

A Study on Rehabilitation and Reintegration of Nepali Migrant Workers in Post-Covid-19 Pandemic Situation: Process and Challenges

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Abbreviations

| | |
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| CBS | Central Bureau of Statistics |
| CESLAM | Centre for the Study of Labour and Mobility |
| COD | Country of Destination |
| CSO | Civil Society Organization |
| CTEVT | Centre for Technical Education and Vocational Training |
| DoFE | Department of Foreign Employment |
| FEB | Foreign Employment Board |
| FEMIS | Foreign Employment Management Information System |
| GCC | Gulf Cooperation Council |
| GCM | Global Compact for Safe, Orderly and Regular Migration |
| GoN | Government of Nepal |
| IOM | International Organization of Migration |
| LGOA | Local Level Governance Act |
| MFA | Migration Forum in Asia |
| MoLESS | Ministry of Labour, Employment and Social Security |
| MRC | Migrant Resource Centre |
| NLFS | Nepal Labour Force Survey |
| NPR | Nepalese Rupees |
| NSTB | National Skill Testing Board |
| PMEP | Prime Minister Employment Programme |
| RMA | Rapid Market Appraisal |
| SaMi | Safe Migration Project |
| SARTUC | South Asia Regional Trade Union Council |
| SOP | Standard Operational Procedure |
| ToR | Terms of Reference |
| TU | Trade Union |
| UAE | United Arab Emirates |
| UNSCR | United Nation Security Council Resolution |

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South Asian Regional Trade Union Council (SARTUC)

Executive Summary

Many migrant workers leave Nepal each year for employment in the Middle East, Malaysia, and other countries. According to Department of Foreign Employment (DoFE), 236,208 Nepalese left Nepal for foreign employment in the year 2018/19. The number of people leaving the country for employment is decreasing in trend when compared to the number in the year 2013/14 (about 500,000). The COVID-19 pandemic created a highly vulnerable situation for many Nepali migrant workers working in destination countries, due to which sizable migrant workers were forced to return from destination countries or voluntarily left the jobs and returned to their own country with unfair wage theft. The economic collapse, fear, and preventive steps of COVID-19 pandemic severely impacted migrant workers at destination, as well as at their own country due to lack of support for rehabilitation and reintegration.

Moreover, two points - Labour market reintegration and Economic reintegration are crucial to consider while talking about returnee migrants. The objective of this research is to develop the advocacy strategy for the recognition of skills and skill development of prospective migrant workers and reintegration of returnees by reviewing and analysing the existing policies and policy gaps with regards to the reintegration of returnees in Nepal.

The study was conducted with the following objectives:

- To study prevailing policy and policy gaps on the reintegration of returnees in Nepal.
- To carry out a stakeholder analysis to consolidate the findings, and recommendations based on the challenges of reintegration of returnee migrant workers in Nepal.
- To develop advocacy strategies for the recognition of skills and skill development of prospective migrant workers and reintegration of returnees.

The desk review involved analysing and synthesizing existing government programs and policies applicable to Rehabilitation and Reintegration of Nepali Migrant Workers in Post-Covid-19 Pandemic Situation.

As the corona virus rapidly spread globally from March onwards, human and migrant rights groups increasingly called for the safe and dignified repatriation of migrant workers. This led to increase in calls from human rights activists and groups within Nepal to repatriate Nepali migrants stranded in several countries.

The Local Governance Operations Act (LGOA) 2017 has mandated local governments to carry out foreign employment related activities including data collection, training, information dissemination, and reintegration of returnee workers. One such programme is the Prime Minister Employment Programme (PMEP) which is being implemented at local levels, targeting youths and returnee migrant workers in all

districts of Nepal. The Constitution of Nepal has the provision to utilize the skills and expertise gained by migrant workers in the productive sectors. GoN's 15th Periodic Plan and FEB's Policies, Programmes and Budget for the fiscal year 2019/20 highlights the use of skills, knowledge, and expertise of returnee migrant workers in the productive sector through entrepreneurship, self-employment, and professional jobs (GON, 2019).

The COVID-19 pandemic has also highlighted the ineffectiveness of local and provincial administrations when it comes to efforts for migrant workers' reintegration. The local levels, however, had changed by August from their original lax approach to establish local and provincial plans that cater to the short- and long-term employment chances for thousands of returnees. For most local level governments, the reintegration efforts currently include the utilization of the PMEP to create employment opportunities for the returnee migrants. The Foreign Employment Act 2007 and the Foreign Employment Policy 2012 have mentioned that returnee migrants and their families will be provided economic, social, and psychosocial supports for reintegration (GoN, 2007; MoLESS, 2012; CESLAM, 2017).

Likewise, The Government of Nepal has formulated "Reintegration Program (Operation and Management) Directives for Returnee Migrant Workers, 2079" in which migrant workers are to be reintegrated socially and economically by utilizing their capital, skills, technology and experience for the development of entrepreneurship and promoting skills in Nepal.

According to this definition, the reintegration of returnee migrants consists of three parts: social reintegration (which implies that the returnee migrants should be able to access the public services and infrastructures in his or her country of origin), psycho-social reintegration (which is the restoration of the migrant's personal support networks and civil society), and economic reintegration (IOM, 2020). In light of these gaps, there are three major issues faced by returnee migrants that can be identified based on the definition of reintegration of IOM.

Psychosocial Issues

Greater attention must be paid to migrant workers' psychosocial reintegration; particularly that of female migrant workers. There are Nepali women migrant returnees who have returned to Nepal with babies born after or due to violence and/or assault related pregnancies at the countries of destination.

Issues with social stigma and discrimination have also been observed in returnee migrants. Stigmatization and discrimination of women migrant workers has always been prevalent in Nepali society. There are greater struggles for migrant returnee women during the process of reintegration and rehabilitation in such an environment.

After returning to their home country, most migrant returnees remained unemployed. Many impacted individuals are cross-border migrant workers and who operate in informal settings.

There are numerous lessons to learn from the decades of experience in reintegration programming regarding the barriers to successful reintegration programming. Likewise, peace agreements or policies may place conditions or limitations on returnee migrant which affects their access to reintegration programming. Overall, the biggest constraint may be the failure to fund and prioritize returnee migrant's reintegration.

Government engagement is crucial for successful reintegration programming. However, governments are often the cause of constraints due to lack of leadership and capacity, bias, perceived security concerns and failure to treat returnee migrants as victims. There are some major gaps identified limiting their ability to implement and enforce such policies to target returnee migrants in rehabilitation and reintegration. There are no specific provisions in the current Foreign Employment Act and Regulation including policy on returnee migrant workers for their rehabilitation and reintegration due to the pandemic situation.

There is a lack of awareness among returnee migrants about government programmes targeted for them. As the returnees have spent years in other countries, there is a lack of information about labour market for them.

Similarly, there is a lack of accessibility of government programmes in remote areas, and the deviation in job requirement and skill of returnee migrants in remote areas. The perception and high expectation from returnee migrants are creating a gap. There is no mechanism to differentiate skills of returnee migrants from locals which creates a challenge in retention of returnee migrants. Returnee migrants are found to be more mobile which has been challenging for the government. There is a lack of policies and rules to mainstream and recognize the returnee migrants by the GoN. The reintegration of returnee migrant workers has received unprecedented attention in the recent past. In case of Nepal, the existing policy for safer migration focuses primarily on outgoing migrant workers and not on the returning ones, indicating limited works for reintegration. Rescue or immediate support includes a range of services including rescue and legal aid support for distressed migrant workers, especially working in GCC countries and Malaysia, legal aid support to families of distressed migrant workers, immediate health-care and psychosocial counselling and transit-home (safe house) services for distressed migrant workers. The policies formulated to reintegrate and rehabilitate migrant workers need to be strengthened. The health of returnee migrant workers should feature more prominently in the ongoing efforts to reduce the social costs of migration and to facilitate returnee reintegration.

Reintegration programming must be grounded in local realities. The success of reintegration support depends on supporting communities to identify and work towards their own solutions. Adequate resources need to be allocated by the local governments to ensure that potential migrant workers have access to skills training. As part of the community-based approach, migrants, youth, and families should be consulted and involved in each step of reintegration planning and programming. Community acceptance is critical for successful reintegration. Returnee migrants receiving reintegration support have diverse needs. These activities support the children, families, and communities directly involved in the reintegration process.

Specific to women migrant workers, there is the ‘Balik-Pinay! Programme (‘Return Filipina!). In the case of South Asia, Sri Lanka launched a Sub-policy and National Action Plan on Return and Reintegration of Migrant Workers in 2015 which emphasizes on establishing “a special unit to support safe and dignified return and reintegration; developing “One Stop Centres” for returnees to receive information on economic/health/training services; and develop an inter-agency coordination committee to monitor the implementation of the reintegration action plan.”

Recommendations

Short Term Recommendations

- It is necessary to have a skill test through a competent authority (CTEVT) in identifying level of skills of the returnees and making appropriate recommendations for self-employment or employment.
- Trade unions have to extend membership to the returnees as per their professions or employment sector for advocating with the government, and employer in recruiting them, or extend technical and financial support for self-employment to start their own business.
- In the context of foreign employment, it is essential to match the skills required for the job that the prospective migrant worker is being selected. The TUs/CSOs can advocate for examining the skills of the prospective migrant so that he or she might not have to change the job in the destination country.
- In the context of skills imparted for foreign employment, it is necessary to ensure that they are recognized by employers abroad.
- There are local governments that have initiated returnee programs on an ad hoc basis, but a more concentrated approach is now needed.

Long Term Recommendation

- The trade unions and civil society organizations need to advocate for policy formulation for rehabilitation and reintegration of migrant worker if they have to return due to the pandemic and humanitarian crisis with clear provisions of services and support package.
- Trade unions and civil society organizations need to advocate for skill enhancement training for prospective migrant workers which would give him or her a recognition as semi-skilled or skilled worker by a competent authority (CTEVT).
- Trade unions and civil society organizations need to advocate with employers and governments in destination and sending countries for extension of contributory social security schemes. Such schemes could be introduced in sending country and employer can deposit contributory amount to the scheme he/she is linked to at the sending country.
- Once the prospective migrant workers leave for a destination country, her/his family and children must be linked with social protection system of the municipalities to reduce their vulnerability and to prevent trafficking and exploitative employment. Trade union and civil society could advocate with three tiers government to avail social protection to family and children of the prospective/returnee migrants.
- Trade unions and civil society organizations must seek mandate from government and employers to provide services as primary service providers to prospective/returnee migrants that ensure receipt of primary service and education to prospective/returnee migrants.
- A comprehensive integrated approach must be adopted to manage rehabilitation and reintegration of migrant returnees covering education, training, social development and economic development including psychosocial counselling.

CHAPTER I

Introduction

1.1 Background

Many migrant workers leave Nepal each year for employment in Middle East, Malaysia, and other countries. According to Department of Foreign Employment (DoFE), 236,208 Nepalese left Nepal for foreign employment in the year 2018/19. The number of people leaving the country for employment is decreasing in trend when compared to the year 2013/14 (About 500,000). The COVID-19 pandemic created a highly vulnerable situation for many Nepali migrant workers working in destination countries, due to which sizable migrant workers were forced to return from destination countries or voluntarily leave the jobs and return to their own country. The economic collapse, fear and preventive steps of COVID-19 pandemic severely impacted migrant workers at destination as well as at their own country due to lack of support for rehabilitation and reintegration¹.

A significant portion of them also anticipated assistance with their return from the Nepal government or from their companies. Migrants are essential workers; they contribute to the economy of the place they go to and through remittances back home to their communities too. The impact of COVID-19 pandemic is evident in the volume of remittances too. According to a study conducted by World Bank, due to the COVID-19 pandemic, its impact on economies worldwide, and the massive loss of jobs, global remittances to developing countries are expected to fall by US\$110 billion in 2020, and not return to pre-pandemic levels for many years. The same study predicts that Nepal is also going to suffer in loss of remittances in the coming years as it is the top recipient of remittances as a share of GDP in South Asia, and the fifth-most remittance-dependent economy (28.6 per cent) in the world after Tonga, the Kyrgyz Republic, Tajikistan, and Haiti; it is especially vulnerable. This drop in remittances will impact families of those migrant workers who would be forced to leave the job and return back without completing the period of the contract.

In addition, *many studies have demonstrated that many migrants in the destination countries and those who have returned to their countries due to the impacts of the COVID-19 have been expelled from their jobs and have not been paid their salaries and benefits (wage theft). Many have been deprived of their right to return and to basic services, including access to health. Some have been subjected to ill-treatment, violence, and forced labour. The loss of income due to the pandemic push migrant workers to debt and poverty. Adding to their plight is the lack of employment opportunities back home and support from the government in rehabilitation and integration*². Once they are back home with much security and confidence coping with the pandemic, they do not find ways to sustain their livelihood in absence of

1 <https://covid19.who.int>

2 Adapted from the ToR of the study

effective rehabilitation and reintegration mechanism that exerts stress to the returnee migrant workers. Their skills and competences are not valued and tested here which further puts them in a vulnerable situation. At the end, they opt to go back to foreign employment. Thus, sustainable reintegration of migrants is essential, where sustainable reintegration means; A process which enables individuals to secure and sustain the political, economic, social and psychosocial conditions needed to maintain life, livelihood and dignity in the country and community they return or are returned to, in full respect of their civil, political, economic, social and cultural rights. This should include targeted measures that enable returning migrants to have access to justice, social protection, financial services, health-care, education, family life, an adequate standard of living, decent work, and protection against discrimination, stigma, arbitrary detention and all forms of violence, and that allows returnees to consider that they are in an environment of personal safety, economic empowerment, inclusion and social cohesion upon return³. In this context, SARTUC and Migrant Forum in Asia (MFA) felt the need to conduct a study focusing on rehabilitation and reintegration policy analysis to develop a strategy for trade unions to lobby and have an effective policy and mechanism in place for returnee migrant workers in Nepal. Therefore, this study is being conducted in Nepal.

1.2. Situation of Migrant Workers in Nepal

The 2011 census showed that at least one member of the family in about 25 percent of Nepali households was absent from home. The 2014 survey by the Central Bureau of Statistics (CBS) estimated that 5 million persons, or almost 20 percent of the population, lived and worked in foreign countries.

In the past ten years, more than 4 million work permits have been issued, and in the fiscal year 2018–19, remittances reached to USD 8.79 billion. This makes labour migration one of the main drivers of the Nepali economy. According to the census of 2021 preliminary estimate, 2.1 million Nepalese are living/working overseas.

Although 110 countries have been designated by the DoFE as potential labour migration destinations for Nepalese, it is thought that up to 172 countries use Nepalese workers. Nevertheless, only a small number of nations—India, Qatar, Malaysia, the United Arab Emirates (UAE), Saudi Arabia, and Kuwait—have a majority of Nepal's international employment⁴. The movement of Nepali workers has increased dramatically over the past 20 years, driven by the oil boom in the Gulf Cooperation Council (GCC) countries and labour shortages in Southeast and East Asian nations like Malaysia, South Korea, and Japan. Furthermore, only 72,081 work permits were awarded in 2020/21 because of the COVID-19 outbreak and the ensuing restrictions on people's freedom of movement.⁵

The DoFE alone issued 236,208 labour permits in the most recent fiscal year, or 650 per day. 8.5% of migratory movements are made up of female migrant workers. The leading countries for hiring migrant Nepali labourers are Kuwait, Qatar, Malaysia, Saudi Arabia, and the United Arab Emirates (UAE). A projected 400,000 additional migrant workers may follow in the short term due to visa expiration and

3 UN.org. (2021, March). Retrieved from <https://migrationnetwork.un.org>.

4 <https://nepaleconomicforum.org/6767-2/>

5 Nepal Labour Migration Report 2020 (MOLESS, 2020)

non-renewal of contracts, while an estimated 127,000 migrant workers are likely to return to Nepal due to job loss and heightened fear about their health.⁶

According to the National Labour Force Survey (NLFS), there are an estimated 587,646 Nepali migrants living in India for work, most of whom are employed in the service sector, even though there is no official record of their number. The majority is represented in temporary and seasonal employment. With no formal employment contract or other benefits, 86% of these workers are daily wage earners in the unorganized sector, mostly employed in agriculture (about 26%) and construction (about 30%).

As a result, their employers are not obligated by law to provide them with housing, food, and medical care. Due to the travel restrictions imposed by the government of Nepal, thousands of Nepalese working throughout India have travelled great distances in the expectation of returning home, only to find themselves stranded on the India-Nepal border without any further notice. Thousands of Nepali labourers remain stranded on the border without access to food or shelter despite efforts to allow them to return to their country of origin. According to information provided by the Covid-19 Crisis Management Centre, 489,418 Nepalese from 60 different nations had been saved as of the end of August, 2021. The majority of victims were rescued from countries that served as labour hotspots, including Malaysia, India, and the Persian Gulf states.⁷

1.3. Returnee Migrants in Nepal

The concept of ‘Return migration’ is not a new one, but has been highlighted due to the current circumstances of COVID-19 in Nepal where many migrant populations had returned; either forcefully or voluntarily. The International Organization for Migration (IOM) defines return migration as an *‘act or a process of going back or being taken back to the point of departure’ after spending a significant time period, at least a year in another (destination) country. In the case of Nepal, a worker willing to work abroad receives a work permit for two years at most and renewed if they wish to continue their foreign employment. Upon return, it becomes crucial for them to be reintegrated as this ‘enables them to re-establish the economic, social and psychosocial relationships needed to maintain life, livelihood and dignity and inclusion in civic life.’*

Moreover, the two terms: Labour market reintegration and Economic reintegration are crucial to consider while talking about returnee migrants. On one hand, Labour market reintegration refers to the process of helping individuals who have been out of the workforce for a period, such as due to unemployment, injury, or caring for family members, to return to gainful employment. This can include providing job training, counselling, and other forms of support to help individuals acquire the skills and experience needed to find a job that matches their abilities and interests. On the other hand, the IOM defines Economic Reintegration as "the process of ensuring that returnees, refugees and IDPs are able to re-establish sustainable livelihoods and attain a standard of living that is not worse than the one they had prior to displacement."⁸

6 Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis Report (ILO,2020)

7 https://ccmc.gov.np/ccmc2/ccmc_update/No.of Nepali Repatriated 2078.04.08.pdf

With 146,624 persons returned to Nepal from the United Arab Emirates, the country had the most Nepalese workers, followed by Qatar (117,408), Malaysia (51,459), Saudi Arabia (45,186), and India (39,541)⁹. Nepalese were also evacuated in large numbers from Kuwait, Turkey, and Japan.

1.4. Objectives of the Study

The objective of this research is to develop the advocacy strategy for the recognition of skills and skill development of prospective migrant workers and reintegration of returnees by reviewing and analysing the existing policies and policy gaps on the reintegration of returnees in Nepal. The specific objectives include:

- To study prevailing policy and policy gaps on the reintegration of returnees in Nepal.
- To carry out a stakeholder analysis to consolidate the findings, and recommendations based on the challenges of reintegration of returnee migrant workers in Nepal.
- To develop an advocacy strategy for the recognition of skills and skill development of prospective migrant workers and reintegration of returnees.
- To prescribe recommendations for a national reintegration strategy from TU/CSOs perspective to the government.

1.5. Research Methodology

Secondary data was collected through relevant literature reviews including policies, reports and articles published in print and through online media. The study relied on secondary desk review information as proposed under the Terms of Reference (ToR). The desk review involved analyzing and synthesizing existing government programs and policies applicable to Rehabilitation and Reintegration of Nepali Migrant Workers in Post-Covid-19 Pandemic Situation. It also included reviewing reports and publications of stakeholders and external organizations about the impacts of COVID-19 to the returnee migrants. Researchers reviewed relevant COVID-19 related policies along with the relevant articles, newspapers, and reports.

1.6. Limitations

1. Due to time and resource constraints, the study limited its research methodology to secondary data only.
2. The study relied more on desk review data and literature reviews with a few conversations with relevant organizations.

8 IOM. (2015). Retrieved from https://www.iom.int/sites/g/files/tmzbd1486/files/migrated_files/What-We-Do/docs/Reintegration-Position-Paper-final.pdf

9 <https://kathmandupost.com/national/2021/07/24/nearly-half-a-million-nepalis-rescued-from-abroad-since-the-start-of-pandemic>

CHAPTER II

COVID-19 Impact and Rehabilitation and Reintegration of Nepali Migrant Workers in Nepal

2.1. Context

The COVID-19 pandemic is one of the most devastating global disasters to impact humanity in modern times, notably in the last century. Beginning in 2020, the first COVID-19 case was found in China (Wuhan), and as of July 1, 2022, there had been 545,226,550 confirmed cases globally, with 6,334,728 fatalities¹⁰. COVID-19 and the containment measures that followed, like lockdowns, curfews, and other restrictions, have had negative impacts on national and international economies, harming vulnerable populations, migrant workers, and those in the informal sector, including citizens of Nepal, disproportionately. In Nepal, there have been 979,729 confirmed cases as of July 1, 2022, while 11,952 deaths and 979,729 confirmed cases of COVID-19 have been reported to the WHO¹¹. A total of 47,568,725 doses of vaccination has been given as of June 9th, 2022. Since there are many Nepalese migrants working all over the world, mainly in Malaysia, India, and the Gulf Cooperation Council (GCC) nations, the pandemic's negative effects on Nepalese society has spread beyond its borders.

2.2. Situation

Over 31,150 Nepalese living abroad in 36 nations had already tested positive as of July 25th, 2020; 29,243 of them have already recovered, but 161 have died¹². Initially, when the corona virus rapidly spread in late December 2019 from its epicentre in Wuhan, China, the GoN repatriated 175 Nepal is from the city in late February (Sharma, 2020). The people that were repatriated were mostly students. As the corona virus rapidly spread globally from March onwards, human, and migrant rights groups increasingly called for the safe and dignified repatriation of migrant workers. Countries in South Asia, namely Sri Lanka, Pakistan and India started the repatriation process early on. This led to increase in calls from human rights activists and groups within Nepal to repatriate Nepali migrants stranded in several countries.

The Supreme Court of Nepal ordered the GoN to repatriate Nepali people who were left stranded at the India-Nepal border as well as overseas; the bulk of whom were Nepali migrant labourers, in separate interim rulings on April 7 and April 16. The GoN later approved an executive order with designated entrance sites along the Indo-Nepal border for migrants coming from India. This was done to make it easier for stranded Nepali citizens to return home. A plan of action was then created to carry out the

10 <https://www.who.int/news/item/27-04-2020-who-timeline---covid-19>

11 <https://covid19.who.int/region/searo/country/np>

12 https://npc.gov.np/images/category/The_Effect_of_COVID-19_Pandemic_on_Foreign_Employment,_and_its_Impact_on_the_Economy_of_Nepal_.pdf

directive. Beginning on June 5, 2020, the government began the first part of the repatriation procedure¹³. As a direct result of the epidemic, the Foreign Employment Board (FEB) of Nepal estimated in May 2020 that 127,000 Nepalese needed to be deported immediately and that 407,000 Nepalese will return from the GCC countries and Malaysia in the following months. This estimate did not, however, take into account immigrants to India or other destinations. Since India is the most popular country for Nepali unskilled migrants looking for jobs, hundreds of migrants have already returned from India, and more were anticipated. Amidst the spreading pandemic, as of 16 August 2020, almost 49,000 Nepalis have been repatriated from more than 29 countries (Himalayan Tourism News, 2020). However, there is no concrete data on the number of Nepali migrants returning via land from India. An early estimate showed that more than 750,000 Nepali returned from India between the last week of March and the first week of June (Baniya, Bhattarai, Thapa & Pradhan, 2020).

2.3. Impact of Covid-19 on Migrant Workers

Migrants were hugely impacted by COVID-19. Simultaneously, suicide was identified as one of the major problems during COVID-19 crisis. During the lockdown period starting from March, Nepal Police data by the end of July showed that 20 people committed suicide daily, accounting to over 2,200 people over the lockdown period. The primary reasons for the spike in the suicide consisted of a combination of depression, domestic violence, economic and financial worries, reduced access to healthcare, and the anxiety related to COVID-19 (Neupane, 2020). Analysts have suggested that mental health issues should be a key concern for policy makers in dealing with the reintegration of Nepali returnees as socio-economic anxieties caused by prolonged lockdown, loss of job and other financial burdens have heightened mental health risks. Doctors have called for local authorities to monitor the sale of ropes and pesticides, and to consider mental health as a critical factor in bringing about policies and plans aimed at the returnees (Ibid.)

13 <https://www.nepalitimes.com/latest/after-10-weeks-first-overseas-nepalis-repatriated/>

CHAPTER III

Review on Existing Laws, Policies, Initiatives and Gaps

3.0 Review on Existing Laws, Policies, Initiatives and Gaps

3.1. Existing Laws /Policies

The right to freedom, equality, labour, and employment are guaranteed as fundamental rights and obligations in the Constitution, which is also a major basis for labour governance. It gives Nepali citizens the freedom to pursue any profession or occupation and to start their own businesses, industries, and trades. Additionally, workers are permitted to form and join trade unions and participate in collective bargaining. They also have the right to engage in any type of labour and obtain fair compensation, facilities, and social security. The Constitution also places a strong focus on the defence of workers' rights and the outlawing of all forms of labour exploitation. The Constitution also calls for the management, regulation, safety, and systematization of the foreign employment sector and encourages the mobilization of capital, expertise, technology, and experience acquired through foreign employment within Nepal. Additionally, there are several official mechanisms in place, as well as legislated laws, acts, regulations, guidelines, protocols, etc., that control the emigration of workers from Nepal. The Foreign Employment Act of 2007, the Foreign Employment Rules of 2008, the Human Trafficking and Transportation (Control) Act of 2007, and the Foreign Employment Policy of 2012, among others, are only a few of them (CESLAM, 2017). Along with these, the Nepali government also ensures effective labour-governance to support Nepal's economic growth through its national, provincial, and municipal annual and periodic plans. Several of the provisions are as follows:

3.1.1. Fifteen National Development Plan (2019-2024):

- Provision on training and counselling for self-employment and entrepreneurship
- Social mobilization to utilize skill and capacity of returnee migrants as part of their reintegration

3.1.2. Foreign Employment Policy 2012:

- Effective social and economic reintegration packages with stress on productive investment
- Utilization of returnees as trainers for orientations and skills training

3.1.3 Foreign Employment Act 2007:

- Employment-oriented programs for returnee migrants' workers

3.2. Government Initiatives

3.2.1. Government Programmes Targeted to Rehabilitation and Reintegration of Nepali Migrant Workers

The Local Governance Operations Act (LGOA) 2017 has mandated local governments to carry out foreign employment related activities including data collection, training, information dissemination, and reintegration of returnee workers. At the national level, recent reform initiatives include the amendment of the Foreign Employment Act and Rules to increase transparency in labour migration governance and the development of a comprehensive Foreign Employment Information Management System (FEIMS).

With the signing or renewal of labour agreements with Jordan, Japan, Malaysia, Mauritius, and the UAE that include strong worker-centric provisions like the employer pays principle, equal pay for equal work, and free access to justice, among others, the years 2017–19 saw notable progress at the bilateral level. Given the cross-border dynamics of labour migration, regional cooperation is also crucial to the development of best practices and a unified voice on major problems affecting migrant workers. Both the Colombo Process and the Abu Dhabi Dialogue, which are important regional consultative procedures in the governance of labour migration, have Nepal serving as their current chair. Nepal now has access to international platforms and a common language to advance the conversation on worker protection issues from the perspective of a sending country following the adoption of the Global Compact for Safe, Orderly, and Regular Migration (GCM) in December 2018 and the inclusion of migration related indicators in the Sustainable Development Goals.

The GoN, in the budget for Fiscal Year (FY) 2020/21, announced the plan to create 700,000 employments at home through various programmes to address the unemployment caused by the pandemic. These plans targeted both the domestic labour force as well as returnees and those waiting to go overseas for employment. One such programme is the Prime Minister Employment Programme (PMEP) which is being implemented at local levels targeting the youths and returnee migrant workers in all districts of Nepal. PMEP was initially introduced in the FY 2018/19 with the objective to discourage overseas labour migration of the Nepali youth by providing them with employment for a minimum of 100 days in various development works of the federal, provincial, and local level governments (MoLESS, 2020). For the FY 2020/21, the GoN has allocated NPR 11.6 billion, double the amount from previous year and plans to provide jobs to 200,000 unemployed Nepalis. However, according to a report by a government task force studying the impacts of COVID-19 on foreign employment sector and the economy, the government needs to create at least 1.5 million jobs to accommodate all the unemployed including those returning from overseas (Shrestha, 2020). The Constitution of Nepal has provisions to utilize the skills and expertise gained by migrant workers in the productive sectors. GoN's 15th Periodic Plan and FEB's Policies, Programmes and Budget for the fiscal year 2019/20 highlights the use of skills, knowledge, and expertise of returnee migrant workers in the productive sector through entrepreneurship, self-employment and professional jobs (GON, 2019). Similarly, on 15 May 2020, the GoN announced the 'Annual Policies and Programmes' for the fiscal year 2020/2021 which included plans to support returnee migrants with seed money to start enterprises in Nepal, to upskill, to improve

labour market situation and decent work, and to improve social security provisions. Similarly, most of the returnee migrants will be ‘unskilled’, followed by ‘skilled’ and ‘semiskilled’ (Baniya, Bhattarai, Thapa & Pradhan, 2020). Comparatively, lower numbers of migrants will be ‘professional’ and ‘high skilled’. Challenge, therefore, remains on how the reintegration plans and policies reflect and utilize the skills and resources accordingly. The Safer Migration (SaMi) Project under MOLESS also aims to support safer and productive migration for Nepalis. It is being implemented with the support from the Government of Switzerland. The Project activities are being carried out in 156 local governments in 39 districts across Nepal. Major components of the project include access to information, access to justice, skills development training, psychosocial counselling and financial literacy in relation to foreign employment. The Migrant Resource Centre (MRC), set strategically at the District Administration Offices, is the focal point at local levels through which these services are provided.

The GoN and Council for Technical Education and Vocational Training (CTEVT) have been working together on skill tests. Based on the 284 occupational skills standards, the National Skills Testing Board, CTEVT, began conducting skills testing in 1983. The NSTB fills the gap in knowledge about migrant workers' occupations. There are currently 81 skills testing facilities spread throughout 51 districts. Citizenship card, 16 years of age or older, and a letter from a municipality, government-registered business, or labour union are requirements for taking the skill exam.

3.2.2. Initiatives for the COVID-19 response and protection

The COVID-19 pandemic has also highlighted the ineffectiveness of local and provincial administrations on migrant workers' reintegration efforts. Due to the lack of a clear distinction between federal and provincial rights and resources allotted during such a moment of crisis, the unprecedented degree of reverse migration from India during the early stages of the epidemic caused confusion and rendered the local government ineffective (Khadka, 2020). The absence of quarantine shelters, medical facilities, and other infrastructure at the local level served as more evidence of this. The local levels, however, had changed by August from their original lax approach to establish local and provincial plans that cater to the short- and long-term employment chances for the thousands of returnees. For most local level governments, the reintegration efforts currently include the utilization of the PMEP to create employment opportunities for the returnee migrants. Already, the budget of the PMEP has been doubled to create more employment opportunities that are to be allocated to local governments, with coordinators having been set up in all the 753 local governments (ibid.). The Foreign Employment Act 2007 and the Foreign Employment Policy 2012 have mentioned that returnee migrants and their families will be provided economic, social, and psychosocial support for reintegration (GoN, 2007; MoLESS, 2012; CESLAM, 2017). FEB has been mandated to cater to these and monitor it. However, they are very limited in number and have low resources allocated. Hence, such programs have not been able to facilitate their reintegration. Recently, as per the SOP for reintegration, the FEB has introduced some programmes to provide support to returnees with financial literacy trainings and then facilitate access to finance, skill and enterprise trainings, shelter and psychosocial supports to needy returnees, among others (Nepal Association of Humphrey Fellows, 2020).¹⁴ Likewise, Nepal Government has formulated

14 FEB. (2022). Retrieved from <https://www.feb.gov.np>: https://www.feb.gov.np/extra_upload/62f8d26354d68_

“Reintegration Program (Operation and Management) Directives for Returnee Migrant Workers, 2079” in which migrant workers are believed to be reintegrated socially and economically by utilizing their capital, skills, technology, and experience for the development of entrepreneurship and promoting skills in Nepal.

3.3 Policy Gaps and Constraints

Reintegration is *"a process which enables individuals to re-establish the economic, social and psychosocial links needed to maintain life, livelihood, dignity, and engagement in civic life,"* according to International Organization of Migration (IOM) (2020). According to this definition, the reintegration of returnee migrants consists of three parts: social reintegration (which implies that the returnee migrants should be able to access the public services and infrastructures in his or her country of origin), psycho-social reintegration (which is the restoration of the migrant's personal support networks and civil society), and economic reintegration (IOM, 2020). Reintegration can be sustainably achieved only when the above-mentioned criteria is met at individual, community, and structural levels of the society (IOM, 2019). The reverse migration in most cases acts as a bigger crisis for the home countries (Kelly & Wahud, 2012). In such cases, there is a need to protect migrants within the home countries and provide support for dignified reintegration and rehabilitation of the returnee migrant workers.

3.3.1 Identifying the Gaps

The GoN has made efforts to rehabilitate and integrate migrants, which have been praised. However, these efforts also call for specific interventions to close some policy gaps. It is discovered that a consolidated data base system is necessary to track all necessary data and identify Nepali migrants abroad. The absence of an integrated data management system on migrant workers in the source and destination regions is the main cause of the issues. To manage the returnees effectively and efficiently, a reinforced structure including all levels of the GoN is necessary for an effective reintegration process incorporating diverse needs of returnees. Although PMEP is an excellent place to start, it barely addresses the enormous number of returnees immediate needs and other psychosocial components of reintegration. Therefore, it is necessary to include these aspects into the long-term plans for reintegration of the returnee migrants. This also includes availability of counselling services for those who went abroad hopefully but had to return for varying reasons, and now face difficulty in their jobs. It is essential to conduct Rapid Market Appraisal (RMA) before the delivery of the training in each occupation to ascertain the actual need of the workforce. In addition, it is required to establish and implement effective result-based monitoring mechanism to ensure the quality of training.

The majority of the Nepalese workers in the Middle East are from the rural villages of Nepal and lack knowledge of local and international language, education, skills, and experiences. They generally also perform unskilled and low wage jobs. They don't have access to information and hence are not familiar with the basic provisions of law that protects workers' rights. But they deserve to have access to this information. To protect our right to information, we believe that the recruitment company and the employer should develop a basic information pack or workers' guidebook and ensure that workers

are provided this information by making resources available to the labour desk, office of manpower companies, HR administrative office, in accommodations, as well as publishing the Employer Pays Principle on their official website, social media, and other mass media. In the case of psychosocial support, different activities ought to be implemented at different levels. Some examples include making the provision of information about services available to them, family mediation and community-based group support, counselling sessions when emotional distress is apparent and referrals to specialized mental health care when needed. Strengthening the technical capacity of identified governmental, non-governmental and civil society partners at a structural level is also relevant to ensure that returning migrants have easy access to health and social services that will facilitate their sustainable reintegration.

Considering the gaps above, there are three major issues faced by returnee migrants identified based on the definition of reintegration of IOM. They are psychosocial issues, economic issues and social issues.

Psychosocial Issues

The focus of psychosocial rehabilitation is the patient's likelihood of recovery. The primary goals of psychological reintegration are to provide assistance, coping mechanisms, and social inclusion. Greater attention must be paid to migrant workers' psychosocial reintegration, particularly that of female migrant workers. Due to the transient and informal nature of their employment, particularly in the socially unprotected domestic and care work sector, women migrant workers are one of the most vulnerable populations and are more likely to experience abuse and other forms of maltreatment. The ban on women entering GCC nations for domestic labour, in particular for Nepali women migrants, encourages them to seek unofficial channels to enter these nations, increasing their vulnerability to trafficking as well as abuse and prejudice by locals. With pregnant women and women with children being repatriated, there is the issue of their reintegration in the society and into their families as well as their psychological well-being. Another issue that needs to be focused on is the citizenship of these children. There are Nepali women migrant returnees who have returned to Nepal with babies born after violence and/or assault related pregnancies in countries of destination. While many of the mothers have been unable to return, and integrated into those families and community due to negative stigma attached to such pregnancy and birth and hence are living in shelters arranged by organizations and individuals (Nepal, Baniya & Kshetri, 2020), the future and citizenship rights of the new born are uncertain as the Constitution of Nepal does provide rights to the mothers to confer the citizenship to the children born from unidentified father, and more so from foreign nationals.

Social Issues:

In returnee migrants, issues with social stigma and discrimination have been observed. As a result, when migrant workers go back to their hometowns, society views them poorly or views them as failures. This highlights the need to prevent stigma and discrimination towards these migrants. Stigmatization and discrimination of women migrant workers have always been prevalent in Nepali society. Regardless of their standing in the CODs, speculation about their character generally surrounds them upon their return (Dhaubhadel, 2018). They are also held accountable for breaching social norms by abandoning their family. Additionally, women are more likely to become victims of human trafficking; they are more

likely to experience discrimination, xenophobia, and stigma both at work and at home (UN Women, 2020). Furthermore, due to subpar care at the healthcare facilities, pregnant migrant women are at more danger. There is a greater chance that migrant returnee women may struggle during the process of reintegration and rehabilitation in such an environment. Women require extra support in the process of reintegration, as evidenced by the cases of sexual assault against them in Nepal's quarantine facilities (Baniya, Bhattarai, Thapa & Pradhan, 2020).

Economic Issues:

After returning to their home country, most migrant returnees found themselves unemployed. The majority of those impacted are cross-border migrant workers and those who operate in informal settings. In such cases, it could be difficult to financially establish a new business, get a new job, support a family, or reintegrate into society.

3.3.2 Barriers preventing returnee migrants from accessing reintegration programming:

The aforementioned approach and activities, combined with the constraints that hinder the ability to implement good practices, create challenges to properly plan and budget for reintegration programming. Variations across contexts, in terms of beneficiaries and their locations; changes over the course of programming due to ongoing pandemic; logistical and security challenges; and human resources challenges further complicate proper planning and budgeting for reintegration programming. The challenge of reintegration under such constraints is detailed below:

Even with an understanding of reintegration of good practices, strong reintegration programme implementation is difficult to achieve. Decades of experience in reintegration programming have provided lessons regarding the barriers to successful reintegration programming. These include constraints from the lack of government engagement – either due to lack of leadership or capacity during conflicts, government bias, or government forces that may be directly involved in recruitment and use. Likewise, peace agreements or policies may place conditions or limitations on returnee migrant's access to reintegration programming. Logistical constraints and community-level constraints equally inhibit successful programming and underscore the need to adhere to good practices. Equitable access to reintegration is constrained due to discriminatory practices. Overall, the failure to fund and prioritize returnee migrant's reintegration may be the biggest constraint, discussed as follows:

A. Government Engagement and Migrant's Equitable Access to Reintegration Programming

Government engagement is crucial for successful reintegration programming, but governments often are the cause of constraints due to lack of leadership or capacity, bias, perceived security concerns, and failure to treat returnee migrants as victims. There are some major gaps identified limiting their ability to implement and enforce such policies to target returnee migrants in rehabilitation and reintegration. They are:

A.1. Legal Instruments and Peace Agreements

There are no specific provisions in current Foreign Employment Act and Regulation including policy on returnee migrant workers for their rehabilitation and reintegration due to the pandemic situation. There are no clauses in existing bi-lateral or multilateral agreements on role and responsibilities of sending as well as receiving countries and companies for effective rehabilitation and reintegration of the returnee migrant workers in case of pandemic or other humanitarian crisis.

A.2. Lack of Awareness of Returnee Migrants

There is lack of awareness in returnee migrants about government programs targeted for them. Awareness and knowledge among returnee migrants, about getting formal recognition for their skills gained through informal settings through skills testing, and prerequisites of getting tested into targeted groups is found to be missing. Even the market does not prioritize the need to demand for skills recognition. The other obstacles to be formally recognized is the lack of transparency of costs for the skill testing process. As the returnees have spent years in other countries, there is a lack of information about labour market to returnees.

A.3. Lack of Accessibility of Government Programmes in Remote Areas

There is lack of accessibility of government programmes in remote areas and the deviation in job requirement and skill of returnee migrants in remote areas. The perception and high expectation towards returnee migrants are creating a gap. There is no mechanism to differentiate skills of returnee migrants from locals which create challenge in retention of returnee migrants. Returnee migrants are found to be more mobile which has been challenging to government. There is limited recognition by employers to returnees which resulted in getting wages that are lesser than the market rate in most cases.

A.4. Non-existence or Lack of Targeted policies on Reintegration and Rehabilitation

There is a lack of policies and rules to mainstream and recognize the returnee migrants by theGoN. The existing policies and laws could not mainstream segmented and unorganized labour forces and markets skilled in formal as well as informal sectors.

A.5. Lack of Coordination and Policy Harmonization

Due to the country's recent transition to federalism, it was found that the shift in government structure has left substantial gaps in how the government enacts relevant and adequate policies to target populations, especially those who are unregistered, and gaps into how to properly respond during a crisis. Existing policy and provisions do not address the labour force and markets of the informal sectors and do not benefit the informal workforce.

A.6. Lack of Maintained and Disaggregated Database

It was evident that there is a significant gap in maintaining reliable and disaggregated data of returnee migrants among all tiers of government. This poses a challenge when responding to emergency situations such as preparedness and response, further exacerbating the vulnerability of certain populations. Such lack of adequate data resulted in ignoring the returnee migrants that led to exclusion of returnee migrants from policy formulation to implementation.

A.7. Access to Relief Support Packages

Most of the returnee migrants were from informal sector and were found to be reluctant to getting relief due to social stigma, identity issues and prioritization. However, among the migrants, those who had good relations with ward officials were able to access the relief support and in some rural municipalities, with the aid of the local government, they started a new life by seeking support.

A.8. Geographical Remoteness and Access Limitations

In many cases, communities that are most affected in remote, rural, and difficult to access areas. Reintegration services, if present, tend to be in central hubs and not in the ‘deep field,’ although migrants and families are naturally dispersed throughout geographic regions. Hence returnee migrants will either have to migrate to access services or be unable to receive support.

3.4 Conclusion:

The reintegration of returnee migrant workers has received unprecedented attention in the recent past. The emphasis has been on the productive use of financial and social remittances as captured by experience, skills, exposure, networks acquired abroad for local and national development. However, safety, security, reintegration, and rehabilitation of migrant workers are still found to be shadowed.

In the case of Nepal, the existing policies for safer migration focuses primarily on outgoing migrant workers and not on the returning ones indicating limited works done for reintegration. The employment programs by the government are more generalized and implemented to employ the unemployed. But with diverse community with different ranges of skills and capacity, ‘one-size fits all’ modality might not be appropriate. On the other hand, those who have returned, mostly acquire the skills related to gender roles and are bounded and drafted by the gender norms such as stitching, tailoring, gardening for women migrants; and for the male migrants, they attain the skills of professions like driving, electrician, plumbing, construction and manufacturing and others.

Most of the opportunities have been linked with the PMEP along with other specific areas where the skills and knowledge of the returnees could be utilized. However, these plans and policies do not refer to as the ‘reintegration policy’ and may not be ample in comparison to the number of workers compelled

to return home during the pandemic. Furthermore, the current plans do not address the specific issues of women, who are more likely to migrate illegally due to the travel restrictions including the recent ban, making them more vulnerable once they return. For the existing plans, there seems to be lack of effective implementation of the current programmes as a result of inadequate guidelines in the implementation. This has increased the importance of framing a reintegration policy based on the diverse nature within the community including the gender specific challenges and has made it amongst the topmost priority areas of the country. The skills, knowledge and expertise gained in different sectors have been identified as an important asset in the country at the time of COVID-19 where the economy has fallen tremendously along with the economic sustainability of the country. Legal and Paralegal Support to provide immediate support for distressed migrant workers and their families can be provisioned in the policy of local government. Rescue or immediate support includes a range of services including rescue and legal aid support to distressed migrant workers, especially working in GCC countries and Malaysia, legal aid support to families of distressed migrant workers, immediate healthcare and psychosocial counselling and transit-home (safe house) services for distressed migrant workers. Local governments need to make an established mechanism to enhance its wide-spread relations with national and international line agencies, migrant rights and human rights institutions, regional and global networks, partners, diaspora group, UN agencies and individuals to operate its rescue and immediate support works.

The policies formulated to reintegrate and rehabilitate migrant workers need to be strengthened. Different programmes need to be designed to develop and implement favourable policies in coordination with local governments that includes business development training, seed money for entrepreneurs or linking with financial institutions, and psychosocial counselling alongside partnering with the private sector. While extreme cases such as death and grave injuries are covered by the welfare and insurance schemes, issues concerning the overall health of returnee migrant workers which deteriorate during their employment phase also merit attention from both the Governments of Nepal and the concerned destination country. The health of returnee migrant workers should feature more prominently in the ongoing efforts to reduce the social costs of migration and to facilitate returnee reintegration. Providing incentives to migrant workers to undergo timely health examinations both at the destination country and upon their return needs be prioritized to ensure early detection of health risks while broadening the understanding of common health issues faced by migrant workers that can inform policymaking. Similarly, there is a need to explore the possibilities of including migrant workers to the contributory social security system, noting their ability to contribute during their productive years, for social protection when they are in need. Furthermore, Government needs to introduce various projects which offer subsidized loans to the returnee migrants which help them set up small businesses such as tailoring and handicraft shops, beauty parlours, vegetable and fruit shops, sanitized food stalls, transport services driving electric vehicles, eateries, and home stay possibly forging partnership with Air BNB like global 'service enterprises', vending business, Momo chains, and other non-stereo type businesses and so on. Different returnee migrant empowerment programs need to be designed and implemented to reduce the deviation between the targeted returnee

migrants and the government programmes. Government budgets need to be allocated from a gender perspective so that women and disadvantaged groups are not left behind. Financial inclusion is vital so the policies need to be developed in such a way that these groups can benefit without any exclusion. Without gender lens any efforts to mitigate the economic fallout of COVID-19 will be inefficient hence government should have a gender-sensitive response for the impacts of COVID-19 as a country or the world cannot prosper if half of the population are left behind.

CHAPTER IV

Major Findings and Recommendations

4.1 How to Achieve Sustainable Migrant Reintegration Outcomes

Reintegration is a complex and nuanced process that includes several different activities as part of a long-term process. Therefore, it is necessary to adopt the evidence-based approach to migrant's reintegration, including using a separate, migrants family targeted-specific intervention, grounded in migrants' rights and migrants' protection principles, including the best interests of the returnee. The reintegration approach for migrants is holistic, long-term, participatory, meaning local leadership and with migrants, responsive to local realities, and must target communities as well as include systems strengthening whenever possible. Most of the activities requires government support wherever possible or using accompaniment, engage other officials while being led by humanitarian, development, or peace building actor who may need to provide direct support to amidst conflicts. Finally, long term monitoring and support is essential to the reintegration process, which should be presumed to last for at least 5 years.

4.2. Successful and Sustainable Reintegration Approach

The foundation of a successful reintegration programming, based on decades of experience in a variety of different operating environments, includes an approach that is:

Responsive to Local Realities

Reintegration programming must be grounded in local realities. A situation analysis might also need to be considered along with cross-border or regional dynamics, and operations in vastly different settings, for example, with displaced communities.

Drivers of Recruitment

The policy makers need to understand the root causes of the conflict and drivers of recruitment to protect the migrants from being vulnerable. How and why migrants became vulnerable and how to best reintegrate them in community afterwards need to be analysed. Analysis should consider factors that may increase migrant's vulnerability to recruitment.

Community Based

The success of reintegration support depends on supporting communities to identify and work towards their own solutions. Therefore, reintegration should be led and implemented by community members

themselves – with support from external actors where needed. Their integration process should specifically focus on the capacity of local service providers, including health, education, alternative education, and the private sector for aspects of reintegration programming. The community sensitization program should be designed at the earliest of reintegration program by gaining community inputs and considering the ongoing dynamics in local and international context. Traditional and religious leaders, women’s and youth groups and other community structures can also serve as entry points into the community. Their support in promoting acceptance of returnee migrants is critical to successful reintegration. In addition, generally, interventions should benefit the community as a whole. Using a community-based approach, the entire community can benefit from reintegration while minimizing tension, stigmatization, or envy.

Support From Local Government

In municipalities with an underdeveloped supply side of skills training, the local governments and MRCs/ESCs can also play a referral role to connect aspiring migrants with federal or provincial training centres that provide internationally recognized skills training. Projects like SaMi and Samridhhi, in coordination with the local governments, provide financial literacy training to the families of migrant workers, who are the recipients of the remittances. Adequate resources need to be allocated by the local governments to ensure that potential migrant workers have access to skills training. Ways to coordinate with local governments need to be identified to carry out such programs. The mandate of local governments needs to be prioritized on facilitating returnee integration. The ways to coordinate with local governments need to be identified to carry out programs facilitating returnee integration.

Participatory

As part of the community-based approach, migrants, youth, and families should be consulted and involved in each step of reintegration planning and programming. In the context of Nepal, victims and their families are not consulted much during the reintegration process but their participation in the design/development is crucial for long term success. Likewise, a gender-sensitive approach requires a gender balance in consultations and decision making. Community acceptance is critical for successful reintegration. For girls in particular, participation and gender perspectives should reflect UNSCR 1325, the first resolution on Women, Peace and Security, Security Council Resolution

Child Protection System Strengthening

To the extent available, all programming should be implemented through or linked to existing child protection system or bolster the capacities of existing systems. Good reintegration programming helps to strengthen the broader migrant and their child protection system and its ability to address all forms of abuse, exploitation, and violence. Systems strengthening, including human resources strengthening and accompaniment, should be core components of reintegration, and simultaneously offer support to the community at large. This helps to keep reintegration community-based, limit tensions between programme participants and their communities, and contributes to the development and peace agenda with this longer-term vision.

Holistic

Returnee migrants receiving reintegration support have diverse needs. In order to support migrants as they exit their vulnerable situation and re-enter their communities, various services might need to be available to them and their families. These services should be placed within or linked to broader child protection and social protection systems as soon as possible.

Long-term

Normally over the course of 3-5 years at minimum, with a focus on longer-term recovery of returnee migrants should be taken into consideration. The sustainability of migrant's re-entry into their societies and prevention of other engagement in conflict or vulnerability is required.

Flexible

Tailored programs for each migrant and community needs to be allowed. It should allow for it to be modified based on the migrant's needs and community services available over time, grounded in a case management approach where needed.

Reintegration Support Services

These activities support the children, families, and communities directly involved in the reintegration process. However, in alignment with the reintegration approach, these actions should be inclusive, community-based, and incorporated in systems strengthening as much as possible.

4.3. Initiatives/Approaches Adopted by Other Countries to Support Returnee Migrants

In the context of reintegration, the researcher had gone through a thorough desk review in relation to the good practices by other Asian countries. The Philippines, recognized as one of the prime countries in sending workers for foreign employment, has included reintegration in their labour mandate with an aim to provide information and support to the returnees and their families. Specific to women migrant workers 'Balik-Pinay! Balik-Hanapbuhay!' Programme, ('Return Filipina! Return to a Livelihood!' Programme) had been launched enabling women to either emphasis on skill enhancement for employment or to start their own business. Likewise, in Indonesia the reintegration plans and policies include providing training and skills to the returnees' specific to certain professions and the countries they have returned from. For instance, "a Happy Return Programme has been implemented by the Human Resource Development Service of Korea trains Indonesian migrant workers returning from employment in the Republic of Korea in the Korean language to be employed in Korean businesses in Indonesia." In the case of South Asia, Sri Lanka launched a Sub-policy and National Action Plan on Return and Reintegration of Migrant Workers in 2015 which emphasizes on establishing "a special unit to support safe and dignified return and reintegration; developing "One Stop Centres" for returnees to receive information on economic/health/training services; and develop an inter-agency coordination committee to monitor the implementation of the reintegration action plan."

4.4. Recommendations

4.4.1. Short Term Recommendations

- It is necessary to have a skill test through a competent authority (CTEVT) in identifying level of skills of the returnees and appropriately recommending for self-employment or employment.
- Trade unions have to extend membership to the returnees as per their professions or employment sector for advocating with the government and employer in recruiting them or extend technical and financial support for self-employment through start your own business.
- In the context of foreign employment, it is essential to match the skills required for the job that the prospective migrant worker is being selected. The TUs/CSOs can advocate for examining the skills of the prospective migrant so that he or she might not have to change the job in the destination country.
- In the context of skills imparted for foreign employment, it is necessary to ensure that they are recognized by employers abroad.
- There are local governments that have initiated returnee programs on an ad hoc basis, but now a more concentrated approach is needed.

4.4.2. Long Term Recommendation

- The trade unions and civil society organizations need to advocate for policy formulation for rehabilitation and reintegration of migrant worker if they must return back due to the pandemic and humanitarian crisis with clear provisions of services and support package.
- Trade unions and civil society organizations need to advocate for skill enhancement training for prospective migrant workers which would help them get recognition as a semi-skilled or skilled worker by a competent authority (CTEVT).
- Trade unions and civil society organizations need to advocate with employers and governments in destination and sending countries for extension of contributory social security schemes. Such schemes can be introduced in the sending country and employers can deposit contributory amount to the scheme he/she is linked in sending country.
- Once the prospective migrant workers leave for the destination country, her/his family and children must be linked with social protection system of the municipalities to reduce their vulnerability and to prevent trafficking and exploitative employment. Trade union and civil society could advocate with three tiers government to avail social protection to family and children of the prospective/returnee migrants.
- Trade union and civil society organization must seek mandate from government and employers to provide services as primary service providers to prospective/returnee migrants that ensure receipt of primary service and education to prospective/returnee migrants.
- A comprehensive integrated approach must be adopted to manage rehabilitation and reintegration of migrant returnees covering education, training, social development, and economic development including psychosocial council.

Stakeholder Analysis and Advocacy Strategy for Recognition of Skills are presented under Annex I and II

Annex -I

Stakeholders Analysis

Organizations working for reintegration and rehabilitation of returnee migrants with their roles.

Key-Decision Makers and Policy Formulators

- Ministry of Labour, Employment and Social Security
- Ministry of Women, Children, and Senior Citizens (MoWCSC): Anti-human trafficking section of MoWCSC and National Committee on Combating Human Trafficking (NCCHT)
- Ministry of Foreign Affairs (MOFA)
- Ministry of Federal Affairs and General Administration (MoFAGA)
- Anti-Human Trafficking Bureau (AHTB) Nepal Police
- National Human Rights Commission (NHRC)
- Ministry of Social Development of Provinces
- Ministry of Education, Science and Technology (MoEST)
- Council for Technical Education and Vocational Training (CTEVT)
- Nepal Rashtra Bank (NRB)
- Official Representatives from Selected Municipalities

Technical Advisory Support and Financial Support

- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Other International Non-Governmental Organizations
- World Bank
- Asian Development Bank
- HRD Korea

Research, Information, Monitoring and Documentation

National Planning Commission (NPC)

Central Bureau of Statistics (CBS)

Foreign Employment Board (FEB)

Nepal Rashtra Bank (NRB)

Nepalese Embassies in the destination countries

The Centre for the Study of Labour and Mobility

NIDS

IIDS

Centre for Migration and International Relations (CMIR)

International Organization for Migration

International Labour Organization (ILO)

International Trade Union Centre (ITUC)

Building Workers International (BWI)

South Asian Regional Trade Union Council (SARTUC)

Advocators and Service Providers

- Foreign Employment Promotion Board (FEPB)
- Council for Technical Education and Vocational Training (CTEVT)
- Nepal Police
 - Sathi Nepal
 - Maiti Nepal
 - NEPAN
 - People Forum
 - Shramik Sanjal
 - NNSM
 - WOREC Nepal
 - PNCC
 - Pourakhi Nepal
 - The Asia Foundation
 - Helvetas Swiss Incorporation Nepal (SaMi project)
 - Non- Resident Nepali Association (NRN)
 - Federation of Nepalese Chambers of Commerce and Industry (FNCCI)
 - National Trade Unions

Annex II

Advocacy Strategy for the Recognition of Skills and Skills Development of Prospective Migrant Workers and Reintegration of Returnees

Advocacy strategy for the recognition of skills and skills development of perspective migrant workers and reintegration of returnees will be based on the contextual analysis of the country with regards to the skills and skills development initiatives, skills testing and certification including fixing minimum wage for such certified skills in informal and formal economy. The advocacy must be conducted in close collaboration with civil society organizations and trade unions jointly. Some of the strategies useful in advocating for recognition of skills and skills development training of prospective migrant workers and reintegration of returnees are presented below for effective advocacy.

Mapping of Skills

It is necessary to gather information on skills that a prospective migrant worker has and the demand for it in the destination countries. Equally it is also important to map skills of returnees who have come from different countries with different acquired skills. The mapping exercise provides a list of existing skills and new skills brought from destination countries. The skills mapping is evidenced base tool for advocating in recognition of skills as well as to have skills testing by a competent authority.

Identifying Key Stakeholders for Recognition of Skills

Identification of existing or acquired skills facilitates for necessary testing and certification including recommendation of skills development training to meet the standards made for those particular skills. Hence, it is important to identify key stakeholders for recognition of skills, testing authority, and certification authority including skills development training providers. This will ease in assessment of the competencies and skills earned within and outside the country. The identification of key stakeholders also eases for advocacy and pinpoints their roles in advocacy or policy formulation.

Coordination and Collaboration

Coordination and collaboration for recognition of skills and skills development training for prospective migrant workers and returnees for effective reintegration is a must as it facilitates smooth assessment of individual skills, competencies and social, economic, and psychosocial needs of a person's. Therefore, coordination and collaboration are one of the key strategies in advocacy for most of the issues and it brings all like-minded actors together to bring changes in the policy as well as extending services to the needy.

Social Dialogue

Social dialogue is a tool to put forward the pertinent issues for realization and change. Skills recognition and skills development training for potential migrant workers and returnees are necessary for employment

as well as reintegration of the returnees. The importance of recognition of skills and identification of skills development training is crucial for smooth departure for employment and reintegration of returnees that could be achieved through opening social dialogue with government, employers, CTEVT and training providers.

Education and Training

The key stakeholders and service providers have main roles in awareness raising, information and support as they deal directly with prospective migrant workers as well as returnees. These organizations need to raise awareness on recognition of skills and skills development training available for them before leaving, or after coming to a country. Recognition of skills, certification and recommendation facilitate smooth departure as well as reintegration for the returnees in getting appropriate employment. Hence, education and training strategy is important to raise awareness on processes, information, service providers and skill enhancement as well as assessing competencies of the migrant workers and returnees.

Adopting Good Practices

Advocacy can be made very effective by using good practices that are effective in changing the policy or processes including availing services. There are many good practices used for recognition of skills, skills development and certification for prospective migrant workers and returnees. The trade Unions and civil society organization can select effective good practices that suits the context for advocacy as strategy.

Deal Individually

While recognizing skills and skills development training, it is necessary to adopt the strategy of ‘deal individually’ due to gender, qualification, experiences, and competencies. This strategy facilitates identification of strength and weaknesses as well as aids in the plans for the skills development training and other service requirements. Therefore, it is essential to deal individually for recognition of skills, competencies and skills development training for individual prospective migrant workers and returnees.

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