 May 2020, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>.

280 'Policy Responses to COVID-19,' International Monetary Fund, accessed 1 June 2020, <https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19#Q>.

281 Al-Jazeera, 'Qatar to Pay Workers in Quarantine Full Salaries,' *Al-Jazeera*, 1 April 2020, <https://www.aljazeera.com/news/2020/04/qatar-pay-workers-quarantine-full-salaries-200401110548709.html>.

282 Sam Kiley and Mostafa Salem, 'Coronavirus Leaves the Gulf's Migrant Workers in Limbo, with No Income and No Easy Way Out,' *CNN*, 9 May 2020, <https://edition.cnn.com/2020/05/09/middleeast/uae-migrants-coronavirus-intl/index.html>.

package does not include foreign workers.<sup>283</sup> This has prompted international organisations like Human Rights Watch and Amnesty International to urge the GCC states to include low-wage foreign workers in the stimulus packages as they make up the bulk of the labour force.<sup>284</sup> Many governments in the CoDs have announced an extension of visas and work permits for migrant workers, and fee waivers for those whose visas have expired.<sup>285</sup>

In South Korea, with its aggressive steps taken to control the virus, so far there have been no reports of infection or death among Nepali workers as of 21 June 2020.<sup>286</sup> The South Korean government extended the visas of Nepali workers there under the EPS for 50 days, benefitting nearly 18,500 Nepali workers.<sup>287</sup> Similarly, South Korea has given permission to Nepali workers who came to Nepal on leave and whose visas are expiring soon to return.<sup>288</sup> Similarly, Malaysia has waived fees for workers whose visas expired after 1 January 2020.<sup>289</sup> Additionally, Malaysia has made it mandatory for all foreign migrant workers to undergo COVID-19 tests regardless of their legal status, with the cost to be borne by the employers.<sup>290</sup>

One area of major concern that remains unaddressed is that of undocumented migrants. Many governments have already announced amnesty and fair treatment of undocumented migrant workers. Although most GCC countries and Malaysia have declared that the legal status of the migrant workers would not be factored into how they are treated, reports suggest otherwise. Malaysia has conducted a crackdown on the residential quarters of workers to check on the status of migrant workers, with reports describing that hundreds of workers and refugees were deemed illegal and detained.<sup>291</sup> Countries like Saudi Arabia and the UAE have also warned about deporting migrant workers.<sup>292</sup> Qatar detained and deported 400

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283 Al-Jazeera, 'Coronavirus Wages: Bahrain to Pay Private Sector Salaries,' *Al-Jazeera*, 9 April 2020, <https://www.aljazeera.com/ajimpact/coronavirus-wages-bahrain-pay-private-sector-salaries-200408182326104.html>.

284 Reuters, 'Update 2-Bahrain to Pay Private Sector Salaries as Gulf Scrambles to Shield Migrant Workers from COVID-19,' *Reuters*, 8 April 2020, <https://www.reuters.com/article/health-coronavirus-bahrain-economy/update-2-bahrain-to-pay-private-sector-salaries-as-gulf-scrambles-to-shield-migrant-workers-from-covid-19-idUSL8N2BW3YD>; Babu Ram Pant, 'Migrant Workers Must Not Be Left Behind,' *Amnesty International*, 6 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/migrant-workers-of-nepal-must-not-be-left-behind/>; Human Rights Watch, 'Gulf States: Ease Immigration Detention in Pandemic,' Human Rights Watch, 7 April 2020, <https://www.hrw.org/news/2020/04/07/gulf-states-ease-immigration-detention-pandemic>.

285 Himalayan News Service, 'South Korea'; Ministry of Interior (@MOI\_QatarEn), Twitter Post, 20 April 2020, [https://twitter.com/MOI\\_QatarEn/status/1252237669049995266](https://twitter.com/MOI_QatarEn/status/1252237669049995266).

286 'Status of Nepali around the Globe,' NRNA, accessed 29 June 2020, <https://www.covid19.nrna.org.np/>.

287 Himalayan News Service, 'South Korea'.

288 Chandan Kumar Mandal, 'Government Allows Nepali Workers on Their Work-Break to Return to South Korea,' *The Kathmandu Post*, 30 April 2020, <https://tkpo.st/2SmSZvb>.

289 Himalayan News Service, 'Malaysia Breather for Illegal Migrants,' *The Himalayan Times*, 8 May 2020, <https://thehimalayantimes.com/nepal/malaysia-breather-for-illegal-migrants>.

290 Sandanasamy et al, *Covid-19*.

291 Al-Jazeera, 'Malaysia Detains Migrants, Refugees Amid Coronavirus Lockdown,' *Al-Jazeera*, 1 May 2020, <https://www.aljazeera.com/news/2020/05/malaysia-detains-migrants-refugees-coronavirus-lockdown-200501134602431.html>.

292 Al-Jazeera, 'Pakistan Concerned at Workers Returning from UAE with Coronavirus,' *Al-Jazeera*, 6 May 2020, <https://www.aljazeera.com/news/2020/05/pakistan-concerned-workers-returning-uae-coronavirus-200506081618984.html>.

Nepali workers back to Nepal when they were out in the marketplace, citing their violation of the government's COVID-19 containment measures,<sup>293</sup> which is in direct violation of their human rights.<sup>294</sup>

### *Relief Packages in Nepal*

On 29 March, Nepal's central bank, Nepal Rastra Bank, published a directive to banks and financial institutions to grant soft loans to migrant workers who were not able to go to their destination countries despite having received labour permits.<sup>295</sup> There are more than 50,000 such labour migrants stuck in Nepal.<sup>296</sup> The government also plans to create job opportunities for such individuals as well as for those who return from abroad under the Prime Minister Employment Programme (PMEP).<sup>297</sup> This task will be undertaken by local governments which will collect details of migrant workers and provide the same to the Employment Service Centres. The government has allocated NPR 4.8 billion (c. USD 40 million) to the PMEP for this purpose.<sup>298</sup>

### **Institutional Capacity for Service Delivery**

Relief distribution and immediate rescue and repatriation of thousands of Nepalis abroad has been challenging since Nepali embassies in the CoDs are grossly under-resourced in terms of personnel.<sup>299</sup> Even in normal circumstances, the human resources available in the diplomatic missions are inadequate to provide service to Nepali migrant workers but the current situation has added even more serious challenges. There are a combined total of just 119 individuals in the seven Nepali embassies in the Gulf and Malaysia, consisting of 57 diplomatic staff, besides the ambassadors, and 62 local employees to deal with the needs of the more than 1 million Nepali migrant workers and other Nepali citizens in these countries (see Table 2).<sup>300</sup> Highlighting this situation was a news item that described a video that had

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293 Amnesty International, 'Qatar: Migrant Workers'; Mandal, 'Qatar Used Coronavirus'; Khadka, 'UAE Warning'.

294 As per Article 9 of Universal Declaration of Human Rights 1948, 'No one shall be subjected to arbitrary arrest, detention or exile.'

295 Onlinekhabar, 'Rastra Bank Ko 19 Nirdeshan: Byaz Chut Dekhi Nisulha Digital Karobaar Samma (Rastra Bank's 19 Directions: From Interest Discounts to Free Digital Transactions),' *Onlinekhabar*, 29 March 2020, <https://www.onlinekhabar.com/2020/03/849100>.

296 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting conducted by the International Labour Organization, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

297 Ujyalo, 'Shram Swikriti Liyera Pani Bidesh Jana Napayeka Lai Sarkarle Kaam Dine (Government to Provide Jobs to Those Who Have Received Labour Permits but Are Not Able to Go Abroad),' *Ujyalo Desh Pradesh*, 30 April 2020, <https://ujyaloonline.com/desh-paradesh/story/36412/2020/4/30/cabinet-meeting-corona-virus-job-pm-fund>.

298 Tulasi Subedi, 'Koronale Bidesh Jana Napayekalai Saat Din Bhitra Sahuliyat Purna Karja (Loans for the Migrant Workers Stuck in Nepal Due to Coronavirus),' *Annapurna Post*, 2 April 2020, <http://annapurnapost.com/news/152040>.

299 Suswopna Rimal, 'Nepali Labor Migrants, Covid-19, and the State,' *The Asia Foundation*, 1 April, 2020, <https://asiafoundation.org/2020/04/01/nepali-labor-migrants-covid-19-and-the-state/>.

300 Hom Karki, 'Khadika Dutabas Lai Thapiyo Bojh (Added Burden to Gulf's Embassies),' *Kantipur*, 21 April 2020, <https://ekantipur.com/news/2020/04/21/158743921685338027.html?author=1>.



#### Box 4: From Coordination Committee to Management Centre

On 1 March 2020, the Government established an 11-member High-Level Coordination Committee for the Prevention and Control of COVID-19 led by the Deputy Prime Minister (DPM).<sup>\*</sup> This Committee was disbanded on 11 June 2020 and merged with the COVID-19 Crisis Management Centre (CCMC) in order to avoid any duplication of work.<sup>#</sup> The CCMC had been established on 29 March 2020, also under the DPM, to develop information systems and human and other resources to combat the crisis. The government had subsequently established CCMCs in all the 77 districts of Nepal following a decision on 8 April. Besides the DPM, the CCMC initially included the Home Minister, the Finance Minister, the Minister for Federal Affairs and Local Development, the Minister for Industry, Commerce and Supplies, the Health Minister, the Chief of Army Staff, and the Chief Secretary, and following the disbanding of the High-Level Coordination Committee, CCMC saw the inclusion of the Minister for Agriculture, Minister for Tourism and the Minister for Energy.

<sup>\*</sup> 'Mananiya Upapradhanmantri Tatha Rakshya Mantrijyuko Sanyojogtoma Gathit Novel Corona Rog Roktham Tatha Nyantran Uchastariya Samnawaya Samitiko Pratham Baithak (2076.11.18) Ko Nirnaya' (Decision of the first meeting of the Novel Corona Disease Prevention and Control High Level Coordination Committee (2076.11.18) convened under the coordination of Hon'ble Deputy Prime Minister and Minister of Defense), Office of the Prime Minister and Council of Ministers, accessed 18 July 2020, <https://www.opmcm.gov.np/wp-content/uploads/2020/03/Corona-Meeting-2076-11-18.pdf>.

<sup>#</sup> The Himalayan Times, 'Nepal's High-level Coronavirus Control Panel Disbanded,' *The Himalayan Times*, 13 June 2020, <https://thehimalayantimes.com/nepal/nepals-high-level-coronavirus-control-panel-disbanded/>.

gone viral about how migrants are treated by the Nepali embassy in the UAE. A migrant worker was quoted as saying: 'What everyone saw in that video posted online, that's what happens. The embassy officials don't even speak properly with visitors. They have installed a device at the gate which is never open. If you speak to the device, someone from the inside responds.'<sup>301</sup>

Providing the view from the other side, the embassy official in Kuwait said: 'The embassy has just five diplomatic staff, including the ambassador and a labour attaché. Amid the amnesty provided by the government of this country to those with illegal status, the staff had to work day and night to provide travel documents to about 3,000 Nepalis within four days. Performing official duties and going every time to distribute food relief to needy Nepalis has put immense pressure on the staff, even making them sick from time to time.'<sup>302</sup>

The FEB has transferred NPR 8 million (c. USD 65,000) to various diplomatic missions for the relief and welfare of Nepali citizens, but the paucity of human resources at the Nepali embassies has created a gap in service delivery of the relief, welfare aid, and information that Nepali migrants are desperately seeking.<sup>303</sup>

301 Mandal, 'Nepali Embassies' Ill-Treatment'.

302 Online interview, 25 June 2020.

303 'Meeting Minutes: Engagement with Private Recruitment Agencies on COVID Response,' virtual meeting

The absence of diplomatic missions in some CoDs for Nepali migrants has also proved to be an impediment in the effective delivery of services in normal times and in repatriating Nepali migrant workers during the current crisis. According to the Foreign Employment Act 2007, the government is required to assign a labour attaché in countries where 5,000 or more migrants are working.<sup>304</sup> An estimated 5-10,000 Nepalis work in the Maldives, primarily in the tourism sector (with a total of 5,253 work permits issued for the country between mid-March 2018 and mid-March 2020).<sup>305</sup> Many Nepalis have lost their jobs since the outbreak of COVID-19, and also risk infection as migrant workers have been disproportionately affected in the island nation. Because Nepal does not have a mission in the Maldives, Nepali citizens have to work through the Nepali embassy in Sri Lanka. But with the embassy in Colombo without an ambassador and just two clerical officials in place,<sup>306</sup> they have not received much support. A similar situation persists for many Nepali workers in CoDs that lack diplomatic missions, including in Jordan, Mauritius, and the Seychelles. The ILO has provided some resources to hire additional local staff in some key destination countries to deal with the unfolding situation but that has hardly been enough to meet the huge challenges of facilitating the return of migrant workers while also seeking legal remedies where required.<sup>307</sup>

## Repatriation and Return

The Nepali government took swift action to bring back 185 Nepalis, mostly students, from Wuhan in China's Hubei province, the epicentre of the COVID-19 outbreak, in February with the embassy in Beijing arranging transportation for Nepalis to travel from different parts of the province to be repatriated.<sup>308</sup> The global spread of the virus and the suspension of international flights to and from Nepal found Nepali workers stranded abroad and the Supreme Court had to pass an interim order on 16 April directing the government to bring them back.<sup>309</sup>

Nepali embassies began taking different initiatives to support the Action Plan formulated by the Nepali government for the repatriation of Nepalis from different parts of the world. In Malaysia, the embassy started collecting data on stranded Nepalis digitally using a form published on social media platforms on 31 March.<sup>310</sup> It collected information of how many

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conducted by the International Labour Organization, with members of Nepal Association of Foreign Employment Agencies (NAFEA), 22 April 2020.

304 Government of Nepal, Foreign Employment Act (Kathmandu: Government of Nepal, 2007), Article 68.

305 Upasana Khadka, 'Nepalis Stranded in the Maldives,' *Nepali Times*, 27 April 2020, <https://www.nepalitimes.com/here-now/nepalis-stranded-in-the-maldives/>.

306 The duo were a second secretary and third secretary. 'About the Embassy: Embassy Staffs', Embassy of Nepal, Colombo, accessed 21 June 2020, <https://lk.nepalembassy.gov.np/embassy-staffs/>.

307 As per discussion with a National Project Officer at ILO, 26 March 2020.

308 Sangeet Sangroula, '175 Nepali Nationals Finally Evacuated from Coronavirus-Hit Areas of China,' *Myrepublica*, 16 February 2020, <https://myrepublica.nagariknetwork.com/news/175-nepali-nationals-finally-evacuated-from-coronavirus-hit-areas-of-china/>.

309 Ram Kumar Kamat, 'SC Asks Govt'.

310 Embassy of Nepal, Malaysia, 'Notice,' Facebook, 31 March 2020. <https://www.facebook.com/nepalembassyk1/photos/a.180102122433031/891869541256282/?type=3&theater>.

migrant workers' visas have expired, and how many tickets had to be cancelled due to flights being put on hold.<sup>311</sup> Similar initiatives were undertaken by Nepali embassies in the GCC states.<sup>312</sup>

Referring to the work the Nepali embassy in the UAE has been doing, the official mentioned earlier said: 'The embassy is busy with the coordination required both in Nepal and in the UAE for flight operation-related activities such as clearance for airlines from Nepal, diplomatic clearance for flights from the UAE, preparation of passenger lists, arranging COVID-19 tests, road permits for airline shuttle buses, and so on.'<sup>313</sup> However, flawed data collection has resulted in a lack of concrete information,<sup>314</sup> which has led to protests such as happened in the UAE when the government failed to abide by its own Action Plan and the protocol to be followed during repatriation.<sup>315</sup>

The same official explained where the problem lay: 'After the suspension of flights, embassies started collecting data on their own about migrants to be repatriated and returned. The High-Level Committee's guidelines came to the embassy late. So, some of the personal details wanted by the Committee was missing in the embassy's database and collecting additional information turned out to be difficult. Also, initially, setting priority for the immediate return became quite difficult despite the government's guidelines for there were several undocumented workers, those who had lost their family members in Nepal, visitors, students and interns in hotel management colleges, and those pregnant, with medical urgencies, and loss of family members in Nepal.'<sup>316</sup>

According to preliminary estimates by the MoFA and data collected by the CCMC, 25,000 Nepalis needed to be repatriated by the first two weeks of June with priority being given to 28 pregnant women in the UAE, 2,500-3,000 undocumented and overstaying Nepalis granted general amnesty in Kuwait as well as migrant workers in Qatar and the Maldives, and students from Bangladesh.<sup>317</sup> The same report stated that starting mid-June, an estimated 3,000-3,500 people could be repatriated per day by sending Nepal Airlines aircrafts to these countries. The returnees are to be placed in quarantine facilities for 14 days in hotels in Kathmandu, Lalitpur, Bhaktapur and Dhulikhel. Later, based on information collected by the Nepali embassies, a total of 24,148 migrants stranded in 30 countries (not counting Indi) were identified by the government as needing to be rescued immediately,

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311 Mandal, 'Nepal Embassy in Malaysia'.

312 Mukunda Giri, 'Embassy of Nepal in Australia Has Started to Collect Data of Nepalis in Australia,' *Gorkhapatra*, 2 April 2020, <http://gorkhapatraonline.com/abroad/2020-04-02-11537>.

313 Online interview, 30 June 2020.

314 Jeevan Baniya, 'Hachuwama Uddaar Ra Gharfirti' (Rescue and Repatriation on a Whim), *Kantipur*, 2 July 2020, <https://ekantipur.com/opinion/2020/07/02/1593661528583311.html>; and Nepal et al, *Kovid-19 Mahamariko Chapetama*.

315 Khadka, 'The Kathmandu Airlift Begins.'

316 Online interview, 30 June 2020.

317 Janakraj Sapkota and Binu Subedi, 'Pharkana Chahane 10 Lakh, Sarkarko Tayari 25,000 Matrai (1 Million Wanting to Return, Government's Preparation for 25,000 Only),' *Kantipur*, 30 May 2020, <https://ekantipur.com/news/2020/05/30/159080789007568192.html>.

with the highest numbers in Malaysia (6,425), Qatar (3,608), Saudi Arabia (3,312) and Kuwait (2,991).<sup>318</sup> As outlined in the earlier section, the process of repatriating Nepalis from the destination countries began on 5 June with the arrival of Nepalis from Myanmar and the UAE.<sup>319</sup>

Many stranded Nepali migrant workers expected the cost of travel to return to be borne by the government since the term ‘rescue’ has been used often while referring to the process of repatriation. However, the government decided to make the migrants pay for their repatriation on chartered flights back home, paying as much as four times than what they would have paid for regular flights.<sup>320</sup> This has added to the burden on migrants who are already financially vulnerable in the current situation. Migrants have strongly opposed the government’s decision to have them pay higher fares.<sup>321</sup> Instead of addressing these demands, Nepali embassies in destination countries have gone ahead and published notices regarding ticket prices in chartered flights.<sup>322</sup>

Talking about the problems with regard to the rescue flights and the prices mentioned, the embassy official in the UAE said: ‘Limited charter flights after three months are too little too late. Also, having three fares from the same country is difficult to justify, USD 360, 385 and 500. If the government cannot regulate the airfare, it should have been left open to the market. The competition would have decided the price, and the embassy would also not be required to spend time in preparing the passenger list... If repatriation had started earlier, more companies would have provided air tickets as they would still have been in a position to fund the airfare. But in these three months, the financial condition of those companies has worsened and bearing many times the regular cost for charter flights has become difficult for them.’<sup>323</sup>

The government has allocated hotels as quarantine facilities for the Nepali migrant workers returning by air. It is clearly stated in the government’s Action Plan that the cost of these hotels has to be borne by the returnees (Annex II). There is also a lack of clear guidelines on the testing of returnee migrants in the CoDs, with high chances that many will return to Nepal without any tests or test certificates.<sup>324</sup> Since there will be at least tens of thousands of Nepalis being repatriated over the coming weeks and months, there are no guarantees that the quarantine facilities set up in Nepal will be able to cope with such numbers as per existing guidelines.<sup>325</sup>

With a total of 1,071,686 labour permits issued in the two years prior to the lockdown

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318 Paudel, ‘America Sahit’.

319 Kantipur, ‘Myanmar’s Air Force Brings 26 Nepalis to Kathmandu,’ *Kantipur*, 5 June 2020, [https://ekantipur.com/photo\\_feature/2020/06/05/159133781614235394.html](https://ekantipur.com/photo_feature/2020/06/05/159133781614235394.html); Khadka, ‘The Kathmandu Airlift Begins.’

320 Ghimire, ‘Ek Tarfi’; Ghimire, ‘Pravasi Nepali’.

321 Ghimire, ‘Pravasi Nepali’.

322 Ghimire, ‘Uddhar Udanko’.

323 Online interview, 30 June 2020.

324 Nepal et al, *Kovid-19 Mahamariko Chapetama*, Sajha Sawal Media, ‘Repatriation of Nepalis’.

325 Sovit Subedi, ‘Reimagining Quarantine,’ *The Record*, 29 May 2020, <http://www.recordnepal.com/category-explainers/reimagining-quarantine/>; and Dr Sushil Koirala, ‘Human Rights in the Time of COVID-19.’ *The Himalayan Times*, 24 April 2020, <https://thehimalayantimes.com/opinion/human-rights-in-the-time-of-covid-19/>.

(Table 2), the number of returnees in the coming months and years will be very high. However, ongoing preparations for their return in terms of holding centres, travel arrangements to their homes, quarantine centres, and reintegration later on do not seem to have taken account of these numbers.

The vast majority of the migrants in the destination countries are ‘unskilled workers’ followed by ‘skilled’ and ‘semi-skilled’ (Table 7). Comparatively, lower numbers of migrants are ‘professional’ and ‘high skilled’. Similarly, NLFS 2017/18 (Table 8) data shows that the majority of migrants are engaged in elementary occupation while data based on province-level distribution show variable dynamics. These figures at the national and provincial levels show that the issue of repatriating and reintegrating Nepali returnees presents unparalleled socio-economic logistics and resource challenges that need to be addressed in a systematic manner.

In addition, creating jobs as a means to reintegrate these workers in the Nepali job market while utilising the skills brought back by them will be the next big challenge. The Constitution of Nepal mentions utilising the skills and expertise gained by migrant workers in productive sectors.<sup>326</sup> The Fifteenth Periodic Plan (2019/20–2023/24) and the Foreign Employment Board’s Policies, Programmes and Budget for 2019/20 also highlight the use of skills, knowledge and expertise of returnee migrant workers in the productive sector through entrepreneurship, self-employment and professional jobs.<sup>327</sup> Although the government wants to utilise the skills gained by the migrant workers and upskill them, it is not clear whether or how these skills will be utilised let alone create any mechanism to tap into the skills base migrants have.

Women rights’ groups have asked the government to facilitate the secure and dignified return of women migrant workers and ensure that they do not face further indignities and insecurities after their return and that their reintegration should be given priority.<sup>328</sup> As per the priority set by the Action Plan, women migrants, including those who are pregnant or have children, are to be brought back early on in the repatriation process. However, it is necessary to ensure that returnee women migrants are able to reintegrate into society, not only economically, but at the social, emotional and family level as well. Recent women returnees from Kuwait were reported to have been sent to their respective homes by the

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326 Section 51(I) of the Constitution of Nepal Mentions Mobilising ‘the Capital, Skills, Technology and Experience Gained from Foreign Employment in Productive Sectors in the Country’. Government of Nepal, Constitution of Nepal (Kathmandu: Government of Nepal, 2015).

327 The Fifteenth Periodic Plan envisages encouraging ‘manpower returning from foreign employment as well as the skills, knowledge, capacity, culture and resources earned during the foreign employment to be utilised in productive sectors through entrepreneurship, self-employment and businesses’. As per the FEB’s Policies, Programmes and Budget for 2019/20, ‘social and economic reintegration programs will be conducted to utilize the skills of youths returning from foreign employment and remittance in a way that support the economic development of the country as well as help create employment opportunities within the country’. Government of Nepal, *Pandbraun Yojana (Aarthik Barsa 2076/77–2080/81)(Fifteenth Plan [Fiscal Year 2076/77–2080/81])*, 173; Foreign Employment Board, *Aarthik Barsa 2076/77 ko Niti, Karyakram Tatha Budget (Policies, Programs and Budget for Fiscal Year 2019/20)* (Kathmandu: Foreign Employment Board, 2020), 10.

328 Chandan Kumar Mandal, ‘Women’s Rights Groups Call for Safe, Dignified Repatriation and Reintegration of Returnee Female Migrant Workers,’ *The Kathmandu Post*, 19 June 2020, <https://tkpo.st/3fAV8N0>.

government without any specific rehabilitation and reintegration plans.<sup>329</sup>

### **Absence of Data, Coordination and Consultations**

The government's response to the COVID-19 pandemic vis-à-vis Nepali migrant workers abroad have been beset by two major problems. First, the absence of systematic and comprehensive data on the extent of labour migration has hindered coordination efforts in formulating policies and plans for not just the protection of migrant workers, but also for repatriation and reintegration efforts. Second, there has been a lack of a coordination between and among various agencies and government units as well as among federal, provincial and local governments.<sup>330</sup>

The issue of data impinging upon an effective response to the situation of Nepali migrant workers abroad has become most pronounced in the case of Nepalis in India. Given the open border between two countries, there is absolutely no reliable data on the number of Nepalis working in India. Even where there is data in the case of workers acquiring work permits to go abroad, conflicting numbers from various government and non-government sources along with imprecise and out-of-date figures have hobbled planning for the protection, repatriation and reintegration process. For instance, the number of Nepalis wanting to return to Nepal compiled by the FEB does not consider an important factor such as the expiration of work contracts, as this report has mentioned.

In relation to the number of Nepali migrants waiting for repatriation, the figures provided by different agencies vary widely. The FEB's estimate of 407,000 Nepalis returning in the long run<sup>331</sup> stands in contrast to the figure from the Nepal Association of Foreign Employment Agencies (NAFEA), 500,000.<sup>332</sup> A cabinet decision declared that 25,000 Nepalis need urgent repatriation from the GCC countries and Malaysia.<sup>333</sup> Numbers published by the government also do not account for the figures provided by various country chapters of the NRNA, because of which there have been sustained calls on the government to increase the scope of information sharing, dialogue, coordination and consultation among the government, private recruitment agencies, CSOs, and others engaged stakeholders.<sup>334</sup> Such an approach would also be in line with the guiding principle of the Global Compact for Migration agreed to by the government, namely, the 'whole of the government' and 'whole of the society'.<sup>335</sup>

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329 Ibid.

330 Baniya, 'Hachuwama Uddaar'; and Nepal et al, *Kovid-19 Mahamariko Chapetama*.

331 Chandan Kumar Mandal, 'Thousands of Nepali Migrant Workers from Persian Gulf and Malaysia Expected to Return Home Soon,' *The Kathmandu Post*, 9 May 2020, <https://tkpo.st/2A7anxD>.

332 Chandan Kumar Mandal, 'At Least 500,000 Migrant Workers Want to Return Home at the Earliest, Says Report,' *The Kathmandu Post*, 21 May 2020, <https://tkpo.st/3e66VIA>.

333 Kantipur, '25 Hajar Nepali Tatkal Lyaune Mantriparisad Ko Nirnaya (Cabinet's Decision of Repatriating 25 Thousand Nepali Immediately),' *Kantipur*, 26 May 2020, [https://ekantipur.com/news/2020/05/26/1590434554\\_59623699.html](https://ekantipur.com/news/2020/05/26/1590434554_59623699.html).

334 Mandal, 'Government Underestimates'.

335 UN, 'Global Compact', 5.

The lack of coordination between and among different government agencies has resulted in political and bureaucratic wrangling, showcasing the inefficiency of the state in controlling and managing the pandemic.<sup>336</sup> At the same time, the government's highly centralised, federally-controlled decision-making structure has reduced the scope of local and provincial governments to respond to local problems they are best placed to handle.<sup>337</sup> One of the drawbacks of this approach has been the chaotic management of quarantine facilities along the Nepal-India border, which has led to the spread of the virus even further.<sup>338</sup>

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336 Anil Giri, 'Even with Three Committees and Marathon Meetings, Government Undecided on Lifting Lockdown,' *The Kathmandu Post*, 10 June 2020, <https://tkpo.st/3f9ihWw>.

337 The Asia Foundation, 'The Impact of COVID-19 Lockdown on Nepal's Construction Sector: A Rapid Assessment,' *The Asia Foundation*, April 2020.

338 Santosh Kafle, 'Lack of Coordination between Health Facility, Ministry Puts COVID-19 Patients at Risk,' *The Himalayan Times*, 30 May 2020, <https://thehimalayantimes.com/nepal/lack-of-coordination-between-health-facility-and-ministry-puts-covid-19-patients-at-risk/>.

## VI. CONCLUSION AND RECOMMENDATIONS

The COVID-19 pandemic has suddenly made millions of Nepali migrants more vulnerable and left them in a state of uncertainty. The bans on international travel and border crossings as well as national lockdowns resulted in many Nepali migrants being stranded in countries all over, including on the other side of the Nepal-India border. Many Nepali migrants have lost their lives to the coronavirus while thousands live in constant fear and risk of infection and even death.

This study sought to assess how the pandemic has affected Nepali migrant workers in major destination countries, in particular, the GCC, Malaysia and India. It is clear that this world-wide crisis has had unprecedented impacts on migrants as well as their families back home. Besides loss of jobs and non- or part-payment of wages, many migrant workers lack access to essential services, including health check-ups and treatment. They have also suffered ill-treatment and discrimination, which has not only caused psychological stress on them but in some cases even led to suicides.

For many stranded migrants, returning home was not an option for months, further exposing them to a host of problems and challenges. The government recently announced plans for the repatriation of stranded migrant workers but while implementation will be challenging from a logistical point of view, there are also looming risks that thousands of migrants might also be deprived of their due payment and benefits. Due to severe challenges faced by the business and industrial sectors, the decline in demand for workers both at home and in destination countries will have knock-on-effects in the short and long terms.

Nepal is expecting reverse migration from various destination countries as well as from urban to rural areas. Without comprehensive and well-coordinated policies and plans related to employment, enterprise development, social security, and health facilities, the possibility of sustainable and successful integration back in the local economies and addressing the primary drivers of out-migration will be far from realisation. This report thus calls upon urgent action to address the adverse situation migrant workers find themselves in and provides a number of recommendations requiring the immediate attention of all government bodies, organisations, groups and individuals working in the field of labour migration in Nepal. While many of the recommendations are based on the findings of this study, some have also been drawn from different national and international reports on the impact of COVID-19 on migrant workers.

### **Protecting Migrants**

- Political and diplomatic channels have to be made full use of by Nepal to engage with government agencies and employers in destination countries to ensure protection of



Nepali migrants, their access to basic services, and protection of their labour rights. These efforts can also be used to explore opportunities for transferring to other sectors in the destination countries as has been done in Israel.

- Workers who have migrated through irregular channels can be unable or unwilling to access healthcare or provide information on their health status due to fear and risks of detention, deportation or penalties. It is important to recognise that irregular migration is a common phenomenon among Nepali migrants, particularly women, and every effort should also be made to guarantee that migrants in such a situation have equal access to the protection of the state, including official information, and testing, treatment, and other necessary health services.
- It is important that migrants still in employment work and live in spaces that are safe, as per the WHO guidelines and recommendations.<sup>339</sup> In order to ensure that Nepali migrants are not being compelled into unhygienic working and living conditions or subject to any form of discrimination or exclusion, diplomatic missions in destination countries should regularly monitor work spaces and accommodation facilities, with the help of Nepali diaspora organisations if necessary.
- Nepali embassies should also engage all channels, including seeking recourse to the courts, to ensure that migrant workers facing non-payment of salaries or delays in the same, evictions from jobs, and forced deportations receive justice. The missions should make use of destination countries' international commitments with regard to ensuring the fundamental human rights of migrants and their rights related to the workplace and wages.
- Nepali diplomatic missions need to be constantly updated on the situation of COVID-19 in the respective countries and the potential risks for different groups of Nepali migrant workers there in order to provide timely information to the Government of Nepal as well migrant workers. As part of this process, the missions should work with the governments of the host countries to share information on a daily basis about Nepalis who may be infected, undergoing treatment, recovered, and dead.
- The government needs to proactively engage with destination country governments, the Nepali diaspora, honorary consuls or other networks in situations where there is no diplomatic presence to identify migrants in vulnerable situations and provide necessary services to them.
- When destination countries restart the hiring process, Nepal needs to make sure that the various governments have ensured that employers have all protective measures in place before approving demand letters and issuing labour permits.

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339 UN, 'Universal Declaration of Human Rights' Article 3; UN, 'International Covenant on Civil and Political Rights', Articles 2(1), 6(1); UN, 'International Covenant on Economic, Social and Cultural Rights', Article 12(2); Columbia Mailman of School of Public Health, Cornell Law School and Zolberg Institute on Migration and Mobility, 'Human Mobility and Human Rights in the COVID-19 Pandemic: Principles of Protection for Migrants, Refugees, and Other Displaced Persons' (New York City: Zolberg Institute on Migration and Mobility, 2020), Article 8.

### Access to Essential Services

- It is necessary to ensure that Nepali migrants have easy and timely access to vital services such as healthcare, medicines, treatment, housing and food. The government should work with destination countries and employers to guarantee non-discrimination of workers regardless of their legal status, gender, religion or language as established under international laws.<sup>340</sup> Particular emphasis should be placed to ensure that frontline service providers, in particular, healthcare workers, do not discriminate against Nepali migrants on any of these grounds.
- The Government of Nepal should urge destination country governments to include Nepali migrant workers in their respective national COVID-19 response strategies, including any economic package, free access to testing, medical treatment and healthcare along with food distribution and other safety net schemes.
- Given the high-risk situation of female migrants in domestic work situations, regardless of their having gone abroad through formal channels or as irregular migrants, special attention needs to be paid to their welfare.

### Information and Communications

- It is crucial that migrants have access to accurate, clear, consistent and practical information about the COVID-19 virus, the protective measures to be adopted, and essential services available in destination countries, including on procedures to be followed while trying to leave the country and in Nepal. It is equally important that migrant workers are allowed to communicate freely with families back home in these times of stress. Destination countries should be lobbied to allow Nepali migrants to receive all available information using various means of communication, some of which continue to be prohibited in some countries even during the pandemic.<sup>341</sup>
- Families of those infected by COVID-19 or generally incapacitated should be informed and regularly updated on the condition of their loved ones.
- Since the government is planning to provide employment to migrants who have returned as a way of reintegrating them back into the national economy, all returnees as well as those still in employment should be provided clear and adequate information about opportunities available in Nepal.
- This information needs to be made available to labour migrants in a format that is easily understood and also in other national languages for the benefit of those who are not fully comfortable with Nepali. The information should be disseminated using formal

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<sup>340</sup> UN, 'Universal Declaration of Human Rights', Article 25; UN, 'International Convention on the Elimination of All Forms of Racial Discrimination', Articles 5(e)(iv); UN, 'International Covenant on Economic, Social and Cultural Rights', General Comment No. 14 and Article 12; Columbia Mailman of School of Public Health et al, 'Human Mobility and Human Rights', Article 2.

<sup>341</sup> UN, 'Universal Declaration of Human Rights', Article 19; UN, 'International Covenant on Civil and Political Rights', General Comment No. 34 and Article 19; Columbia Mailman of School of Public Health et al, 'Human Mobility and Human Rights', Article 9.

channels such as newspapers, television programmes and websites but also through other forms of popular media such as YouTube, Facebook, WhatsApp, Twitter, etc.

### Repatriation and Return

- It is crucial that the leadership at the MoFA provide clear and timely instructions to diplomats in destination countries on the measures to be taken and available for the protection, rescue and repatriation of Nepali labour migrants.
- The right to return home is one guaranteed by the 1990 UN convention on the protection of migrants and their families.<sup>342</sup> Both Nepal and destination countries need to respect migrants' right to go back to their home country in order to feel more secure in their communities and with families at a time of such a public health crisis.
- Clear and impartial criteria need to be developed by the government to prioritise cases of repatriation based on gradually receding vulnerabilities such as danger to physical security, possible discrimination, status of employment, period of employment, economic situation in Nepal, etc.
- Repatriation should not add to the financial burden of migrant workers by making them pay for their flights back home or for the use of quarantine facilities in hotels. It is the responsibility of the government to repatriate migrant workers safely and with dignity.
- There is an urgent need to facilitate the return of those who have been granted blanket amnesty and pardons by some destination countries,<sup>343</sup> particularly from those countries where the risk of infections is high.
- There is also an urgent need to make necessary and foolproof arrangements for screening, isolating and quarantining incoming migrants at the point of entry to prevent possible transmission of the virus to others in their families and the larger community. The protocol developed for local governments to handle incomers need to be consistently and effectively enforced.
- Every effort should be made to bring back the bodies of migrant workers who have died in destination countries. Should it prove otherwise, the families of the deceased should be informed in real time about when the bodies are being disposed of to allow them to perform funeral rites as per tradition.
- Due to various constraints having to do with lack of literacy skills, language barriers or even access to the internet, migrant workers may not be able to fill out online application forms for their return. There is therefore a need to collaborate with recruitment agencies to identify and locate migrant workers and if need be take the help of diaspora organisations such as those based on district of origin or caste/ethnicity to ensure that everyone can be accounted for as far as possible.

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342 UN, 'International Convention on the Protection of the Rights of All Migrant Workers'; UN, 'Universal Declaration of Human Rights', Articles 13(1), 16 and 29(2); UN, 'International Covenant on Civil and Political Rights', Articles 12(1), 12(3) and 23; Columbia Mailman of School of Public Health et al, 'Human Mobility and Human Rights', Article 4.

343 Namely, Kuwait, Bahrain and Oman.

- The Government of Nepal should negotiate with its counterparts in destination countries to grant crisis-period extensions of expired visas and residency and/or labour permits until such a time that such individuals can be safely repatriated to Nepal.
- Documentary evidence will be essential when legal remedies are explored to grant workers their contractual dues in those cases where migrant workers have been thrown out of jobs, been underpaid or not paid at all. Nepali diplomatic missions should document migrants' status of employment, wages, pay slips and any other form of record available at the time of their repatriation. Where there have been cases of ill-treatment and discrimination, easily referenced details should also be recorded.
- Given the high rate of migration for work from Provinces 1, 2, 5 and Sudurpaschim, the authorities there will require extra resources to manage the potential high number of returnees, first, in terms of safe rehabilitation and, later, for their social and economic reintegration.
- With regard to migrants returning from India, the CCMC in coordination with the Ministry of Home Affairs and the Ministry of Federal Affairs and General Administration along with provincial and local governments and District COVID-19 Crisis Management Centres should make arrangements for their transportation back home and quarantining in their respective (rural) municipalities.
- Based on the current experiences, a careful study of existing bilateral agreements/memoranda of understanding will have to be undertaken with the possibility of revising these documents with a view to further protecting the labour and human rights of migrant workers.

### **Preventing Stigmatisation and Abuse**

- It is necessary to identify factors that foster or perpetuate stigma against and ill-treatment of migrants and their families after their return to Nepal and make use of public service messages in collaboration with local governments and the NGO sector to dispel rumours and false information.
- Community and local-level efforts that inform and make the public aware about safety measures against COVID-19 should be prioritised, especially with the large influx of migrant workers into their home communities. Information should also be disseminated against following unfounded treatment and prevention measures that are likely to cause harm to the public. Political leaders, teachers and community leaders can also play an important role in mitigating these risks as well as in generating awareness and narratives against such practices.
- The media at the local level, in particular FM stations, need to play an instrumental role in disseminating information against the stigmatisation of those coming from outside and also for raising awareness about safety at the time of COVID-19.

### Compensation and Legal Remedies

- Due to the unexpected situation caused by the pandemic many migrant workers would have lost their jobs without proper recompense. A concerted plan needs to be drawn up to provide them with the necessary support both in the destination countries and in Nepal when they begin taking recourse to legal remedies. Diplomatic missions abroad can play a crucial role in documenting cases of grievances of migrant workers.
- Considering the extraordinary situation, a transitional provision for handling grievances of those repatriated due to loss of jobs or non-payments of wages and benefits is necessary. A proper mechanism should be put in place to provide access to justice for migrant workers through the creation of a database that not only records complaints and claims but which will also facilitate the resolution of such disputes at a future date. The gravity of the situation requires efforts at both political and diplomatic levels.
- Women migrant workers have always been subject to workplace discrimination in the form of unequal pay and harassment. This issue has been made more evident during the COVID-19 crisis. The government also needs to have a gendered approach to its plans to support women in their quest for justice.
- Diplomatic missions should take steps to ensure that the employers clear wages, social security funds and other benefits before the migrants return home. The government should work with recruitment agencies to pressure the employing companies into fulfilling those responsibilities.
- Many of the around 50,000 potential migrant workers who had been issued labour permits but were not able to fly out due to the COVID-19 situation would have paid huge fees for jobs abroad. The government should proactively investigate, identify and engage with the recruitment agencies that have facilitated such employment and seek ways for the aspirant migrants to recoup their costs.
- The government and embassies abroad have to work with airlines and/or their agents to compensate migrant workers who hold valid tickets for flights that were cancelled due to the pandemic.
- Nepal should take proactive steps to seek the release of Nepali migrant workers in custody for violating lockdowns or other restrictions in destination countries, and request respective governments that such transgressions not be treated as criminal offences. Likewise, it is necessary to ensure that Nepali migrant workers do not face legal issues because of non-payment of rent, insurance and loans during this period.
- Taking into account the increased workload for repatriation and return and subsequently for supporting access to justice, the capacity of diplomatic missions in all the major destination countries need be enhanced substantially starting immediately.

### Quarantine Measures

- There needs to be the mandatory quarantine measures for returnees along with strict surveillance at the airport and land entry points along the border with China and India. Local governments have to be supported in identifying and setting up quarantine

facilities, which have to be up to WHO standards, and also easy to use by all genders, the disabled, pregnant women, children and the elderly. Proper guidance must also be provided on how protocols established for quarantines should be followed, including avoiding overcrowding, while also relaying all the information required to adopt safety measures by those placed in quarantine.

- In the case of migrant workers who returned having lost jobs, the costs associated with transportation to home districts and quarantine stay should be borne by the government. For those who have to travel for days to reach the local quarantines, proper arrangements of basic services such as food, water and accommodation should be ensured along the way.
- Migrant returnees in quarantines need to be provided with all the services, including healthcare, and also allowed easy communication access to their families. They should also be provided psychosocial counselling to avoid conditions where they lapse into depression.
- Quarantines need to be regularly monitored by members of the local CMC but also including other political and social leaders who could be part of a task force formed for this specific purpose. Such a group should also take the lead in standing in solidarity with returnees who are likely to be distressed.

### **Economic Recovery and Integration**

- Many migrant workers will be returning before their contract period is over. In the case of those who have taken loans at high interest rates to finance their migration, there will be the double burden of providing for their families while also servicing their loans. Such workers likely to be under severe financial stress should be identified by local governments and provided with relief and recovery support as soon as possible. This can come through targeted livelihood programmes such as cash for work or food for work in the interim.
- Returnees will eventually require financial and technical support as they adjust to life in Nepal. Such resources can be mobilised through donors and other I/NGOs working in this sector in coordination with the Migrant Resource Centres, the Labour Information Centres, and the business sector. This should go hand-in-hand with creating a conducive environment to encourage skilled migrants to invest in self-employment or job-creating enterprises through the provision of soft loans, as also reflected in the government's policy and programme for the fiscal year 2020/21. Opportunities should also be provided for training, upskilling existing knowledge as well as retraining for a different career. Any such effort should be cognisant of the needs specific to women migrants who may not have the skills readily transferable to the Nepali context.
- The government should identify key and potential sectors for generating employment at the sub-national level in conjunction with provincial and local governments. It is crucial to work with the private sector in generating jobs for those unemployed in the country as well as returnees from abroad by crafting policies that can take advantage of

the availability of a large number of working-age people. Job creation can easily be tied with the PMEPE.

### Data Collection

- An understanding of the full scale of migrant workers who are seeking to come back home and the conditions they are living in at present, either having lost their jobs or having finished their contracts is required. The government should work through Nepali embassies, diaspora organisations and other civil society groups to collect data on the situation of migrant workers in all the destination countries in order to coordinate an appropriate response strategy.
- The data has to be periodically updated as the situation unfolds to continue with the present practice of identifying the most vulnerable migrants such as children, pregnant women, survivors of violence, those with medical conditions, persons with disabilities, the undocumented, those who have received amnesty, students and short-term visitors, and those without employment, among others.
- There is a need to maintain a standardised register of all returnees in the respective municipalities, which is also in line with the mandates of the Local Government Operation Act 2017. The information collected will prove essential for devising plans and programmes aimed at employment generation locally as well as nationally.
- It is essential that the government's Foreign Employment Information Management System (FEIMS) capture disaggregated information of all migrants and returnees such as social, demographic and personal information, their skills, and circumstances of return, duration of stay abroad, destination country and their vulnerabilities. Governments at various levels should also make use of FEIMS while designing programmes to support returnees, while also recognising the different vulnerabilities of migrants.
- Studies need to be carried out about how the impacts of COVID-19 have impacted and will be impacting the economic and social lives of the returnees, including seasonal migrants to India. Such studies can explore the impact of the pandemic in terms of gender difference, food security, nutrition, and overall livelihoods. It will be useful for studies to also focus on the aspirations and plans of the returnees.

### Consultations and Partnerships

- Recent action plans and guidelines related to repatriation, quarantines and reintegration reflect a failure to carry out consultations with all relevant stakeholders. Following the twinned principles of 'whole-of-government' and 'whole-of-society' expressed in the Global Compact on Migration, it is necessary for coordinated efforts by governments at all three levels, migrant workers' organisations and their networks, trade unions, business communities, the Nepali diaspora, and international organisations at home and in destination countries in working for the protection, repatriation and reintegration of migrant workers as well as their access to justice.
- Like never before, the COVID-19 crisis has established the need for improved

cooperation and coordination among members of the South Asian Association for Regional Cooperation (SAARC). Like the declaration during the 18th SAARC Summit<sup>344</sup> to work together for the safety, security and well-being of migrant workers outside South Asia, a similar commitment will be crucial to deal with similar crises in the future.

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<sup>344</sup> SAARC Secretariat, *Eighteenth SAARC Summit: Kathmandu Declaration* (Kathmandu: South Asian Association for Regional Cooperation, 2014).



**Annex I**  
**Number of Labour Permits Issued**  
(15 March 2018 to 13 March 2020)

<b>Destination Countries</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>
Qatar	303,626	293,663	9,963
United Arab Emirates	250,094	220,480	29,614
Saudi Arabia	235,272	232,140	3,132
Malaysia	140,659	137,119	3,540
Kuwait	53,190	47,815	5,375
Bahrain	17,393	15,760	1,633
Oman	11,421	10,277	1,144
Japan	8,863	8,498	365
Maldives	5,253	3,909	1,344
Cyprus	5,063	502	4,561
Jordan	4,621	428	4,193
Macau	3,947	3,799	148
Malta	3,857	2,473	1,384
Turkey	3,691	2,390	1,301
Romania	3,482	3,140	342
Poland	3,292	2,918	374
Afghanistan	3,172	3,165	7
Seychelles	1,418	1,298	120
Israel	1,108	327	781
Portugal	1,089	1,026	63
Brunei	1,074	1,040	34
Czech Republic	842	734	108
China	822	720	102
USA	783	628	155
New Zealand	659	520	139
Croatia	657	589	68
United Kingdom	411	318	93
Russia	402	397	5
Sri Lanka	387	350	37
Singapore	327	313	14
South Korea	323	322	1
Australia	264	246	18
Hong Kong	258	209	49
Canada	249	190	59
Mauritius	237	237	-
Germany	217	81	136
Papua New Guinea	209	196	13
Azerbaijan	197	21	176
Algeria	160	160	-
Panama	159	159	-

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Destination Countries	Total	Male	Female
Cambodia	119	97	22
Finland	113	105	8
Lebanon	113	74	39
Nigeria	101	98	3
Spain	95	77	18
France	89	85	4
Thailand	89	85	4
Congo	88	88	-
Norway	84	80	4
Italy	71	61	10
Estonia	69	68	1
Netherlands	67	56	11
Egypt	66	57	9
Kenya	62	60	2
Somalia	59	59	-
Tanzania	59	59	-
Bermuda	57	56	1
Uganda	54	54	-
Hungary	49	48	1
Mozambique	49	34	15
Angola	45	39	6
Zambia	45	44	1
Ireland	42	39	3
Sweden	36	29	7
South Africa	33	32	1
Ukraine	32	32	-
Morocco	31	23	8
Greece	30	29	1
Mali	30	30	-
Ghana	28	28	-
Indonesia	26	26	-
Kazakhstan	25	25	-
Lithuania	24	24	-
Vietnam	24	24	-
Iran	22	22	-
Palau	22	17	5
Slovakia	22	19	3
Latvia	19	19	-
Sudan	19	19	-
Denmark	18	9	9
Guinea	18	18	-
Iceland	18	15	3
Luxembourg	18	15	3
Austria	17	4	13

Destination Countries	Total	Male	Female
Comoros	17	16	1
Laos	17	17	-
Djibouti	16	16	-
Burundi	15	15	-
Senegal	15	15	-
South Sudan	15	15	-
Gabon	13	13	-
Madagascar	13	13	-
Philippines	13	12	1
Slovenia	12	12	-
Belgium	11	11	-
Malawi	11	10	1
Mexico	11	10	1
Rwanda	11	11	-
Colombia	10	10	-
Sierra Leone	10	10	-
Cameroon	8	7	1
Tajikistan	8	8	-
Brazil	7	6	1
Trinidad and Tobago	7	7	-
Uzbekistan	7	7	-
Mongolia	6	6	-
Myanmar	6	6	-
Pakistan	6	3	3
Bahamas	5	5	-
Burkina Faso	5	5	-
Chile	5	3	2
Ethiopia	5	5	-
Jamaica	4	3	1
Switzerland	4	2	2
Antigua and Barbuda	3	3	-
Bangladesh	3	3	-
Cuba	3	3	-
Eritrea	3	3	-
Albania	2	2	-
Cook Islands	2	2	-
Dominican Republic	2	1	1
Fiji	2	2	-
Georgia	2	2	-
Congo	2	2	-
Mauritania	2	2	-
Peru	2	2	-
Republic of Macedonia	2	2	-
Turkmenistan	2	2	-

## 76 COVID-19 AND NEPALI LABOUR MIGRANTS

Destination Countries	Total	Male	Female
Uruguay	2	1	1
Vanuatu	2	2	-
Barbados	1	1	-
Côte d'Ivoire	1	1	-
East Timor	1	1	-
Guyana	1	1	-
Ivory Coast	1	1	-
Republic of Kosovo	1	1	-
Togo	1	1	-
Samoa	1	-	1
Suriname	1	1	-
<b>Total*</b>	<b>1,071,686</b>	<b>1,000,863</b>	<b>70,823</b>

\* The total includes labour permits issued for a country called 'West Indies' for three males.

Source: DoFE, 'Countrywide Labour Approval for 2074 for the Month of Chait' (Kathmandu: DoFE, 2018); DoFE, 'Countrywide Labour Approval for 2075 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun, Chait' (Kathmandu: DoFE, 2018/19); and DoFE, 'Countrywide Labour Approval for 2076 for the Months of Baisakh, Jeth, Asar, Saun, Bhadau, Asoj, Kattik, Mangsir, Pus, Magh, Fagun' (Kathmandu: DoFE, 2019/20).

## Annex II

### Government of Nepal Action Plan for Repatriation of Nepali Citizens from Destination Countries, 29 May 2020

SN	Activity	Department(s) Responsible	Supporting Department(s)	Implementation
1	Management of Nepal-India Border entry points	Ministry of Home Affairs, District Administration Offices (DAOs), and local governments	Ministry of Defence (Nepal Army), Ministry of Federal Affairs and General Administration, provincial governments, and Province COVID-19 Crisis Management Centre (PCCMC)/District COVID-19 Crisis Management Centre (DCCMC)	Immediate
2.	Identifying, prioritisation and information collection and providing details of Nepalis returning from foreign countries except India to the related departments	Ministry of Foreign Affairs	Ministry of Culture, Tourism and Civil Aviation	Within 10 days
3.	Preparation of citizens' information database, including the person's address, after they have reached the holding centres at the Nepal-India border entry points	Ministry of Home Affairs, DAOs, and local governments	Ministry of Defence (Nepal Army), provincial governments, and PCCMC/DCCMC	The day Nepali citizens enter Nepal from India
4.	Selection and management of the holding centres at the provincial level	Ministry of Home Affairs, DAOs, and Nepal Army	Provincial governments, local governments and PCCMC/DCCMC	Immediate
5.	Selection of hotel quarantines and uploading information regarding the selected hotels on the government websites	CDO, DAO	Ministry of Culture, Tourism and Civil Aviation, provincial governments, local governments and PCCMC/DCCMC	Immediate
6.	Inspection of health inspection records of the previous seven days of Nepalis repatriated by air	Ministry of Health and Population, health officials appointed at the Tribhuvan International Airport	Ministry of Home Affairs and Ministry of Culture, Tourism and Civil Aviation (CAAN)	As soon as they land at Tribhuvan International Airport
7.	Opening airways for planes to land at the Tribhuvan International Airport except from India	Ministry of Culture, Tourism and Civil Aviation	Ministry of Foreign Affairs, Ministry of Home Affairs (Immigration)	Immediate

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SN	Activity	Department(s) Responsible	Supporting Department(s)	Implementation
8.	Arrangement of transport system from Nepal-India entry points and Tribhuvan International Airport to quarantine facilities	Ministry of Defence (Nepal Army) and Nepal Traffic Police	Ministry of Home Affairs, DAOs, Ministry of Federal Affairs and General Administration, provincial and local governments	Immediate
9.	Filling of Self Health Declaration Form followed by fever and health check-ups of repatriated Nepalis from the Nepal-India border and Tribhuvan International Airport	Ministry of Health and Population	Ministry of Defence (Nepal Army), provincial and local governments	Immediate
10.	Providing mobile sim cards for free	Ministry of Communication and Information Technology (NTC, NCELL), and local governments	Ministry of Home Affairs and DAOs	Immediate
11.	Using the 'Hamro Swasthya' app to monitor the health of repatriated individuals	Repatriated individuals	Ministry of Health and Population	Immediate
12.	Management of holding centres along the Nepal-India border	Ministry of Defence (Nepal Army), and local governments	Under the supervision of the appointed provincial government minister	Immediate
13.	Management of holding centres in Kathmandu	Ministry of Defence (Nepal Army)	Under the supervision of the appointed provincial government minister, Ministry of Home Affairs, DAOs, CCMC	Immediate
14.	Security and management of quarantine facilities	Ministry of Defence (Nepal Army), Armed Police Force, and local governments	Ministry of Urban Development, provincial governments, and PCCMC/DCCMC	Immediate
15.	Preparing beds as per the guidelines in quarantine facilities at Kharipati, Ichungu residential area, Manmohan Hospital, Dahachwok, and KMC Duwakot	Ministry of Urban Development	Ministry of Finance, Ministry of Home Affairs, Nepal Police Force/Armed Police Force, Ministry of Health and Population, and local governments	Within 10 days
16.	Logistics support and management of quarantine centres (beds, mattresses, utensils, water, electricity, kitchen, toilets etc)	Local governments	Ministry of Urban Development and provincial governments	Immediate

SN	Activity	Department(s) Responsible	Supporting Department(s)	Implementation
17.	Repatriation and management of dead bodies of deceased migrant workers in foreign countries	Ministry of Labour, Employment and Social Security and Ministry of Foreign Affairs (with the support of offices in respective foreign countries)	Ministry of Culture, Tourism and Civil Aviation, Ministry of Home Affairs (Immigration), Foreign Employment Board, and local governments	At the time of flight of the chartered airplanes carrying Nepalis
18.	Provision of NPR 175 per person as allowance for 14 days while staying in the quarantine	Ministry of Finance	Ministry of Federal Affairs and General Administration, Ministry of Home Affairs, DAOs, and PCCMC/ DCCMC	Seven days after bill details are provided
19.	Rent payment of holding centres within the Kathmandu Valley	Ministry of Finance	Ministry of Home Affairs, DAOs, and CCMC	Seven days after bill details are provided
20.	Hotel quarantine expenses borne by returnees from countries other than India	Repatriated individuals	Ministry of Home Affairs, DAOs	On a continuous basis
21.	Hotel quarantine expenses borne by returnees from India	Repatriated individuals	Ministry of Home Affairs, DAOs	On a continuous basis
22.	Appointment of provincial minister to lead overall quarantine programme	Provincial governments	Local governments and PCCMC/DCCMC	Immediate
23.	Escorting all repatriated individuals from India as well as third countries through district headquarters to the quarantine facilities	Provincial governments, local governments, PCCMC/ DCCMC	Minister appointed by the provincial government, Ministry of Defence (Nepal Army), DAO, and Department of Transportation Management	The day repatriated Nepalis reach the headquarters of their districts
24.	Testing and health monitoring of repatriated Nepalis in quarantine	Ministry of Health and Population and related departments	Provincial governments, Ministry of Defence (Nepal Army), DAO, and PCCMC/ DCCMC	As soon as the quarantine period of the individuals is over
25.	Monitoring home quarantine status of repatriated individuals	Local governments and DAO (security agencies)	Provincial governments and PCCMC/DCCMC	For the duration of home quarantine
26.	Execution, monitoring and directing the overall programme	CCMC	Ministry of Defence (Nepal Army), Ministry of Home Affairs, Ministry of Health and Population, provincial and local governments	





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