SITUATION OF NEPALI MIGRANT WORKERS ACCESS TO JUSTICE

A SCOPING STUDY

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Situation of Nepali Migrant Workers' Access to Justice: A Scoping Study

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ABBREVIATION AND ACRONYMS

CCMC	Covid-19 Crisis Management Centre
CDO	Chief District Officer
CESLAM	Center for the Study of Labour and Mobility
CoD	Country of Destination
COVID	Coronavirus Disease
DCCMC	District Covid-19 Crisis Management Centre
DoFE	Department of Foreign Employment
GCC	Gulf Cooperation Council
GoN	Government of Nepal
IOM	International Organization of Migration
NIDS	Nepal Institute of Development Studies
NPR	Nepali Rupee
NRNA	Non-Resident Nepali Association
PNCC	Pravasi Nepali Coordination Committee
PRA	Private Recruitment Agency
USD	United States Dollar
WHO	World Health Organization
WOREC	Women's Rehabilitation Centre

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EXECUTIVE SUMMARY

Migrant workers all over the world have faced severe economic and social impacts as a result of the Covid-19 pandemic. Nepalis who have migrated to various countries of destination are also among those hit hardest by the pandemic. The plight of migrant workers has been exacerbated further as their rights have been violated and they have, among others, been terminated from their jobs, stranded in the destination countries, suffered from wage theft, and forced to return home without receiving due wages and benefits. In this context, this study examines the impacts of Covid-19 on Nepali labour migrants in the Gulf Cooperation Council Countries (GCC) countries and Malaysia. The study focuses on the impacts of the pandemic on Nepali migrant workers and their access to justice. A literature review and a survey were carried out to gather information about the impacts of the Covid-19 crisis on the rights of migrant workers, including the impact on access to justice in particular.

Nepali Migrant Workers in the GCC countries and Malaysia

More than half (54.9 per cent) of the research participants were Hill Caste while around one-fourth (26.8 per cent) were Hill Janajatis. In terms of educational qualification, 37 per cent have completed their secondary level education, 21 per cent their School Leaving Certificate (SLC) or School Education Examination (SEE) and 15 per cent have completed their higher-level education (+2 or intermediate equivalent). Agriculture was the major source of income in the households of the majority of the research participants. Remittance was reported as the main source of household income by 7 per cent of the returnee migrants.

33 per cent of the research participants had returned from the UAE, 25 per cent from Qatar, 15 per cent from Malaysia, 13 per cent from Saudi Arabia, 4.9 per cent from Bahrain, 4.2 per cent from Kuwait, and 3.5 per cent from Oman. Similarly, with regard to occupation in the destination countries, 22 per cent of the research participants had been working in the hotel services sector, 18 per cent were labourers in factories and 17 per cent worked as security guards. Furthermore, 8 per cent were cleaners, 6.3 per cent were electricians, 5.6 per cent were drivers, 4.9 per cent were construction mason (*mistry)* and 3.5 per cent worked as labourers in the construction sector. The average monthly income of the research participant was NPR 43,985 (c. USD 368).

The migration of a large majority of the research participants was facilitated by Private Recruitment Agencies (PRAs). The average migration cost varied substantially between the seven destinations, ranging from NPR 84,000 (c. USD 703) for Oman to NPR 176,682 (c. USD 1479) for the UAE. About 40 per cent of the research participants paid more than NPR 100,000 for their migration abroad. A large proportion of the returnee migrants financed their migration via loans taken from traditional moneylenders and loan sharks as well as from family and relatives. Among those who have taken loans, 70 per cent reported to have paid it back already, primarily through their income from foreign employment.

Socio-Economic Impacts of the Pandemic

The findings of the study show that the majority of the Nepali migrant workers in the GCC countries and Malaysia reported facing loss of employment, reduction in wages, non-payment of salaries and benefits, and ill-treatment as a result of the outbreak of the pandemic which ultimately caused them to return to Nepal. Others returned due to reasons other than those related to the pandemic—including end of labour contracts, dissatisfaction with the employer, illness or injury, and the desire to retire, among others.

Access to Justice

The analysis presented in this report points out that the Covid-19 pandemic has resulted in migrant workers facing ill-treatment, wage theft, expulsion from jobs, and long working hours. Further, the findings indicate that migrant workers suffered from wage theft, dismissal from employment and long working hours even before the outbreak of the virus. In terms of registration of grievances related to wage theft and exploitation, the majority of the research participants reported that they had nowhere to go to file their reports in their respective destination countries. Even among those who filed complaints, the majority reported to have not received any confirmation of grievance registration. Similarly, a low proportion of research participants filed complaints in Nepal, —with DoFE, with local municipalities/ rural municipalities, or with the CDO office— while the Nepali diplomatic missions abroad have recorded the grievances of very few research participants. Also, only three of the returnee migrant workers received compensation following the filing of grievances, either in the destination country or in Nepal.

Awareness about Migrant Workers' Right to Access to Justice

Regarding their awareness about the rights of migrant workers, a large majority of both male and female research participants reported being moderately aware of migrants' rights concerning access to compensation and justice. Of these, more than half of the male participants and slightly more than 27 per cent of the female participants had moderate knowledge about the process of access to compensation and justice.

Plans and Aspirations

Around 26 per cent one-third of the research participants plan to find work or start a business/engage in agriculture in Nepal. Similarly, a significant proportion aspired to re-migrate for foreign employment. However, a higher proportion of female returnees (54 per cent) planned to go for foreign employment or search for jobs in Nepal in comparison to their male counterparts (34 per cent).

Looking Ahead

In line with the findings of this study, concrete and immediate steps must be taken to address the issues related to the protection of rights of migrant workers and their access to justice.

- A transitional justice mechanism should be set up to ensure migrant workers' access to justice and effective remedies irrespective of their legal status. Diplomatic channels should be pursued to coordinate with the governments of destination countries in addressing migrant workers' grievances. For the same, the human and financial resources of Nepali diplomatic missions in the major destination countries need to be increased to enhance their dispute resolution capacity. Trade unions can and should also lobby for the formation of such justice mechanisms.
- Migrant workers should be provided with timely, accurate and easily accessible information regarding their rights, entitlements and the existent mechanisms to register their grievances. Trade unions can support in the dissemination of information by utilising their provincial and local level networks as well as through awareness campaigns and through media.
- Trade unions can also facilitate regular consultation among relevant stakeholders—including representatives from government agencies, CSOs, academics and other human and labour rights advocates—regarding the rights of migrant workers, including access to justice, as well as the formulation of policies and agreements to address issues related to migrant workers' access to justice and their reintegration and rehabilitation.
- Trade unions need to use international forums and platforms such as CP, ADD, GCM, GFMD, SAARC, among other to share and exchange information and experiences regarding the protection of migrant workers during times of crisis and learn from the experiences of other countries. They should also utilize such platforms to jointly advocate for the rights of migrant workers.
- Trade unions can ensure that migrant workers' voices and opinions are included during the formulation of plans and policies targeted towards them including those aimed at economic and social reintegration. They should be proactively lobby and pressure the governments to ensure decent jobs for the returnees, vulnerable groups as well as aspiring migrant workers.
- Migrants and returnees should be included in the social security schemes of Nepal.
- Given that returnee migrant workers are aspiring to migrate again for employment, trade unions should lobby for fair and ethical recruitment as the current pandemic, and the subsequent economic impacts created worldwide, has increased the risk of recruitment related fraud and higher cost of recruitment.

1. INTRODUCTION

1.1. Background

The novel Coronavirus disease, also known as Covid-19, that started as a highly contagious disease and a global health crisis has now taken the form of a much larger global issue having multidimensional impacts on the economy, politics, health and human society as a whole. The virus, which was first identified in late December of 2019 in China was declared a 'pandemic' on 11 March 2020 by the World Health Organisation (WHO).[1] As the virus spread quickly across several continents, most governments all over the world, including that of Nepal, implemented several strict restrictions—including nation-wide lockdowns, shutting down borders, limiting people's mobility, travel bans, suspension of domestic and international flights, quarantine and social distancing protocols, compulsory mask wearing measures and even occasional curfews—to control the spread of the virus.[2] Consequently, Covid-19 adversely impacted the life and livelihood of the global population, creating uncertainties for several groups that were already vulnerable to begin with.. One such group is that of migrant workers who have been disproportionately affected by the impacts of the pandemic.[3]

Migrant workers are one of the most vulnerable populations in the world, and the Covid-19 pandemic has made the situation of migrant workers, including Nepali labour migrants, even more precarious.[4] Studies have demonstrated that many migrants in destination countries and those who have returned to Nepal due to the impacts of Covid-19 have been expelled from their jobs without payment of due salaries and benefits.[5] Many have been deprived of their right to return home[6] and right to basic services, including access to health, food and accommodation.[7] Some have been subjected to ill-treatment, violence, forced labour, and other human rights violations. Along with loss of jobs and unpaid salaries, many have also experienced reduction of wages, forced unpaid leave, wage theft and various forms of abuses.[8] Furthermore, migrant

[1] 'WHO Announces COVID-19 Outbreak a Pandemic,' World Health Organization (WHO), accessed 13 January 2020, https://www.euro.who.int/en/health-topics/health-emergencies/coronavirus-covid-19/news/news/2020/3/who-announces-covid-19-outbreak-a-pandemic.
[2] Jeevan Baniya, Sadikshya Bhattarai, Binay Jung Thapa and Vibhav Pradhan, *COVID-19 and Nepali Labour Migrants: Impact and Responses* (Kathmandu: Centre for the Study of Labour and Mobility, 2020); Rameshwar Nepal, Jeevan Baniya and Kamal Thapa Kshetri, *Kovid-19 Mahamariko Chapetama Nepali Aaprabasi Shramikko Adhikaar: Drut Addhayan Pratibedan (Rights of Nepali Migrant Workers in the Clutches of the COVID-19 Pandemic: Rapid Assessment Report)* (Kathmandu: National Human Rights Commission, 2020).
[3] International Labour Organization (ILO), *Protecting Migrant Workers During the COVID-19 Pandemic: Recommendations for Policymakers and Constituents* (Geneva: ILO, 2020).
[4] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.
[5] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*; Pravasi Nepali 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 Nepali Coordination Committee, 2020).
[6] LAPSOJ, *Policy Brief: Vulnerability of Migrant Workers and Their Right to Return to the Country of Origin* (Kathmandu: LAPSOJ, 2020).
[7] Ibid.
[8] Ibid.

workers have been confined to poor, overcrowded and unhygienic living conditions, without having tested for the virus, and without access to health care.[9]

Migration plays a pivotal role in the economy of both the origin and host countries as well as the households of migrant workers back home.[10] Despite making huge contributions to the national economy, past studies have shown that migrant workers are subject to various forms of discrimination, exploitation, ill-treatment, and human and labour rights abuses in different stages of the migration process.[11] In spite of facing such hardships constantly, migrant workers still lack access to justice—a long standing problem that has been further exacerbated by the Covid-19 pandemic.[12] Many employers have taken advantage of Covid-19 to expel migrant workers from their jobs without notice, reduce their wages, and deny salaries or terminate the benefits owed to them.[13] There are several international protocols and guiding principles focused on providing justice to migrant workers and providing them support and guidance when in need. The International Convention on the Elimination of All Forms of Racial Discrimination of 1965 and the UN Guiding Principles Regarding Business and Human Rights oblige states and business establishments to protect the human and labour rights of migrant workers.[14] The Global Compact for Migration also requires states to ensure migrant workers' right to access to justice.[15] Moreover, migrant workers' right to access to justice has been enshrined in various national and international legal instruments.[16] Regardless, they still face unspeakable hardships and injustices in their countries of destination while their chances of accessing justice remain slim at best. .

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

[10] Dilip Ratha, Supriyo De, Eung Ju Kim, Sonia Plaza, Ganesh Seshan, and Nadege Desiree Yameogom, *Migration and Development Brief 32: COVID-19 Crisis through a Migration Lens* (Washington: KNOMAD-World Bank, 2020); 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.

[11] 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).

[12] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.

[13] Ibid.

[14] UN Genereal Assembly, 'International Convention on the Elimination of All Forms of Racial Discrimination,' United Nations Treaty Collection, accessed 16 December 2020, https://treaties.un.org/doc/Treaties/1969/03/19690312%2008-49%20AM/Ch_IV_2p.pdf; "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," UN Office of the High Commissioner for Human Rights, accessed 16 December 2020, https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

[15] United Nations, *Global Compact for Safe, Orderly and Regular Migration (New York: United Nations, 2018),* n (27), para 37.

[16] These include International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Occupational Safety and Health Convention, 1981 (No. 155), the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Migration for Employment Convention (Revised), 1949 (No. 97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) among others.

Various barriers hinder migrant workers' access to justice. Migrant workers often refrain from seeking justice due to various reasons including lack of information on the rights of migrant workers; lack of awareness about legal procedure and complaint mechanisms that can be accessed; the high cost for seeking legal assistance; lengthy judicial processes; and lack of evidence.[17] Also, their irregular legal status as well as the fear of arrest and deportation cause irregular migrant workers from seeking legal recourse.[18] Inadequate communication mechanisms connecting migrant workers with the embassies in destination countries, lack of coordination and collaboration between relevant ministries and agencies, language barriers, lack of monitoring mechanisms to ensure protection of rights of migrant workers, lack of financial resources, and absence of formal legal redress mechanisms in the destination countries also create challenges in access to justice.[19] The issue of access to justice for migrant workers has been brought to the fore once again by the ongoing Coronavirus pandemic. The efforts that have been taken in providing justice to migrant workers are weak. The issue of protection of migrants and their rights as well as their access to compensation and remedies, including access to justice, have been undermined by the government of host countries and the country of origin.[20] This issue can only be alleviated through immediate actions taken to the effect of protecting migrant workers while upholding their rights and access to justice.[21]

The primary objective of this study is to understand the situation of Nepali migrant workers' access to justice amid the Covid-19 pandemic. It is expected that the study will help recommend the Government of Nepal (GoN) for the formulation and implementation of plans and strategies related to effective justice mechanisms. More specifically, the objectives of the study are as follows:

- Analyse the situation of returnee Nepali migrant workers,
- Identify the socio-economic impact of the Covid-19 pandemic on Nepali labour migrants,
- Examine the situation of access to justice of Nepali migrant workers in relation to the Covid-19 pandemic.

[17] Migrant Forum Asia, *Challenges on Access to Justice for Migrants* (Quezon City: Migrant Forum Asia, n.a.), 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).
[18] National Human Rights Commission, *Research-Report on the Situation.*; People Forum for Human Rights (People Forum) and Centre for the Study of Labour and Mobility, *Study on Migrant Workers' Access to Justice in Destination Countries (Malaysia and the UAE)* (Kathmandu: People Forum and CESLAM, 2019).
[19] Migrant Forum Asia, *Challenges on Access to Justice for Migrants*.
[20] 'Policy Brief No. 1 Justice for Migrant Workers: Creating an Effective Solution to Address Wage Theft,' Migrant Forum in Asia, accessed 23 January 2021, http://mfasia.org/policy-brief-no-1-justice-for-migrant-workers-creating-an-effective-solution-to-address-wage-theft/; Appeal 5: Measures for Addressing Wage Theft Affecting Millions of Migrant Workers in the Times of COVID-19,' Migrant Forum in Asia, accessed 23 January 2021, http://mfasia.org/appeal-5-measures-for-addressing-wage-theft-affecting-millions-of-migrant-workers-in-the-times-of-covid-19/.
[21] Ibid.

1.2. Methodology

1.2.1. Review of Literature

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

1.2.2. Survey

A survey was carried out with Nepali migrant workers returning from seven destination countries. The destination countries included six Gulf Cooperation Council (GCC) countries—Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, The United Arab Emirates (UAE), —and Malaysia. The destination countries were purposely chosen as they are the major destination countries for Nepalis migrating for foreign employment.[22]

The survey was carried out in five provinces of Nepal, employing a Purposive Sampling Method, with a total sample of 142 returnee migrant workers. The selection of the provinces is based on the highest number of migrant workers repatriated for the seven provinces of Nepal. In addition, when selecting the provinces, priority was also placed on the highest number of labour permits issued for each of the seven provinces in the FY 2074/75 - 2075/76 (2018/19 - 2019/20). Furthermore, as the data on the returnees compiled by the CCMC is only available at province level, the districts were selected based on the highest number of labour permits issued in the aforementioned time period for the selected provinces. The study utilised purposive sampling strategy for the selection of participants, and the sample size for the five districts is given in Table 1.

Table 1: Origin of Research Participants by Province and District

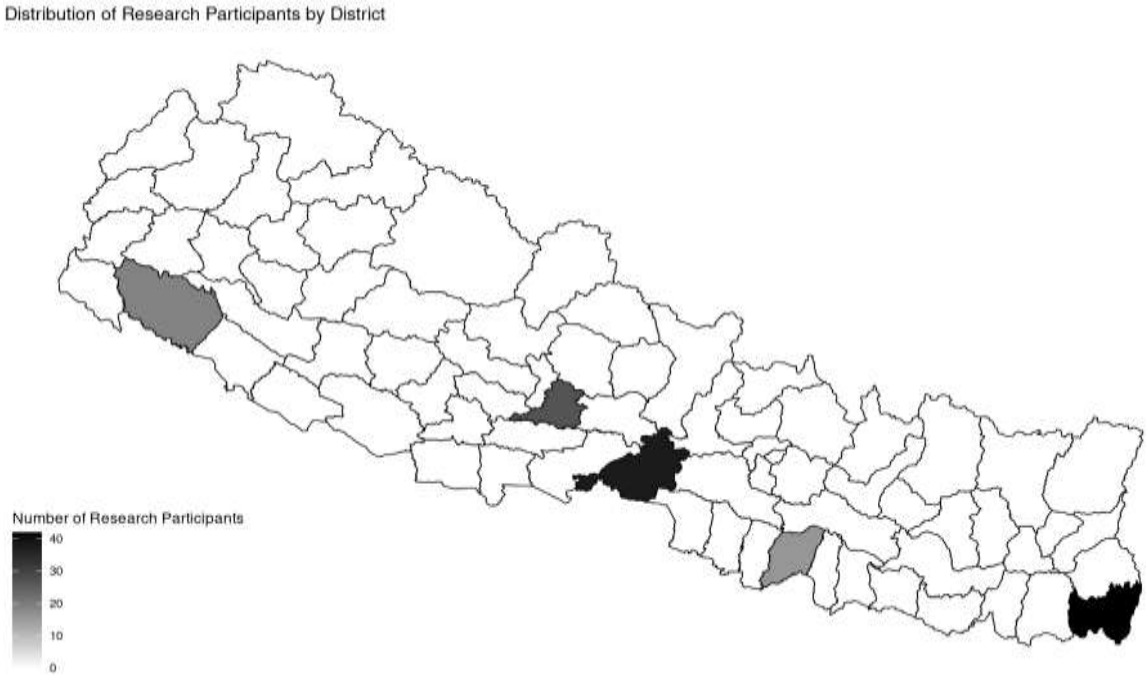
Province	District	Number	Percent
Province-1	Jhapa	42	29.6
Province-2	Sarlahi	16	11.3
Bagmati (Province-3)	Chitwan	38	26.8
Gandaki (Province-4)	Syangja	27	19.0
Sudurpashchim (Province-7)	Kailali	19	13.4
Total		**142**	**100**

The research participants were purposely selected after gathering information of returnee migrants from each of the districts through the District Covid-19 Crisis Management Centre (DCCMC). In cases where relevant information on returnee migrants were not available at the

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

DCCMC, the local level government or ward offices were contacted for information. Migrant workers who returned from the six GCC countries and Malaysia after 28 March 2020 were included in this study. This time period corresponds to the time when Nepal and the destination countries started to implement restriction such as lockdowns, curfews and suspension of flights.

Figure 1: Distribution of Research Participants by District



Data Collection and Analysis

The survey data was collected using smartphones or tablets. The Open Data Kit (ODK) software was used to collect real time data. The data collected in the field were transmitted to the Social Science Baha office in Kathmandu. The data received were monitored regularly for any inconsistencies and rectified. Upon the completion of the survey, the data collected was cleaned and analysed using SPSS.

2. FINDINGS

2.1. Demographic Information

This section of the report presents the demographic information of the research participants. The data presented includes information on the caste-ethnicity, age group, gender, education level, and economic background of the research participants.

Among the research participants, 92.3 per cent were male and 7.7 per cent were female. About 45.1 per cent of the returnee migrants were in the age group between 31 and 40 years and 39.4 per cent were between 20 and 30 years of age (as seen in Table 2). Data from the Department of Foreign Employment (DoFE) on labour permit issuance shows that the higher proportion of labour migrants, irrespective of gender, are in the age group of 25-35 years.[23]

Table 2: Composition of research participants by age, gender and marital status

	Number	Percent
Age		
20-30 Years	56	39.4
31-40 Years	64	45.1
41-50 Years	19	13.4
50+	3	2.1
Gender		
Male	131	92.3
Female	11	7.7
Marital Status		
Never Married	22	15.5
Married	119	83.8
Separated (not legally divorced)	1	0.7
Total	**142**	**100**

Proportionally, as seen in Table 2, the majority of the research participants (83.8 per cent) were married. Further, 15.5 per cent have never been married and only one of the participants was separated from his/her spouse at the time of the survey. In terms of the caste/ethnic distribution[24]

[23] MoLESS, *Nepal Labour Migration Report 2020.*

[24] Castes/Ethnic Groupings:
1) Mountain Janajati: Bhote, Byasi/Sanka, Dolpo, Lhomi, Lhopa, Sherpa, Thakali, Topkegola, Walung
2) Hill Janajati: Aathpariya, Bahing, Bantawa, Brahmu/Baramo, Chamling, Chepang/Praja, Chhantyal/Chhantel, Dura, Ghale, Gharti/Bhujel, Gurung, Hayu, Hyolmo, Jirel, Khaling, Khawas, Kulung, Kusunda, Lepcha, Limbu, Loharung, Magar, Mewahang Bala, Nachhiring, Newar, Pahari, Rai, Samgpang, Sunuwar, Tamang, Thami, Thulung, Yakkha, Yamphu
3) Hill Caste: Bahun, Chhetri, Sanyasi/Dasnami, Thakuri
4) Hill Dalit: Badi, Damai/Dholi, Gaine, Kami, Sarki

of the research participants, the majority (54.9 per cent) belonged to Hill Caste followed by 26.8 per cent from Hill Janajati (as seen in Table 3). Similarly, 11 research participants were from Tarai Janajati and seven from Hill Dalit and Tarai Caste groups each. Only one of the research participants was from the Tarai Dalit group. As reported in the Nepal Labour Force Survey in 2017/18, among the Nepali migrants who migrated abroad for jobs/services or for seeking jobs (work related reasons), 33.8 per cent were from the Hill Caste, 25.4 per cent from Hill Janajati, 12.2 per cent from Hill Dalit, 9.4 per cent from Tarai Caste followed by 9 per cent from Tarai Janajati, 3.2 per cent from Tarai Dalit and 5.3 per cent were Muslim.[25]

Table 3: Caste/Ethnicity of research participants

	Number	Percent
Hill Janajati	38	26.8
Hill Caste	78	54.9
Hill Dalit	7	4.9
Tarai Janajati	11	7.7
Tarai Caste	7	4.9
Tarai Dalit	1	0.7
Total	**142**	**100**

As seen in Table 4, 37.3 per cent of the participants stated that they had completed their secondary education i.e. grade 9 and 10. 21.1 per cent had completed their School Leaving Certificate (SLC) or Secondary Education Examination (SEE), 14.8 per cent Higher School Certificate or intermediate education and 12.7 per cent had completed their lower secondary education (i.e. grade 6-8).

Table 4: Education level of research participants

	Number	Percent
Illiterate	2	1.4
Informal Education	1	.7
Primary (Class 1-5)	11	7.7
Lower Secondary (Class 6-8)	18	12.7
Secondary (Class 9-10)	53	37.3
SLC/SEE Equivalent	30	21.1

5) Tarai Janajati: Amat, Bote, Danuwar, Darai, Dhanuk, Dhimal, Gangai, Jhangad/Dhagar, Kisan, Koche, Kumal, Majhi, Meche, Munda, Pattharkatta/Kushwadiya, Rajbanshi, Raji, Raute, Satar/Santhal, Tajpuriya, Tharu

6) Tarai Jat: Badhaee, Baraee, Bin, Brahman – Tarai, Dev, Dhunia, Gaderi/Bhedhar, Hajam/Thakur, Haluwai, Kahar, Kalwar, Kamar, Kanu, Kathbaniyan, Kayastha, Kewat, Koiri/Kushwaha, Kori, Kumhar, Kurmi, Lodh, Lohar, Mali, Mallaha, Marwari, Nuniya, Nurang, Rajbhar, Rajdhob, Rajput, Sonar, Sudhi, Teli, Yadav

7) Tarai Dalit: Bantar/Sardar, Chamar/Harijan/Ram, Chidimar, Dhandi, Dhankar/Kharikar, Dhobi, Dom, Dusadh/Paswan/Pasi, Halkhor, Kalar, Khatwe, Musahar, Natuwa, Sarbaria, Tatma/Tatwa

Other (specify): Bengali, Muslim, Punjabi/Sikh

[25] This figure includes everyone away from Nepal for reasons of work, ranging from unskilled workers to highly skilled professionals. The numbers are weighted and based on the calculation of raw data from NLFS 2017/18.

+2/Intermediate Equivalent	21	14.8
Bachelors level and equivalent	5	3.5
Masters level and equivalent	1	0.7
Total	**142**	**100**

2.2. Economic Background of the Participants

This section presents an analysis of the economic background of the participants. [26] The average household size of the research participants was 5.57 members, which is higher than the average household size of Nepal (4.9).[25] A majority of the research participants (69 per cent) reported that agriculture is the main source of their household income (as seen in Table 5). Similarly, 7 per cent of the research participants mentioned remittance as the main source of the household income. Furthermore, the survey showed that self-employment and daily wage work in the non-agricultural sector were the major sources of household income for 6.3 and 4.9 per cent of the research participants respectively. And daily wage work in agriculture was the main source of income for 4.2 per cent of the survey participants.

Table 5: Main source of household income of research participants

Source of Income	Number	Percent
Self-employed – Agriculture	98	69.0
Self-employed – Non-Agricultural	9	6.3
Daily wages – Agriculture	6	4.2
Daily wages – Non-Agricultural	7	4.9
Governmental Services	1	0.7
Private Jobs	4	2.8
Remittance	10	7.0
Pension	3	2.1
Don't know	2	1.4
Don't want to answer	2	1.4
Total	**142**	**100**

[26] Yogendra B. Gurung, 'Social Demography of Nepal: Evidences from Population and Housing Census 2011,' in Population Monograph of Nepal Volume II (Kathmandu: Central Bureau of Statistics, 2014), 111-153.

2.3. Migration Information

2.3.1. Destination of Migrants

The survey revealed that the research participants have migrated abroad for employment for an average of 2.47 times. Among the research participants, as seen in Table 6, 33.1 per cent have returned from the UAE, 25.4 from Qatar and 15.5 per cent from Malaysia. Furthermore, 13.4 per cent had been working in Saudi Arabia prior to their return, 4.9 per cent in Bahrain, 4.2 per cent in Kuwait and 3.5 per cent in Oman. The research participants have stayed in the destination countries for an average of 3 years.

32.1 per cent of the male research participants have returned from the UAE, 27.5 from Qatar and 16 per cent from Malaysia (Table 6). Conversely, 45.5 per cent of the female research participants were working in the UAE prior to their return, 18.2 per cent in Kuwait and 9.1 per cent each in Saudi Arabia, Oman, Bahrain and Malaysia. The GCC countries and Malaysia are the major destination countries of Nepali labour migrants. According to DoFE, a total of 508,828 and 368,433 labour permits were issued in the Fiscal Years (FY) 2018/19 and 2019/20 respectively.[27] Among the total permits issued, more than 90 per cent were issued for migrants going to the GCC countries—which include Qatar, Saudi Arabia, the UAE, Bahrain, Oman and Kuwait—and Malaysia.

Table 6: Most recent country of destination of research participants

Destination Country	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Qatar	36	25.4	36	27.5	0	0.0
Saudi Arabia	19	13.4	18	13.7	1	9.1
UAE	47	33.1	42	32.1	5	45.5
Oman	5	3.5	4	3.1	1	9.1
Bahrain	7	4.9	6	4.6	1	9.1
Kuwait	6	4.2	4	3.1	2	18.2
Malaysia	22	15.5	21	16.0	1	9.1
Total	**142**	**100**	**131**	**100**	**11**	**100**

2.3.2. Occupation and Monthly Income in Destination Countries

As reported by the research participants (Table 7), 21.8 per cent were engaged in hotel service work in the destination country, 18.3 per cent were working as labourers in factories and 16.9 per cent were working as security guards. Furthermore, 7.7 per cent were cleaners, 6.3 per cent were electricians, 5.6 per cent were drivers, 4.9 per cent were construction *mistry*[28] (masons)

[27] DoFE, 'Labour Approval Record Dated 2076/04/01 to 2077/03/31' (Kathmandu: DoFE, 2020); DoFE, 'Labour Approval Record Dated 2075/04/01 to 2076/03/31' (Kathmandu: DoFE, 2019).

[28] *Mistry* is a term used in Nepal in the construction sector for a master-craftsman, foreman or supervisor of manual workers.

and 3.5 were labourers in the construction sector. Three of the research participants reported that they were working as domestic workers in the destination country. Among the 11 female research participants, five were working in hotel services, three were domestic workers and one participant worked as a cleaner, one as a factory labourer and one as a security guard. In the case of male research participants, 19.8 per cent were workers in hotel services, 19.1 per cent were factory labourers and 17.6 per cent were security guards.

As per the Nepal Labour Force Survey 2017/18, more than 40 per cent of Nepali migrants who migrated for employment related reasons i.e. jobs or services and for seeking employment were engaged in elementary occupations and around 30 per cent were working as 'Service Workers and Shop and Market Sales' workers.[29] As defined in ILO's International Standard Classification of Occupation (ISCO-88), 'elementary occupations' 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 effort and include unskilled workers and 'service workers and shop and market sales workers' including those engaged in 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 require a certain level of skill.[30]

Table 7: Occupation of research participants in destination country

Occupation	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Electrician	9	6.3	9	6.9	0	0.0
Factory Labourer	26	18.3	25	19.1	1	9.1
Construction Mistry	7	4.9	7	5.3	0	0.0
Construction Labourer	5	3.5	5	3.8	0	0.0
Construction (Scaffolding)	3	2.1	3	2.3	0	0.0
Hotel Services	31	21.8	26	19.8	5	45.5
Cleaner	11	7.7	10	7.6	1	9.1
Security Guard	24	16.9	23	17.6	1	9.1
Domestic work	3	2.1	0	0.0	3	27.3
Storekeeper	4	2.8	4	3.1	0	0.0
Agriculture	1	0.7	1	0.8	0	0.0
Livestock/Fisheries	0	0.0	0	0.0	0	0.0
Driving	8	5.6	8	6.1	0	0.0
Garment	3	2.1	3	2.3	0	0.0
Others	7	4.9	7	5.3	0	0.0
Total	**142**	**100**	**131**	**100**	**11**	**100**

[29] Calculation based on raw dataset of Nepal Labour Force Survey 2017/18; For more details see: Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*.
[30] The classification of occupation in Nepal Labour Force Survey (NLFS) 2017/18 follows the International Labour Organization's (ILO) International Standard Classification of Occupation (ISCO-88), https://www.ilo.org/public/english/bureau/stat/isco/isco88/major.htm.

Research participants were earning a minimum of NPR 15,000 (c. USD 128) to a maximum of NPR 186,000 (c. USD 1589.73) in a month in the destination country. The average monthly income of the research participants was NPR 43,985 (c. USD 376). Disaggregated data based on destination countries shows that migrants who returned from the UAE were earning NPR 51,698 (c. USD 442) on average in a month (Table 9). Similarly, the average monthly income of the research participants was NPR 39,829 (c. USD 340) in Qatar and NPR 33,524 (c. USD 287) in Malaysia. Similarly, the average monthly income of research participants in Kuwait, Oman, Saudi Arabia and Bahrain were NPR 56,167 (c. USD 480), NPR 53,000 (c. USD 453), NPR 40,833 (c. USD 349) and NPR 40,000 (c. USD 342) respectively.

Furthermore, research participants who were working in the UAE reported to have earned a minimum of NPR 20,000 (c. USD 171) to a maximum of NPR 186,000 (c. USD 1588) per month and those in Qatar earned a minimum of NPR 20,000 (c. USD 171) and a maximum of NPR 95,000 (c. USD 812). For Malaysia, research participants were found to have earned a minimum of NPR 15,000 (c. USD 128) and a maximum of NPR 45,000 (c. USD 385) per month and for Saudi Arabia, a minimum of NPR 24,000 (c. USD 205) and a maximum of NPR 100,000 (c. USD 855) per month.

Table 8: Monthly income of research participants in destination country (in NPR)

Destination Countries	Number of Research Participants	Average	Maximum	Minimum
Kuwait	6	56,167	145,000	20,000
Oman	5	53,000	120,000	20,000
UAE	43	51,698	186,000	20,000
Saudi Arabia	18	40,833	100,000	24,000
Bahrain	7	40,000	55,000	30,000
Qatar	35	39,829	95,000	20,000
Malaysia	21	33,524	45,000	15,000

2.3.3. Legal Status in Destination Country

A large majority of the research participants stated that they had migrated to the destination country with a labour permit. Only seven of the participants mentioned that they migrated without a labour permit. Among the participants who migrated without labour permits, six were male and one was female. Similarly, two of them were engaged in hotel service occupations while three were working as security guards. Additionally, one was working as a construction *Mistry* and one was a driver.

2.3.4. Medium of Migration and Migration Cost

Labour migration in Nepal is largely facilitated by recruitment agencies who act as intermediaries and connect prospective labour migrants with employers abroad.[31] In 2019/20, around 90 per cent of the 'new entry' labour permits issued by DoFE were processed through PRAs.[32] Additionally, individual agents or sub-agents as well as other individuals such as friends, relatives and neighbours play a pivotal role in providing foreign employment related information or connecting potential migrants to recruitment agencies. A majority (76.1 per cent) of the research participants reported to have migrated via recruitment agencies (Table 9). Gender disaggregated data shows a similar scenario for both male and female research participants.

Table 9: Medium of migration

Medium of Migration	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Through Recruitment Agency (Manpower)	108	76.1	102	77.9	6	54.5
Through Neighbours/Friends	1	0.7	0	0	1	9.1
Relatives	20	14.1	17	13.0	3	27.3
Sub-agents	2	1.4	1	0.8	1	9.1
Individually	16	11.3	15	11.5	1	9.1
Family member	1	0.7	1	0.8	0	0.0
Total	**148**	**104.2**	**136**	**103.8**	**12**	**109.1**

Note: The analysis contains multiple responses from research participants, Total Research Participants (N)=142, Total Male Research participants = 131 and Total Female Research Participants = 11

Remittance from foreign employment forms an integral part of the income of migrant workers' households in Nepal. According to the National Living Standard Survey, 24 per cent of households in Nepal received international remittance in 2010/11.[33] A study, by CESLAM, on the remittance economy found that remittance formed the major source of income in 33 per cent of the migrant households.[34] However, there are economic, social and psychological costs associated with migration.[35] Migrant workers pay an exorbitant amount of money for expenses related to tickets, visas, labour permits, medical check-ups and recruitment agents.[36] When added together, such costs often exceeds the net benefit gained by the workers from the migration.

[31] Amnesty International, *Turning People into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers* (London: Amnesty International, 2017).
[32] Department of Foreign Employment, 'Annual Labour Approval Record 2076-77.'
[33] Aiko Kikkawa Takenaka, James Villafuerte, Raymond Gasper and Badri Narayan, *COVID-19 Impact on International Migration, Remittances, and Recipient Households in Developing Asia* (Mandaluyong City: Asian Development Bank, 2020).
[34] Sijapati B, Lama AS, Baniya J, Rinck J, Jha K and Gurung A, *Labour Migration and the Remittance Economy.*
[35] Md Mizanur Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries,' *International Migration* 53, No. 6 (2013): 205-19. https://doi.org/10.1111/imig.12084.
[36] Md Mizanur Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries,' 207.

Migration from Nepal, similar to other countries in South Asia and globally, is a costly affair.[37] Table 10 enumerates the average cost of migration to each destination country covered in this survey, along with the reported maximum and minimum cost for each destination. The average costs ranged from a low of NPR 84,000 (USD 718) in the case of Oman to a high of NPR 175,682 (USD 1,502) in the case of the UAE. In terms of the migration cost, research participants who migrated to Qatar for employment spent NPR 92,455 on an average (c. USD 790). Similarly, they spent an average of NPR 93,333 (c. USD 798) for Saudi Arabia and an average of NPR 175,682 (c. USD 1502) for the UAE (Table 11). Similarly, research participants reported to have paid, on an average, NPR 119,050 (c. USD 1018) for Malaysia, NPR 111,000 (c. USD 949) for Kuwait, NPR 99,286 (c. USD 849) for Bahrain and NPR 84,000 (c. USD 718) for Oman (Table 10).

Additionally, research participants who returned from the UAE reported to have paid a minimum of NPR 60,000 (c. USD 513) to a maximum of NPR 700,000 (c. USD 5983) and those from Qatar have paid a minimum of NPR 10,000 (c. USD 85) to a maximum of NPR 300,000 (c. USD 2564). For Malaysia, research participants were found to have paid a minimum of NPR 35,000 (c. USD 299) to a maximum of NPR 225,000 (c. USD 1923) and for Saudi Arabia, a minimum of NPR 40,000 (c. USD 342) to a maximum of NPR 200,000 (c. USD 1709).

Table 10: Migration cost of research participants (in NPR)

Destination Countries	Number of Research participants	Average	Maximum	Minimum
Oman	5	84,000	120,000	50,000
Qatar	33	92,455	300,000	10,000
Saudi Arabia	18	93,333	200,000	40,000
Bahrain	7	99,286	150,000	25,000
Kuwait	5	111,000	150,000	60,000
Malaysia	20	119,050	225,000	35,000
UAE	44	175,682	700,000	60,000

Almost 40 per cent of the research participants reported to have paid more than NPR 100,000 for their migration to the GCC countries and Malaysia (Table 11). Comparative analysis based on destination countries showed variation in the proportion of the returnee migrants who paid more than NPR 100,000 to finance their migration.

[37] International Organization for Migration, *Debt and the Migration Experience: Insights from South-East Asia* (Bangkok: IOM, 2019); Md Mizanur Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries'; Sijapati B, Lama AS, Baniya J, Rinck J, Jha K and Gurung A, *Labour Migration and the Remittance Economy*.

Table 11: Migration cost of research participants

	<=20,000		20,001 to 50,000		50,001 to 80,000		80,001 to 100,000		100,001 to 150,000		>150,000	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Qatar	1	3.0	2	6.1	16	48.5	7	21.2	4	12.1	3	9.1
Saudi Arabia	0	0.0	3	16.7	7	38.9	2	11.1	5	27.8	1	5.6
UAE	0	0.0	0	0.0	5	11.4	15	34.1	11	25.0	13	29.5
Oman	0	0.0	1	20.0	2	40.0	1	20.0	1	20.0	0	0.0
Bahrain	0	0.0	1	14.3	2	28.6	1	14.3	3	42.9	0	0.0
Kuwait	0	0.0	0	0.0	1	20.0	1	20.0	3	60.0	0	0.0
Malaysia	0	0.0	2	10.0	4	20.0	6	30.0	3	15.0	5	25.0
All seven countries	1	0.8	9	6.8	37	28.0	33	25.0	30	22.7	22	16.7

2.3.5. Role of Loan in Migration Cost

Migrant workers mostly rely on loans from moneylenders to pay for the high migration cost, often at high interest rates.[38] A recent study on the labour migration and remittance economy reported that more than half of the migrant households took loans to finance their migration and paid exorbitant interest rates. In line with past experience, the present survey showed that a large proportion (63.4 per cent) of research participants have taken some kind of loan to pay for their migration abroad for employment (Table 12), and 33.8 per cent of the research participants reported that they have used their savings to pay for their migration. Similarly, 35.2 percent reported having borrowed money to pay for their migration cost, while a small number of them also reported selling their house/land or jewellery to finance their migration cost.

Table 12: Source of finance for latest migration stint

	Number	Percent
Savings	48	33.8
Loan	90	63.4
Borrowing	50	35.2
Sold House/Land	3	2.1
Sold Jewelleries	1	0.7
Total	**192**	**135.2**

Note: The analysis contains multiple responses from research participants, Total Research Participants (N)=142

Research participants who went to the UAE for employment took an average loan of NPR 156,452 (c. USD 1337) for their migration. Similarly, research participants have taken a loan of NPR 737,009 (c. USD 6299) on average for financing their migration to Qatar, NPR 134,688 (c. USD 1151) for Malaysia and NPR 120,000 (c. USD 1026) for migration to Saudi Arabia. Furthermore, the average amounts of loan taken by the research participants for financing migration to Bahrain, Kuwait and Oman were NPR 92,500 (c. USD 790), NPR 83,333 (c. USD 712) and NPR 100,000 (c. USD 855) respectively.

Table 13: Amount of loan taken to pay migration cost

Destination Countries	Number of Research Participants	Average	Maximum	Minimum
Kuwait	3	83,333	100,000	50,000
Bahrain	4	92,500	140,000	30,000
Oman	1	100,000	100,000	100,000
Qatar	15	115,474	200,000	50,000

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

Saudi Arabia	14	120,000	200,000	40,000
Malaysia	16	134,688	225,000	70,000
UAE	30	158,333	700,000	10,000

Note: Among the 90 research participants who took loan to finance their migration, 7 did not provide the amount of loan taken.

With regard to the source of loan, 40 per cent of the research participants took loans from friends and neighbours, 28.9 per cent from family members and relatives, and 25.6 per cent from traditional moneylenders (Table 14). The findings are consistent with other studies; a study on labour migration and the remittance economy carried out by CESLAM showed that more than half of the migrants financed their migration through direct loans.[39] Of the migrants who took loans to finance their foreign employment, family and relatives were the source of the loan for half of the migrants, while one-fourth took loans from traditional money lenders.

Table 14: Source of loan

Source of loan	Total		Male		Female	
	Number	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Traditional money lenders	23	25.6	21	25.3	2	28.6
Bank/Cooperatives	18	20.0	18	21.7	0	0.0
Informal/Saving groups	17	18.9	16	19.3	1	14.3
Friends/neighbours	36	40.0	35	42.2	1	14.3
Family members/relatives	26	28.9	22	26.5	4	57.1
Total	**120**	**133.3**	**112**	**134.9**	**8**	**114.3**

Note: The analysis contains multiple responses from research participants, N(Total)=90, N(Male)=83 and N(Female)=7

With regard to interest rate, research participants were found to have paid interest rate ranging from 12 per cent to 60 per cent per annum (Table 15). In terms of destination countries, the interest rate ranged from 12 per cent to 60 per cent for Qatar, 12 per cent to 42 per cent for Saudi Arabia and 12 per cent to 45 per cent for the UAE.

Table 15: Interest rate on loan taken by research participants

Destination Country	**Annual Interest Rate (%)**		
	Average	**Maximum**	**Minimum**
Qatar	27	60	12
Saudi Arabia	26	42	12
UAE	26	45	12
Oman	36	36	36
Bahrain	27	36	24
Kuwait	24	24	24
Malaysia	27	36	12
All Seven Countries	**26**	**60**	**12**

[39] Sijapati, Lama, Baniya, Rinck, Jha & Gurung, *Labour Migration and the Remittance Economy: The Socio-Political Impact.*

2.3.6. Status of Loan Repayment

Among the 90 research participants who have taken loan to pay for their migration abroad, 63 (i.e. 70 per cent) reported to have fully repaid their loan (Table 16). In contrast, 10 research participants (11.1 per cent) are yet to fully repay the loan incurred during their migration abroad, while 17 participants (18.9 per cent) have repaid their loans partially.

Table 16: Loan repayment status

Status of loan repayment	**Number**	**Percent**
Fully paid	63	70.0
Partially paid	17	18.9
Not paid at all)	10	11.1
Total	**90**	**100.0**

Furthermore, among the 17 research participants who have paid back their loans only partially, nine still have loans in the range of NPR 50,000-100,000 while five have loans in the range of NPR 20,000-30,000, yet to be paid (Table 17).

Table 17: Loan amount pending repayment

Loan Amount (NPR)	**Number**	**Percent**
20,000-30,000	5	3.5
50,000-100,000	9	6.3
100,001-200,000	1	0.7
200,001-300,000	1	0.7
>500,000	1	0.7
Total	**17**	**12.0**

The survey showed that the research participants have used multiple sources to pay back their loans (Table 18). 93.8 per cent reported that they used the money they earned themselves during their employment abroad to repay the loan. Similarly, 7.5 per cent also used the remittance sent by another household member to pay back the loan while 5 per cent took another loan from friends, relatives or neighbours and 3.8 from bank, cooperatives or other financial institutions.

Table 18: Means of loan repayment

Means of loan repayment	**Number**	**Percent**
Self-earned money sent as remittance	75	93.8
Remittance sent by other family members	6	7.5
Loans from banks, cooperatives, or other financial institutions	3	3.8
Loans from friends/relatives/neighbours	4	5.0
Sold livestock	1	1.3
Sold house/land	1	1.3

Borrowed money	2	2.5
Others	1	1.3
Total	**93**	**116.3**

Note: The analysis contains multiple responses from research participants, N=80

2.4. COVID-19 and Nepali Labour Migrants

This section of the report presents information on the impact of the Covid-19 pandemic on Nepali labour migrants, including the socio-economic impact, the impact on return and repatriation, and the impact on access to basic services.

2.4.1. Socio-Economic Impact of Covid-19

Covid-19 has severely impacted Nepali migrant workers' ability to work and earn in the destination, leaving many with no options but to return home.[40] Studies carried out by PNCC, IOM and WOREC, on the impact of the pandemic on current and returnee Nepali migrant workers, have reported that many migrant workers have lost their employment, suffered from non-payment or reduction of wages, and have been subjected to forced labour as well as increased psychological stress.[41] The present survey also found a similar impact on Nepali labour migrants.

Not only were Nepali migrant workers at risk of being infected with Covid-19, but it also jeopardised their income and access to basic needs. Migrant workers contribute substantially to Nepal's economy and are considered important economic actors. As a result of the pandemic, migrant workers were the primary bearers of the economic shock posed by the crisis.[42] To make matters worse, the returnees were also stigmatized as transmitters of the virus and excluded from the society.[43] Covid-19 has resulted in different experiences for different groups of migrant workers depending on their CoDs and the policies of the employer companies. Disproportionately affected by any crisis, migrant workers bear most of the socio-economic brunt of the preventive measures enforced for containing the spread of Covid-19—such as lockdowns, social distancing measures and restrictions in mobility. Migrant workers had to face a myriad problem in destination countries— psychosocial problems, problems related to access to food caused by lack of work, and health problems leading to death. Such problems have not only affected the migrant workers themselves but also their families in Nepal.[44]

[40] ACAPS, *Migrant Vulnerability in Bangladesh, India, and Nepal: COVID-19 and Labour Migration.*
[41] 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); IOM, *Status of Nepali Migrant Workers in Relation to Covid-19* (Kathmandu: IOM, 2020); WOREC, *Survey on the Socio-economic Impact of COVID-19 on Returnee Migrant Women Workers in Nepal* (Kathmandu: WOREC, 2020).
[42] WOREC, *Survey on the Socio-economic Impact of COVID-19.*
[43] IOM, *Status of Nepali Migrant Workers in Relation to Covid-19.*
[44] Pravasi Nepal Coordination Committee, *Brief Report on the Cases Received in COVID-19 Online.*

A majority of the research participants (64.8 per cent) reported that Covid-19 was the main reason for their return to Nepal, and they reported different ways in which the pandemic had affected them and ultimately led to their return (Table 19). 65.2 per cent said they lost their jobs due to the pandemic. Similarly, 15.2 per cent mentioned that their work contracts ended during the pandemic and the period when subsequent restrictive measures such as lockdowns were imposed by the destination countries, because of which they had to return. 20.7 per cent reported that they got infected by the coronavirus and felt that they will be safer in their own country. 19.6 per cent of the research participants, who returned as a result of the pandemic, mentioned that they were worried about the safety of their family back home and were afraid of contracting the virus in the destination country and, hence, decided to return. Similarly, 16.3 per cent of the research participants mentioned that they had to work in an unsafe working environment. Also, 5.5 per cent of the participants mentioned that their salary was deducted, or that they were not paid their salary as a result of the Covid-19 pandemic.

Gender disaggregated data shows that among the male research participants who returned as a result of the pandemic, 66.7 per cent reported loss of job due to the Covid-19 as the reason for return. Among the eight female research participants who returned as a result of the pandemic, four returned due to loss of employment, two returned because they got infected with the coronavirus and felt that they would be safer back home, and two others returned because they were worried about the safety of the family back home and were afraid of contracting COVID-19. Similarly, one research participant mentioned that she had returned as her labour contract had ended, and other participant claimed to have returned because of reduction of salary and unsafe working environment due to the Covid-19. In a study by WOREC, on the impact of Covid-19 on women migrant workers, it was found that women migrant workers in Qatar and Kuwait had been paid minimum wage while working from home while the others were not paid any wages.[45] The study also found that female domestic workers in Bahrain had the option of returning to Nepal given that the cost of returning was borne by the migrants themselves. Many economic sectors such as small and large enterprises faced losses in their businesses leading to layoffs and reductions in pay. Their limited access to employment in the CoDs and constraints in earning capacity also restricted Nepali women migrants' ability to return home.[46] Furthermore, the study by WOREC also found that female migrant workers lacked proper access to health care and faced labour and human rights violations in their CoDs.

Table 19: Impact of Covid-19 on research participants

Impact	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Loss of job	60	65.2	56	66.7	4	50.0
Labour contract ended	14	15.2	13	15.5	1	12.5
Salary was deducted	2	2.2	1	1.2	1	12.5
Salary was not paid	3	3.3	3	3.6	0	0.0
Subjected to forced labour	0	0.0	0	0.0	0	0.0

[45] WOREC, *Survey on the Socio-economic Impact of COVID-19 on Returnee Migrant Women Workers in Nepal.*
[46] Ibid.

Had to work under unsafe working environment	15	16.3	14	16.7	1	12.5
Got infected with coronavirus and felt it would be safer to return home	19	20.7	17	20.2	2	25.0
Worried about the safety of their family back home	18	19.6	16	19.0	2	25.0
Afraid of contracting COVID-19	18	19.6	16	19.0	2	25.0
Others	1	1.1	1	1.2	0	0.0
Total	**150**	**163.0**	**137**	**163.1**	**13**	**162.5**

Note: The analysis contains multiple responses from research participants, N(total)=92, N(male)=84 and N(female)=8

Among the 50 research participants who mentioned that their reason for returning was something other than Covid-19, 50 per cent reported that it was because of their labour contract (Table 20) had ended. Similarly, 24 per cent mentioned that they returned because they wanted to retire, and 16 per cent reported to have returned due to illness, injury or disability, and 12 per cent mentioned dissatisfaction with the employer as the reason for their return. Similarly, of the three female participants who were working as domestic workers in the destination country, two mentioned that fear of employment and lack of cooperation and support from the Diplomatic Mission/Embassy created challenges for them in seeking support in the CoD amidst the pandemic.

Table 20: Research participants' reason for return (other than Covid-19)

Reason for return	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
End of labour contract	25	50.0	24	51.1	1	33.3
Wanted to retire	12	24.0	11	23.4	1	33.3
Illness, injury or disability	8	16.0	8	17.0	0	0.0
Unsafe working environment (e.g. abuse, long working hours, unsafe working conditions)	1	2.0	1	2.1	0	0.0
Dissatisfaction with the employer	6	12.0	5	10.6	1	33.3
Pressure from family to return	1	2.0	1	2.1	0	0.0
Others	6	12.0	5	10.6	1	33.3
Total	**59**	**118.0**	**55**	**117.0**	**4**	**133.3**

Note: The analysis contains multiple responses from research participants, N (total)=50, N(Male)= 47 and N(female) = 3

2.4.2. Stranded in the Destination Country

As GoN and the governments of destination countries imposed various forms of restrictions in mobility, including temporary suspension of domestic and international flights, Nepali migrant workers became stranded in the destination countries, unable to return to Nepal.[47] Despite the continuous call from human and labour rights groups and Civil Society Organizations (CSOs) for the early, safe and dignified repatriation of Nepali migrants workers affected by the pandemic, migrants were stranded in the destination countries for several months before GoN started the repatriation process, thus undermining the 'right to return' of migrant workers.[48]

The Government of Nepal officially started the repatriation of migrant workers from the first week of June 2020 following an executive order, on 25 May 2020, to facilitate the repatriation of Nepali citizens who had to return home due to inconvenient situations caused by the global COVID-19 pandemic, and the subsequent action plan launched on 29 May 2020.[49] The executive order listed the groups to be repatriated, in order of priority, as follows: 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 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 are retaining their jobs and are on leave; xiv) those employed in international organisations and need to return; and xv) those on tourist and business visas. By the time the executive order and subsequent action plan were launched, thousands of Nepalis had already been stranded for several months, unable to return and without a job and income to support themselves.[50] The survey found that research participants were stranded in the destination countries for several weeks or months before they were able to return to Nepal (Table 21). While 43.7 per cent of the research participants mentioned being stranded in the destination countries for less than a month, 19.7 per cent and 11.3 per cent reported that they were stranded in the destination country for more than one and two months respectively. Similarly, 8.5 per cent of the participants stayed stranded in the destination country for more than three months, 3.5 per cent for more than four months, another 3.5 per cent for more than five months, and 9.9 per cent for

[47] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.
[48] Ibid.
[49] MoFAGA, 'COVID-19 ko Bishwobyapi Sankramanko Karan Bata Utpanna Asahaj Paristhitima Swadesh Aaunaiparne Awasthama Raheka Nepali Nagariklai Swadesh Aaauna 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; '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.
[50] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.

more than six months. Adding to this is the fact that 14 per cent of the migrant workers had been in the destination country for less than a year before they had to return home due to the pandemic (Table 22).

Table 21: Months Stranded in the Destination Country Before Returning

	Number	Percent
Less than one month	62	43.7
More than one month	28	19.7
More than two months	16	11.3
More than three months	12	8.5
More than four months	5	3.5
More than five months	5	3.5
More than six months	14	9.9
Total	**142**	**100**

Table 22: Duration of Stay in the Destination Country Before Returning

	Number	Percent
<=1 year	20	14.1
1.1 to 2 years	38	26.8
2.1 to 3 years	38	26.8
3.1 to 4 years	20	14.1
4.1 to 5 years	6	4.2
>5 years	20	14.1
Total	**142**	**100.0**

Estimates have shown that labour permits of 1,500 Nepalis expire per day leading to 'illegal' status of migrant workers in destination countries.[51] Among the 142 research participants, only five reported to have become undocumented due to the lockdowns or other restrictions imposed by the government of the destination country in order to combat the Covid-19 pandemic. A rapid assessment of the impacts of Covid-19 on Nepali migrant workers carried out by IOM and NIDS reported that the visas of 36 per cent of the current and 43 per cent of the returnee Nepali migrant workers interviewed during the study had expired, rendering their status 'illegal'.[52]

Of the five who became undocumented as a result of the pandemic, three mentioned that they had to pay a fine because of being undocumented. Similarly, the undocumented research participants mentioned that the major challenges they faced include restrictions in mobility due to their illegal status (66.7 per cent). Additionally, participants also faced challenges in access to information about the pandemic, restrictions, services and their return to Nepal (Table 23).

[51] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour Migrants*.
[52] IOM, *Status of Nepali Migrant Workers in Relation to Covid-19*.

Table 23: Challenges Faced by Undocumented Migrant Workers[53]

Challenges	Number	Percent
Restrictions in mobility	8	66.7
Lack of access to information	1	8.3
No challenges faced	3	25.0
Total	**12**	**100**

2.4.3. Protective Measures at Workplace

Furthermore, 72 research participants (50.7 per cent) reported that they continued to work in the destination country after the outbreak of the pandemic. 88.9 per cent of the research participants who continued working after the outbreak of the pandemic mentioned that they did receive Personal Protective Equipment (PPE) in their workplace, 11.1 per cent reported to have not received any protective equipment, while 2.8 per cent (i.e. 2 research participants) reported buying the PPE themselves.

2.4.4. Return and Repatriation

After the suspension of regular international flights by GoN and the governments of destination countries, initially, the GoN repatriated stranded Nepali migrants through the operation of chartered flights. After the suspension on international flights was lifted on 1 September 2020, migrant workers returned to Nepal via regular flights. Starting from the month of June 2020 to 21 January 2021, 233,978 Nepalis have returned to Nepal through 502 chartered flights and 1,193 regular flights.[54] The GoN had received 142,807 applications from Nepalis in various destination countries for return or rescue as a result of the Covid-19 pandemic or other issues.[55] 59.2 per cent of the research participants reported that they returned to Nepal via chartered flights while 40.8 per cent returned to Nepal through regular flights (Table 24).

Initially, GoN made the returning migrant workers pay for their chartered flights. The ticket fares allotted for the flights were two to four times more than the regular flights, adding financial burden on migrant workers.[56] The rates fixed by the government were NPR 60,000 (USD 500) from the UAE; NPR 61,200 (USD 510) from Oman; NPR 62,400 (USD 520) from Malaysia;

[53] The undocumented migrant workers include seven research participants who went for foreign employment without labour permits and five research participants who became undocumented as a result of the Covid-19 pandemic.

[54] 'Bidesh bata Nepal Phirta Bhayeka Nagarik haruko Bibaran, Miti 2077/10/08 Gate Samma (Details on Returnee from Abroad, till 2077/10/08),' COVID-19 Crisis Management Centre, accessed 23 January 2021, https://ccmc.gov.np/ccmc_update/Details%20of%20Returnees%2010.09.pdf.

[55] 'Pragati Bibaran 2077 Magh 1 Gate Sammako (Progress Report till 2077 Magh 1),' Ministry of Labour, Employment and Social Security, accessed 23 January 2021, https://moless.gov.np/wp-content/uploads/2021/01/2077-10-2-Progress-report.pdf.

[56] Rabindra 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=IwAR2KU7FluI2lKm6CdRFfG5aC1dX2jlVYpU7K8gEVNuKrpgwlBCs9HA5UaYk.

NPR 65,400 (USD 545) from Bahrain and Qatar; and NPR 70,800 - 92,400 (USD 590 - 700) from Saudi Arabia. The high price of tickets led to protest and criticism and, ultimately, the Nepali Embassy in Oman reduced the fare to USD 298, and the Ministry of Culture, Tourism and Civil Aviation also reduced the price by 20 per cent.[57] Following widespread and continued criticism for having migrant workers pay for their return, on 15 June 2020, the Supreme Court issued an interim order directing the government to use the Foreign Employment Welfare Fund to repatriate those who went abroad for foreign employment.

59.2 per cent of the participants stated that their employer paid for their return flight (Table 24), while the ticket fares for 2.8 per cent of the participants were paid by GoN/Nepali Diplomatic Mission/Government of destination country, and 38.7 per cent of the participants stated that they paid for the return flight themselves. Additionally, very few participants received support from GoN for their return. 40.5 per cent of the research participants who returned via chartered flights paid the fare themselves while employers paid for the tickets of 54.8 per cent. GoN and Nepali embassies in CoDs paid for the fare of chartered flights of only two research participants.

Table 24: Source of return flight fare

	Chartered Flights		Regular Flights		Total	
	Number	**Per cent**	**Number**	**Per cent**	**Number**	**Per cent**
Employer	46	54.8	38	65.5	84	59.2
GoN	1	1.2	0	0.0	1	.7
Nepali Diplomatic Mission/Embassy	1	1.2	0	0.0	1	.7
Government of CoD	2	2.4	0	0.0	2	1.4
Self	34	40.5	21	36.2	55	38.7
Others	2	2.4	0	0.0	2	1.4
Total	**86**	**102**	**59**	**102**	**145**	**102**

Note: The analysis contains multiple responses from research participants, N=142

The survey showed that more than half of the research participants who paid themselves for the flight to return home had paid between NPR 30,001 and 50,000 (c. USD 257 and 428). 23.6 per cent reported paying between NPR 50,001 and 70,000 (c. USD 428 and 599), and 12.7 per cent mentioned paying more than NPR 70,000 (Table 25). In the case of participants who returned via chartered flights, 44.1 per cent paid more than NPR 50,000 for their return flight (Table 26).

[57] 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/; Rabindra 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=IwAR2KU7FluI2lKm6CdRFfG5aC1dX2jlVYpU7K8gEVNuKrpgwlBCs9HA5UaYk.

Table 25: Composition of research participants by flight fare

	<=30,000		30,001 to 50,000		50,001 to 70,000		70,001 and above	
	Number	**Per cent**	**Number**	**Per cent**	**Number**	**Per cent**	**Number**	**Per cent**
Qatar	1	6.3	12	75.0	3	18.8	0	0.0
Saudi Arabia	0	0.0	1	20.0	3	60.0	1	20.0
UAE	1	4.2	14	58.3	4	16.7	5	20.8
Oman	0	0	2	100	0	0	0	0
Bahrain	0	0	1	50.0	1	50.0	0	0
Kuwait	0	0	1	100	0	0	0	0
Malaysia	1	20.0	1	20.0	2	40.0	1	20.0
All seven countries	3	5.5	32	58.2	13	23.6	7	12.7

Table 26: Composition of research participants by flight fare and the type of flight

	Chartered Flights		Regular Flights		Total	
	Number	**Per cent**	**Number**	**Per cent**	**Number**	**Per cent**
Up to 30,000	0	0.0	3	14.3	3	5.5
30,001 to 50,000	19	55.9	13	61.9	32	58.2
50,001 to 70,000	9	26.5	4	19.0	13	23.6
70,001 and above	6	17.6	1	4.8	7	12.7
Total	**34**	**100.0**	**21**	**100.0**	**55**	**100.0**

The survey revealed that the employer confiscated or held the passports of 91 participants (64.1 per cent) after they started working with the employer. Consequently, 17.6 per cent of the research participants whose passports were either confiscated or held by their employers mentioned that they were not able to leave the destination country because of not having their passport with them.

2.4.5. Access to Accommodation and Food

Prior to the outbreak of Covid-19, 76 per cent of the participants were staying in apartments or shared rooms (Table 27). Similarly, 16.9 per cent were living in labour camps and 6.3 per cent were living at their employer's house. Furthermore, 85.9 per cent of the research participants reported that their employer paid for their accommodation, 13.4 per cent mentioned that they paid for their accommodation themselves. Only one person mentioned that the government of the country of destination paid for their accommodation.

Table 27: Accommodation of research participants prior to the pandemic

Type of accommodation	Number	Percent
Labour camps	24	16.9
Apartment/ Shared room	108	76.0
At employer's house	9	6.3
Others	1	0.7

Total	**142**	**100**

As a result of the pandemic or after their decision to return, nine research participants (6.3 per cent) reported to have shifted from their original accommodation. Among them, three participants shifted to labour camps, one to an apartment or shared room, four to their employer's house and one to other accommodation.

85.9 per cent of the research participants stated that they did not have access to sufficient food after the outbreak of the pandemic or after their decision to return. Furthermore, 73.2 per cent of the research participants reported that they had to pay for the food themselves (Table 28). 38 per cent of the participants mentioned that they received food or relief from their employer, 5.6 per cent from Nepali diplomatic missions in the destination country, 1.4 per cent from the Government of the CoD, 2.1 per cent from international organisations and 5.6 per cent from the Non-Resident Nepali Association (NRNA).

Table 28: Source of food or relief after the outbreak of COVID-19 or after decision to return

Source	**Number**	**Percent**
Self	104	73.2
Employer	54	38.0
Nepali Diplomatic Mission/Embassy	8	5.6
Government agency of CoD	2	1.4
International Organizations	3	2.1
Non-Resident Nepali Association (NRNA)	8	5.6
Total	**179**	**126.1**

Note: The analysis contains multiple responses from research participants, N=142

2.4.6. Access to information

The Covid-19 pandemic also undermined migrant workers' access to adequate information about the Covid-19 pandemic, its prevention and treatment, as well as other information on Covid-19 related plans and policies enforced by GoN and the governments of destination countries.[58] Language barriers, illiteracy, and fear of arrest and deportation, mostly in case of undocumented migrant workers, may have hampered migrant workers' access to information.[59]

[58] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.

[59] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*; ACAPS, *Migrant Vulnerability in Bangladesh, India, and Nepal: COVID-19 and Labour Migration*; Andika Wahab, 'The Outbreak of COVID-19 in Malaysia: Pushing Migrant Workers at the Margin,' *Social Sciences & Humanities Open* 2, No. 1 (2020).

The survey found that 30.3 per cent of the participants reported that they did not have access to key Covid-19 related information in the destination countries. Of the 99 research participants (69.7 per cent) who reported to have had access to information, 96 per cent mentioned having accessed this information from social media platforms like Facebook and YouTube (Table 29). Similarly, 50.5 per cent received information through their friends and colleagues in the destination country, and 31.3 per cent from their friends and families in Nepal.

Table 29: Source of Covid-19 related information received by research participants

Source	Number	Percent
(Social) Media	95	96.0
Diplomatic Mission/Embassy	17	17.2
Family/Friends from Nepal	31	31.3
Friends and Colleagues in CoD	50	50.5
Company/Employer	1	1.0
Total	**194**	**196.0**

Note: Multiple Responses, N= 99

2.4.7. Health and Covid-19

15.5 per cent of the research participants mentioned to have suffered from health-related ailments during their stay in the CoD. 72.7 per cent of the participants who suffered from health problems mentioned that they were suffering from ailments after the outbreak of the pandemic. However, all the research participants mentioned having gone for check-ups and not having faced any challenges in access to health services.

2.5. Access to Justice

This section presents information on migrant workers' access to justice including the incidence of wage theft, ill-treatment and abuses suffered prior to and after the outbreak of the pandemic.

2.5.1. Wage Theft, Exploitation and Abuse

Ill-treatment, exploitation and abuse of migrant workers has been an ongoing problem.[60] Similarly, millions of migrant workers globally have experienced wage theft or non/under payment of wages.[61] Such incidence has increased significantly since the outbreak of the pandemic.[62] During the initial phase of the pandemic, the Government of Qatar detained and deported 20 Nepali migrant workers, telling them that they were being taken for Coronavirus

[60] Paoletti et al, *Migrant Workers' Access to Justice at Home*.
[61] Migrant Forum in Asia, 'Appeal 5: Measures for Addressing Wage Theft Affecting Millions of Migrant Workers in the Times of COVID-19'; Migrant Forum in Asia, 'Policy Brief No. 1 Justice for Migrant Workers: Creating an Effective Solution to Address Wage Theft.'
[62] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.

testing.[63] Many of these Nepali migrant workers were sent back without the workers receiving the benefits owed to them.

Among the research participants, 34 per cent reported to have not experienced any incidence of wage theft, ill-treatment, etc. After the outbreak of the pandemic, 69 research participants (48.6 per cent) reported to have experienced different forms of mistreatment and abuse. The survey showed that 15.9 per cent of the participants had not been getting their salary, and 7.2 per cent reported to have been forced out of their job due to the pandemic (Table 30). Similarly, 11.6 per cent reported deduction in their salary and 21.7 per cent reported deduction in their benefits due to the pandemic. Also, 23.2 per cent of the respondents mentioned that the flight tickets they had bought prior to the pandemic was cancelled, and 2.9 per cent reported to have faced abuse and ill-treatment as a result of the pandemic.

On the other hand, 24 research participants (16.9 per cent) reported to have faced ill-treatment and abuse even before the onset of the Covid-19 pandemic. Among them, 37.5 per cent reported to have experienced non-payment of salary while 12.5 per cent mentioned being forced out of their job, another 12.5 per cent reported facing deduction in salary, and another 12.5 per cent reported facing reduction of benefits.

Table 30: Challenges faced in destination countries before and after the Covid-19 outbreak

Challenges	Incident Encountered prior to Covid-19		Incident Encountered due to Covid-19		Total	
	Number	Percent	Number	Percent	Number	Percent
Non-payment of wages	9	37.5	11	15.9	20	21.5
Forceful termination of employment	3	12.5	5	7.2	8	8.6
Cancellation of flight tickets	0	0.0	16	23.2	16	17.2
Deduction in salary	3	12.5	8	11.6	11	11.8
Deduction in benefits (e.g., gratuity, onus, health card)	3	12.5	15	21.7	18	19.4
Longer working hours	2	8.3	2	2.9	4	4.3
Being infected with COVID-19	0	0.0	3	4.3	3	3.2
Abuse/ill-treatment	0	0.0	2	2.9	2	2.2
Workplace injury	1	4.2	0	0.0	1	1.1
Others	7	29.2	10	14.5	17	18.3
Total	**28**	**117**	**72**	**104**	**149**	**108**
N	**24**		**69**		**93**	

[63] 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/.

Note: The analysis contains multiple responses from research participants, N= 142

In the case of migrant workers who continued their work amidst the pandemic, 62 reported to have received the due salary for their work while eight participants did not get any pay and two only received partial payment for their work after the outbreak of the pandemic (Table 31).

Table 31: Payment of research participants who worked during the Covid-19 pandemic

Status of payment	Number	Percent
Full payment received	62	86.1
No payment received	8	11.1
Partial payment received	2	2.8
Total	**72**	**100**

2.5.2. Registration of Grievance in Destination Countries and Nepal

Past studies have highlighted various challenges that hinder migrant worker's access to justice. Among other challenges, lack of formal and easy to access legal mechanisms or grievance registration mechanisms remains a major problem in ensuring access to justice for migrant workers.[64] A directive introduced by GoN for the repatriation of stranded Nepali workers has directed Nepali diplomatic missions abroad to collect information on migrant workers including their reason for return and information on cases of wage theft faced by the returning migrants if any.[65]

37.6 per cent of the participants who have some form of grievances such as those related to wage theft, exploitation and abuse have reported their grievance at the diplomatic missions in the destination countries (Table 32). 54.8 per cent said that they had nowhere to report the wage theft or exploitation faced in the destination country. Among the 42 research participants who stated to have reported their grievance, 39 participants (92.9 per cent) mentioned not receiving any confirmation of report registration.

However, the question of whether or not the thousands of workers who have returned before the Directive was introduced, and those who have registered their grievances at the diplomatic missions will receive the dues they are legally entitled to, remains unanswered. Further, diplomatic missions required workers who applied to return home to accept the condition that they would bear their return flight expenses themselves and confirm that they have received all their dues from the employer.

[64] Migrant Forum Asia, *Challenges on Access to Justice for Migrants*.
[65] Ministry of Labour, Employment and Social Security, Kovid-19 ko Bishwobyapi Sankraman ko Karan Baidheshik Rojgarika Kramma Alapatra Pareka Nepali Kaamdar ko Udaar Gari Swadesh Phirta Garne Sambandhi Nirdeshika, 2077 (Directive for the Repatriation of Nepali labour Migrants Stranded due to the COVID-19, 2020) (Kathmandu: MoLESS, 2020). Available at: http://rajpatra.dop.gov.np/welcome/book/?ref=24157.

Table 32: Registration of complaints relating to wage theft, exploitation and abuse in destination country

Agency registering complaint	Number	Percent
Diplomatic Mission/Embassy	35	37.6
Police	2	2.2
Employee/Workers' Associations	4	4.3
Labour Court	2	2.2
International Organisation	1	1.1
Nowhere to report	51	54.8
Total	**95**	**102.2**

Note: The analysis contains multiple responses from research participants, N= 93

On the other hand, 19 research participants (20.4 per cent) reported to have filed a complaint, about their grievances, in Nepal. 16 of the participants have filed their complaints at DoFE, three have filed complaints at their municipalities/rural municipalities, and two at the police or Chief District Officer (CDO) office (Table 33). 16 of the research participants who filed complaints in Nepal received a confirmation of receipt of report.

Table 33: Registration of complaints—relating to wage theft, exploitation and abuse—in Nepal

Agency registering complaint	Number	Percent
Municipality/Rural Municipality	3	15.8
Department of Foreign Employment (DoFE)	16	84.2
Police/CDO Office	2	10.5
Life Insurance Company	2	10.5
Total	**23**	**121.1**

Note: The analysis contains multiple responses from research participants, N= 19

2.5.3. Access to Compensation

51.6 per cent of the research participants reported that they did not receive any form of compensation in the destination country while only 2.2 per cent reported to have received compensation for their grievance (Table 34). Another 29 per cent reported that they did not seek any compensation in the destination country. Of the two research participants who received compensation in the destination country, one received NPR 9,654 (c. USD 82) and the other received NPR 100,000 (c. USD 855).

Table 34: Compensation received in/from the destination country

Status of receipt of compensation	Number	Percent
Compensation received	2	2.2
Compensation not received	48	51.6

Did not seek any compensation	27	29.0
Currently seeking compensation	2	2.2
Do not know	14	15.1
Total	**93**	**100**

Of the 93 research participants who faced wage theft and other form of grievances, only one received compensation, of NPR 130,000 (c. USD 1111), in Nepal (Table 35). 43 per cent of the participants mentioned not having received any compensation while 23.7 per cent reported to have not pursued any compensation.

Table 35: Compensation received in/from Nepal

Status of receipt of compensation	Number	Percent
Compensation received	1	1.1
Compensation not received	40	43.0
Did not seek any compensation	22	23.7
Currently seeking compensation	16	17.2
Do not know	14	15.1
Total	**93**	**100**

After the outbreak of the pandemic, 11.3 per cent of the participants reported that they were made to sign a paper, by their employer, on salary reduction or unpaid leave. Similarly, 23.9 per cent of the research participants mentioned that they were made to sign a paper stating they had received all their due salary and benefits. Among the 34 research participants who signed a paper that mentioned that the participant had received all their due salary and benefits, 32 participants (94.1 per cent) were aware of what they were signing.

Similarly, 5.6 per cent of research participants reported that they were asked by their employer to pay compensation because they were leaving before the expiry of their labour contract. Among them, only half i.e., four research participants, reported that they paid the compensation. Of these four participants, one paid NPR 6,000 (c. USD 51), one paid NPR 21,000 (c. USD 180), one paid NPR 45,000 (c. USD 385) and one paid NPR 85,000 (c. USD 727).

2.5.4. Ill-treatment after return

There are reports of migrant workers facing ill-treatment and stigma after their return, in quarantine facilities and in their communities and families.[66] However, the majority of the research participants (85.2 per cent) reported that they had not experienced any kind of challenges, ill-treatment or stigma after their return (Table 36). Gender disaggregated data shows that the female research participants did not experience any challenges after their return.

[66] Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*; IOM, *Status of Nepali Migrant Workers in Relation to Covid-19*; WOREC, *Survey on the Socio-economic Impact of COVID-19 on Returnee Migrant Women Workers in Nepal*.

7.6 per cent of the male research participants reported being stigmatised, as carriers of the virus, by members in the community, while 5.3 per cent reported facing ill-treatment at the Tribhuvan International Airport (TIA), 1.5 per cent each reported not being accepted by family members, and another 1.5 per cent reported facing ill-treatment meted out by officials and authorities at quarantine facilities.

Table 36: Challenges faced after return

Challenges	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Ill-treatment at the TIA	7	4.9	7	5.3	0	0.0
Stigmatised by members in the community as a carrier of the virus	10	7.0	10	7.6	0	0.0
Not accepted by family	2	1.4	2	1.5	0	0.0
Ill-treatment by officials/authorities at quarantine facilities	2	1.4	2	1.5	0	0.0
Did not face any challenges	121	85.2	110	84.0	11	100.0
Others	1	.7	1	.8	0	0.0
Total	**143**	**100.7**	**132**	**100.8**	**11**	**100**

Note: The analysis contains multiple responses from research participants, N= 142

2.5.5. Awareness about Migrants' Rights

Migrant workers often lack awareness about their rights, particularly regarding redress mechanisms. With respect to the awareness of migrants' rights regarding access to compensation and justice, 14.1 per cent mentioned that they were not at all aware while 8.5 per cent mentioned being slightly aware about their rights (Table 37). Similarly, 66.9 per cent of the research participants mentioned that they were moderately aware about migrants' rights. In terms of gender, the majority of both male and female research participants (67.9 per cent of male and 54.5 per cent of female) were moderately aware about their rights.

Table 37: Migrants' awareness about rights regarding access to compensation and justice

Level of awareness	Total		Male		Female	
	Number	Percent	Number	Percent	Number	Percent
Not at all aware	20	14.1	18	13.7	2	18.2
Slightly aware	12	8.5	11	8.4	1	9.1
Somewhat aware	5	3.5	3	2.3	2	18.2
Moderately aware	95	66.9	89	67.9	6	54.5
Very aware	10	7.0	10	7.6	0	0.0
Total	**142**	**100**	**131**	**100**	**11**	**100**

Similarly, with regard to awareness about the process regarding access to compensation and justice, 18.3 per cent mentioned that they were not at all aware while 7 per cent mentioned that they were slightly aware about the process (Table 38). Similarly, 52.8 per cent of the research participants mentioned that they were moderately aware about the process. In terms of gender, the majority of the male research participants (55 per cent) were moderately aware about the process of access to compensation and justice. In the case of female research participants, 27.3 per cent mentioned that they were not at all aware about the process and another 27.3 per cent mentioned that they were moderately aware.

Table 38: Awareness about the process regarding access to compensation and justice

Level of awareness	Total		Male		Female	
	Number	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Not at all aware	26	18.3	23	17.6	3	27.3
Slightly aware	10	7.0	9	6.9	1	9.1
Somewhat aware	20	14.1	16	12.2	4	36.4
Moderately aware	75	52.8	72	55.0	3	27.3
Very aware	11	7.7	11	8.4	0	0.0
Total	**142**	**100**	**131**	**100**	**11**	**100**

Of the 142 research participants, 13 mentioned that some organization or individual approached them to discuss their rights and informed them about the process regarding access to compensation and justice. Of them, seven were approached by diplomatic missions, one by the NRNA, one by a Non-Governmental Organization (NGO), and six by trade union representatives.

2.6. Future Plan

A study by IOM on the impact of the pandemic on returnee migrant workers reported that more than half of the interviewees had plans to return to their destination countries for employment due to lack of employment opportunities in Nepal.[67] The survey also showed similar results. Regarding their future plans, 16.9 per cent of the research participants mentioned that they were planning to start a business in Nepal and 9.2 per cent mentioned that they were planning to engage in agriculture (Table 38). It is interesting to note that despite having returned to Nepal after facing a range of challenges in their respective destination countries, 15.5 per cent of the research participants planned to return to the same CoD for employment in the future while 14.1 per cent planned to go to another country for foreign employment. Only 2.1 per cent reported to have started working in Nepal while 33.1 per cent were still unsure about what their future plans. Among both male and female research participants, a significant number of participants were either unsure about their future plans or were planning to go abroad again for foreign employment.

[67] IOM, *Status of Nepali Migrant Workers in Relation to Covid-19*.

Table 39: Composition of research participants by their future plan

Future Plans	Total		Male		Female	
	Number	**Percent**	**Number**	**Percent**	**Number**	**Percent**
Start business in Nepal	24	16.9	24	18.3	0	0.0
Engage in agriculture	13	9.2	12	9.2	1	9.1
Search for a job in Nepal	9	6.3	7	5.3	2	18.2
Return to the same country for work	22	15.5	20	15.3	2	18.2
Go to another country for foreign employment	20	14.1	18	13.7	2	18.2
Already started working in Nepal	3	2.1	3	2.3	0	0.0
Unsure	47	33.1	43	32.8	4	36.4
Others	4	2.8	4	3.1	0	0.0
Total	**142**	**100**	**131**	**100**	**11**	**100**

3. RECOMMENDATIONS

With the Corona Virus disrupting economy worldwide, it has also worsened the situation of thousands of Nepali migrant workers. The findings of this study point out that the outbreak of the pandemic led to migrant workers suffering from loss of jobs, non-payment of salary, reduction in wages and benefits, ill-treatment, and forced lay-offs or unpaid leave. Similarly, many of the returnee migrant workers were stranded in the destination countries (mainly GCC countries and Malaysia) for several months before they were able to return. In addition, a large proportion of the returnee migrant workers reported to have experienced ill-treatment, abuse, wage theft, and premature termination of employment, among others, as a result of pandemic. However, despite the high incidence of wage theft and violation of migrant workers' rights, a very low proportion of returnees reported that the diplomatic missions recorded/registered their grievance either in the destination country or in Nepal. The study also highlighted that a lower proportion of female returnees had moderate to full knowledge about the mechanism to register complaints or access justice. Finally, despite the socio-economic impacts, caused by the pandemic, that forced them to return home, a large proportion of both male and female returnee migrant workers aspired to re-migrate for foreign employment.

In order to ensure workers' access to justice and to address wage theft and other labour and human rights violations faced by affected migrant workers, this study calls upon stakeholders including government agency and trade unions to take immediate and urgent actions, some of which are discussed below.

Document the grievances of migrant workers

Lack of concrete and accurate data on the grievances of migrant workers, including wage theft and forced termination from employment, has been one of the biggest hurdles in ensuring migrant workers' access to justice. Diplomatic missions in destination countries should put in place an information system that can capture the grievances of migrant workers. The Directive on repatriation of migrant workers, issued by the Government of Nepal in July 2020, should be effectively implemented. In this regard, trade unions can play an important role in collecting information about returnee migrant workers including information on the grievances of and labour rights violations faced by affected migrant populations. Trade Unions should mobilize their network at the provincial and local levels to collect information about returnee migrant workers.

Ensure justice for migrant workers and their families

An international transitional justice mechanism should be developed immediately, through diplomatic coordination with the destination countries, to enable migrant workers to file claims—about non-payment of wages or benefits due, forced layoff or unpaid leave, and abuse—and get access to effective remedial measures. It must be ensured that migrant workers are able to file complaints without the fear of retaliation from employers and of discrimination because of irregular tatus. In this regard, trade unions can help bridge the gap between the government and migrant workers by voicing the needs and concerns of Nepali migrant workers.

Strengthen coordination and collaboration

The Government of Nepal should work in coordination with trade unions, recruitment agencies and other stakeholders to address the issue of access to justice and other grievances of migrant workers amid the pandemic. GoN should ensure that migrant workers with labour permits who paid for their return tickets themselves are compensated through the Foreign Employment Welfare Fund as per the government's directive on repatriation of migrant workers which has the provision for reimbursement. On the other hand, trade unions should collaborate and cooperate with GoN to develop appropriate responses for protecting the rights of migrant workers, including the formulation and of effective justice mechanisms. Similarly, the unions should ensure that the economic recovery policies and programmes of the government do not exclude returnee migrant workers. Periodic consultation programmes should be conducted with representatives from government and non-government organisations to share information about the status of migrant workers and to advocate for the needs of Nepali migrants abroad and for the protection of their rights.

Improve access to information for migrant workers

The Government of Nepal should ensure that migrant workers have access to information about their rights regarding access to justice and compensation and the mechanism available to register their complaints and grievances. Such information can be disseminated through radio, television as well as through social media platforms such as Facebook, YouTube and Viber. Similarly, migrant workers should be provided with effective training and orientation prior to their departure. The Pre-Departure Orientation Training (PDOT) conducted as a requirement prior to departure for foreign employment should be amended to ensure that migrant workers are aware about their rights and responsibilities in the destination countries, including the process of grievance handling. For this, trade unions can support PDOT centres by conducting awareness campaigns to disseminate information about the rights of migrant workers as well as the process of grievance registration and the legal mechanism for access to justice that is in place in Nepal. Unions should use their national, provincial or local networks as well as online platforms such as Facebook and YouTube, among others, to inform returnee migrant workers about the same.

Advocate for the rights of migrant workers

Trade unions can collaborate with regional and international stakeholders involved in the protection of rights of migrant workers, including their counterparts abroad, to exchange information. They can use international platforms and forums to share learnings from migrant workers' experiences, of access to justice, in the past and at the time of crisis such as the Covid-19 pandemic. Social dialogue with representatives from the government, workers' and employers' organisations can help to promote the human and labour rights of migrant workers.

Engagement with governments of destination countries

The Government of Nepal should proactively engage with the governments of destination countries through diplomatic channels to ensure that migrant workers are not subjected to fines and other penalties as a result of visa expiration or other violations that have resulted from the restrictions enforced during the pandemic. For this, trade unions can communicate and

coordinate with the governments of destination countries as well as diplomatic missions to lobby for the rights of migrant workers in destination countries and develop support mechanism for the workers. Similarly, trade unions can collect feedback about the situation and concerns of migrant workers by reaching out to the migrant communities in destination countries.

Increase the capacity of Nepali diplomatic missions

The government should enhance the dispute resolution capacity of diplomatic mission in destination countries with large numbers of migrant workers—such as Qatar, Saudi Arabia, the UAE and Malaysia. Human and financial resources of the diplomatic missions in such countries should be increased to support effective access to justice for migrant workers.

Support to returnee migrant workers

The existing soft-loan schemes should be expanded and made more accessible, and the need to present collateral for taking loans should be relaxed for returnee migrants. Also, in this regard, the Foreign Employment Information Management System (FEIMS) and the Employment Information Management System (EIMS) developed under the Prime Minister Employment Program should be utilized to identify returnee migrant workers and create a database of their skills and expertise. Trade unions, through their networks, can help reach out to returnee migrants for this purpose. Trade unions should ensure that reintegration plans and programmes are developed through dialogue and consultation with workers, CSOs and the government of Nepal. Similarly, trade unions can help inform returnee migrant workers about economic and social reintegration plans, policies and schemes, of the government, from which they can benefit. In this regard, unions can disseminate such information in all local languages through newspapers, advocacy campaigns, posters and other means including radio, television and social media platforms. It is important that returnee migrants, specifically those who have returned amid vulnerable situations, should be prioritized in the plans and programmes such as the PMEP, the Janata Awaas Programme as well as the programmes of sub-national governments. Unions can also conduct studies to identify potential sectors in Nepal that can utilize the skills of returnee migrant workers or sectors with potential for starting enterprises by the returning migrants.

Support for re-migration

While some returnees have planned not to re-migrate, there are a large number of migrant workers who are planning to return to CoDs once the situation becomes normal. For those aspiring to migrate again for employment, skills training as well as awareness raising programmes should be conducted. Trade unions can collaborate with skill providing institutions in Nepal such as CTEVT to provide skill development training or skill upscaling training to migrant workers aspiring to migrate for employment. Unions can support studies and research to identify the skill demand of destination countries and provide training accordingly. Notably, the current pandemic and the consequent economic downturn coupled with safety protocols can cause an increase in recruitment costs for employers and recruitment agencies. This can result in an increase in recruitment related fraud. Trade unions can play an integral role to address such situations by advocating for the effective implementation of ethical and fair recruitment guidelines. They can also encourage increased monitoring of recruitment agencies while also

reaching out to migrant communities for feedback as well as sharing information related to fair recruitment.

Amendment and effective enforcement of labour agreements and policies

Guidelines for the protection of migrant workers in times of crisis such as the one presented by the Covid-19 pandemic should be included in Bilateral Labour Agreements (BLAs) and Memoranda of Understanding (MoUs) as well as national policies. Inspiration can be taken from the principle, guidelines and practices presented in the Guideline to Protect Migrants in Countries Experiencing Conflicts and Natural Disasters launched by Migrants in Countries in Crisis (MICIC).[68] Further opportunities for migrant workers must be explored so as to ensure fair and fruitful employment for migrant workers as well as to ensure social justice, global safety and protection in times of crisis. Trade unions can facilitate consultation and dialogue among the government of Nepal, workers, CSOs and other stakeholders regarding amendment of labour agreements and/or formulation of new policies. Unions should ensure that workers' voices are reflected in the amendments and in the formulation of new agreements and policies. To ensure the enforcement of labour agreements, trade unions should strengthen advocacy in regional and international forums.

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