

# Return, Wage Theft and Access to Justice of Nepali Migrant Workers during COVID-19

**Sadikshya Bhattarai, Jeevan Baniya,  
Dogendra Tumsa & Nilima Rai**



Centre for the Study of  
Labour and Mobility



SARTUC

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## Abbreviations and Acronyms

ADD	Abu Dhabi Dialogue
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
CP	Colombo Process
DCCMC	District Covid-19 Crisis Management Centre
DoFE	Department of Foreign Employment
GCC	Gulf Cooperation Council
GCM	Global Compact for Migration
GFMD	Global Forum on Migration and Development
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
SAARC	South Asian Association for Regional Cooperation
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 collect information about the impacts of the Covid-19 crisis on the rights of migrant workers, including the impact on their access to justice in particular.

### **Nepali Migrant Workers in the GCC 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.

Thirty-three 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 pro-

portion 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.

### **Impacts of the Pandemic**

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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—end of labour contracts, dissatisfaction with the employer, illness or injury, and the desire to retire, among others.

### **Access to Justice**

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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, most 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 at DoFE or 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 Right to Access to Justice**

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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**

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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**

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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—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 such as those aimed at economic and social reintegration. They should 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.
- Trade unions in collaboration with other partners should make the government accountable towards its commitments to champion the GCM objectives of fair and ethical recruitment. To that end, they should monitor the policies and practices governing labour migration and recruitment practices, and suggest pathways and strategies to achieve them.



# 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).<sup>1</sup> As the virus spread quickly across several continents, most governments all over the world, including that of Nepal, implemented several strict restrictions—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.<sup>2</sup> 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.<sup>3</sup>

Migrant workers are one of the most vulnerable populations in the world, and the Covid-19 pandemic has made the situation of migrant workers even more precarious.<sup>4</sup> 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.<sup>5</sup> Many have been deprived of their right to return home<sup>6</sup> and right to basic services such as access to health, food and accommodation.<sup>7</sup> Some have been subjected to ill-treatment, violence, forced labour, and other human rights violations. Along with loss of jobs

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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 Sadikshya Bhattarai, Jeevan Baniya and Dogendra Tumsa, *Impact of COVID-19 on Nepali Migrant Workers: A Case Study of Migrant Workers in Saudi Arabia, the UAE, Qatar and Malaysia* (Kathmandu: Pravasi Nepali Coordination Committee and Centre for the Study of Labour and Mobility, 2022); 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.

and unpaid salaries, many have also experienced reduction of wages, forced unpaid leave, wage theft and various forms of abuses.<sup>8</sup> Furthermore, migrant workers have been confined to poor, overcrowded and unhygienic living conditions, without having tested for the virus, and without access to health care.<sup>9</sup>

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.<sup>10</sup> There are approximately 2.8 million migrants abroad for employment in Nepal.<sup>11</sup> Labour migration from Nepal is mainly concentrated toward GCC countries, Malaysia and India. Record from the Department of Foreign Employment (DoFE) shows that the department has issued over 4 million labour permits between 2008/09 to 2018/19 to Nepalis going for foreign employment.<sup>12</sup> Consequently, remittance received from overseas form an important part of the country's economy; Nepal received USD 8.2 billion in remittance in 2021 contributing

23.8 per cent to the nation's GDP.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> 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

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8 Ibid.

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 The data is from Nepal Labour Force Survey 2017/18; 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), 16.

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

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

14 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); Jeevan Baniya and Sadikshya Bhattarai, *Analysis of Recruitment Reviews from Migrant Workers* (Kathmandu: General Federation of Nepalese Trade Unions, 2022).

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

16 Ibid.

human and labour rights of migrant workers.<sup>17</sup> The Global Compact for Migration also requires states to ensure migrant workers' right to access to justice.<sup>18</sup> Moreover, migrant workers' right to access to justice has been enshrined in various national and international legal instruments.<sup>19</sup> Regardless, they still face unspeakable hardships and injustices in their countries of destination while their chances of accessing justice remain slim at best.

Various barriers hinder migrant workers' access to justice. Migrant workers often refrain from seeking justice due to various reasons—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.<sup>20</sup>

Also, their irregular legal status as well as the fear of arrest and deportation cause irregular migrant workers from seeking legal recourse.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup>

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17 UN General 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](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](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).

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

19 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.

20 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).

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21 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).

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

23 '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/>.

24 Ibid.



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.

## 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 in general as well as on Nepali labour migrants and how it affected their access to justice 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.<sup>25</sup>

<sup>25</sup> Ministry of Labour, Employment and Social Security (MoLESS), *Nepal Labour Migration Report 2020* (Kathmandu: MoLESS, 2020).

**Table 1: Origin of research participants by province and district (N=142)**

Province	District	Percent
Province 1	Jhapa	29.6
Madhesh	Sarlahi	11.3
Bagmati	Chitwan	26.8
Gandaki	Syangja	19.0
Sudurpashchim	Kailali	13.4

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.

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 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.

### **1.2.3. Stakeholders Consultation**

The analysis and recommendations were also informed by the inputs received from various participants in the three stakeholders' consultations held by SARTUC. These consultations were held in coordination with Migration Forum Asia (MFA) on 18 July and 29 September 2021 and 26 March 2022.

### **1.2.4. 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.

### **1.2.5. Limitations**

The sample size of the study is small particularly for the female returnee migrants. This creates constraints in generalizability and interpretation of the information. Also, this study focuses only on seven major countries of destination of Nepali migrant workers, hence the data is not generalizable across all destinations of Nepali labour migrants. Furthermore, because it only seeks to identify the impact of Covid-19 on returnee migrant worker particularly wage theft and their access to compensation, the study does not provide detailed information on other issues and area of labour migration such as remittance, occupational safety and health among others.

## 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 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.<sup>26</sup>

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<sup>27</sup> of the research participants, the majority (54.9 per cent) belonged to Hill Caste followed by 26.8 per cent from Hill Janajati. 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 Castes group, 25.4 per cent from Hill Janajatis, 12.2 per cent from Hill

**Table 2: Research participants demographics (N= 142)**

Age	
20-30 Years	39.4
31-40 Years	45.1
41-50 Years	13.4
50+	2.1
Gender	
Male	92.3
Female	7.7
Marital Status	
Unmarried (had never married)	15.5
Married	83.8
Separated (not legally divorced)	0.7
Caste/Ethnicity	
Hill Janajati	26.8
Hill Caste	54.9
Hill Dalit	4.9
Tarai Janajati	7.7
Tarai Caste	4.9
Tarai Dalit	0.7
Education	
Illiterate	1.4
Informal Education	0.7
Primary (Grades 1-5)	7.7
Lower Secondary (Grades 6-8)	12.7
Secondary (Grades 9-10)	37.3
SLC/SEE Equivalent	21.1
+2/Intermediate Equivalent	14.8
Bachelor's and equivalent	3.5
Master's and equivalent	0.7

Dalits, 9.4 per cent from Tarai Castes followed by 9 per cent from Tarai Janajatis, 3.2 per cent from Tarai Dalits and 5.3 per cent Muslims.<sup>28</sup>

<sup>26</sup> MoLESS, *Nepal Labour Migration Report 2020*.

<sup>27</sup> The classification of caste/ethnic groups follows Pitamber Sharma, *Some Aspects of Nepal's Social Demography (Census 2011 Update)* (Kathmandu: Himal Books, 2014).

<sup>28</sup> This figure includes everyone away from Nepal for reasons of work, ranging from unskilled workers to

More than a third (37.3 per cent) of the participants stated that they had completed their secondary education i.e., Grades 9 and 10. Similarly, 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., Grades 6-8).

## 2.2. Economic Background

This section presents an analysis of the economic background of the participants.<sup>29</sup> The average household size of the research participants was 5.57 members, which is higher than the average household size of Nepal (4.9).<sup>25</sup> A majority of the research participants (69 per cent) reported that agriculture is the main source of their household income (as seen in Figure 1). 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.

## 2.3. Migration Information

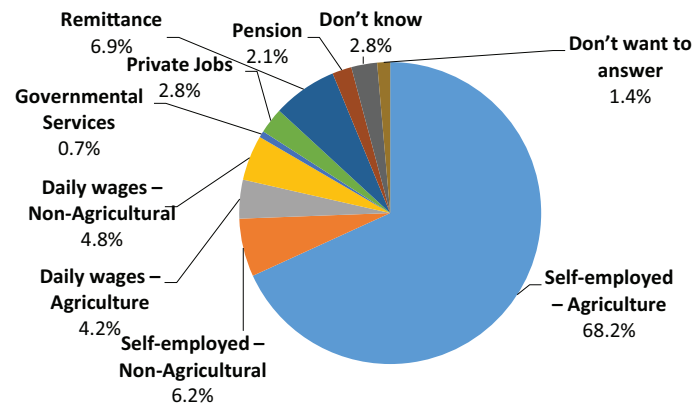
### 2.3.1. Destination

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 3, 33.1 per cent

highly skilled professionals. The numbers are weighted and based on the calculation of raw data from NLFS 2017/18.

29 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.

Figure 1: Main source of household income (N=142)



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.

More than 32 per cent of the male research participants have returned from the UAE, 27.5 from Qatar and 16 per cent from Malaysia. 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 respec-

Table 3: Most recent country of destination (%) (N=142)

Destination	Male	Female	Both
Qatar	27.5	0	25.4
Saudi Arabia	13.7	9.1	13.4
UAE	32.1	45.5	33.1
Oman	3.1	9.1	3.5
Bahrain	4.6	9.1	4.9
Kuwait	3.1	18.2	4.2
Malaysia	16	9.1	15.5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

tively.<sup>30</sup> 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.

### 2.3.2. Occupation and Income in Destination

As reported by the research participants (Table 4), 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*<sup>31</sup> (masons) 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.<sup>32</sup>

30 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).

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

32 Calculation based on raw dataset of Nepal Labour Force Survey 2017/18; For more details see: Baniya, Bhattacharai, Thapa and Pradhan, *COVID-19 and Nepali Labour*.

**Table 4: Occupation in destination (%) (N=142)**

Occupation	Male	Female	Both
Electrician	6.9	0	6.3
Factory labourer	19.1	9.1	18.3
Construction mistry	5.3	0	4.9
Construction labourer	3.8	0	3.5
Construction (scaffolding)	2.3	0	2.1
Hotel services	19.8	45.5	21.8
Cleaner	7.6	9.1	7.7
Security guard	17.6	9.1	16.9
Domestic work	0	27.3	2.1
Storekeeper	3.1	0	2.8
Agriculture	0.8	0	0.7
Driving	6.1	0	5.6
Garment	2.3	0	2.1
Others	5.3	0	4.9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

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’ such as 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.<sup>33</sup>

Research participants were earning a minimum of NPR 15,000 (c. USD 130) to a maximum of NPR 186,000 (c. USD 1600) in a month in the destination country. The average monthly income of the research participants was NPR 43,985 (c. USD 380). Disaggregated

33 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>.

**Table 5: Monthly income in destination (in NPR)**

Destination Countries	No of 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

data based on destination countries shows that migrants who returned from the UAE were earning NPR 51,698 (c. USD 440) on average in a month (Table 5). Similarly, the average monthly income of the research participants was NPR 39,829 (c. USD 340) in Qatar and NPR 33,524 (c. USD 290) 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 450), NPR 40,833 (c. USD 350) and NPR 40,000 (c. USD 340) respectively.

Furthermore, research participants who were working in the UAE reported to have earned a minimum of NPR 20,000 (c. USD 170) to a maximum of NPR 186,000 (c. USD 1600) per month and those in Qatar earned a minimum of NPR 20,000 (c. USD 170) and a maximum of NPR 95,000 (c. USD 810). For Malaysia, research participants were found to have earned a minimum of NPR 15,000 (c. USD 130) and a maximum of NPR 45,000 (c. USD 390) per month and for Saudi Arabia, a minimum of NPR 24,000 (c. USD 200) and a maximum of NPR 100,000 (c. USD 860) per month.

### 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

**Table 6: Medium of migration (in %)**

Medium	Male	Female	Both
Through Recruitment Agency	77.9	54.5	76.1
Through Neighbours/Friends		9.1	0.7
Relatives	13.0	27.3	14.1
Sub-agents	0.8	9.1	1.4
Individually	11.5	9.1	11.3
Family member	0.8	0.0	0.7
<b>Total number</b>	<b>131</b>	<b>11</b>	<b>142</b>

Note: Multiple responses

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 and Cost of Migration

Labour migration in Nepal is largely facilitated by recruitment agencies who act as intermediaries and connect prospective labour migrants with employers abroad.<sup>34</sup> In 2019/20, around 90 per cent of the ‘new entry’ labour permits issued by DoFE were processed through PRAs.<sup>35</sup> 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 6). Gender disaggregated data shows a similar scenario for both male and female research participants.

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 house-

34 Amnesty International, *Turning People into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers* (London: Amnesty International, 2017).

35 Department of Foreign Employment, ‘Annual Labour Approval Record 2076-77.’

**Table 7: Average cost of migration (in NPR)**

Destination Country	No of 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

holds in Nepal received international remittances in 2010/11.<sup>36</sup> 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.<sup>37</sup> However, there are economic, social and psychological costs associated with migration.<sup>38</sup> Migrant workers pay an exorbitant amount of money for expenses related to tickets, visas, labour permits, medical

check-ups and recruitment agents.<sup>39</sup> When added together, such costs often exceeds the net benefit gained by the workers from the migration.

Migration from Nepal, similar to other countries in South Asia and globally, is a costly affair.<sup>40</sup> Table 7 shows 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 720) in the case of Oman to a high of NPR 175,682 (USD 1,500) 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 800) for Saudi Arabia and an average of NPR 175,682 (c. USD 1500) for the UAE. Similarly, research participants reported to have paid, on an average, NPR 119,050 (c. USD 1020) for Malaysia, NPR 111,000 (c. USD 950) for

**Table 8: Cost of migration (in NPR) (N=132)**

	<=20,000	20,001 to 50,000	50,001 to 80,000	80,001 to 100,000	100,001 to 150,000	>150,000	Total
Qatar	3	6.1	48.5	21.2	12.1	9.1	<b>100</b>
Saudi Arabia	0	16.7	38.9	11.1	27.8	5.6	<b>100</b>
UAE	0	0	11.4	34.1	25	29.5	<b>100</b>
Oman	0	20	40	20	20	0	<b>100</b>
Bahrain	0	14.3	28.6	14.3	42.9	0	<b>100</b>
Kuwait	0	0	20	20	60	0	<b>100</b>
Malaysia	0	10	20	30	15	25	<b>100</b>
All seven countries	0.8	6.8	28	25	22.7	16.7	<b>100</b>

36 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).

37 Sijapati B, Lama AS, Baniya J, Rinck J, Jha K and Gurung A, *Labour Migration and the Remittance Economy*.

38 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>.

39 Md Mizanur Rahman, 'Migrant Indebtedness: Bangladeshis in the GCC Countries,' 207.

40 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, Lama, Baniya, Rinck, Jha and Gurung, *Labour Migration and the Remittance Economy*; Bhattarai, Baniya and Tumsa, *Impact of COVID-19*.

Kuwait, NPR 99,286 (c. USD 850) for Bahrain and NPR 84,000 (c. USD 720) for Oman.

Additionally, research participants who returned from the UAE reported to have paid a minimum of NPR 60,000 (c. USD 510) to a maximum of NPR 700,000 (c. USD 6000) and those from Qatar have paid a minimum of NPR 10,000 (c. USD 85) to a maximum of NPR 300,000 (c. USD 2600). For Malaysia, research participants were found to have paid a minimum of NPR 35,000 (c. USD 300) to a maximum of NPR 225,000 (c. USD 2000) and for Saudi Arabia, a minimum of NPR 40,000 (c. USD 350) to a maximum of NPR 200,000 (c. USD 1700).

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 8). 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.

### 2.3.5. Role of Loans in Migration Cost

Migrant workers mostly rely on loans from moneylenders to pay for the high migration cost, often at high interest rates.<sup>41</sup> 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. Another study conducted on the impact of Covid-19 on Nepali migrant workers also found that loan was the major source used by migrant workers to pay for their migration abroad.<sup>42</sup> In line with

41 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*.

42 Bhattarai, Baniya and Tumsa, *Impact of COVID-19*.

**Table 9: Source of finance for latest migration stint (N= 142)**

Source	Percent
Savings	33.8
Loan	63.4
Borrowing	35.2
Sold House/Land	2.1
Sold Jewelleries	0.7

Note: Multiple responses

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 9), 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.

Research participants who went to the UAE for employment took an average loan of NPR NPR 158,333 (c. USD 1350) for their migration (Table 10). Similarly, research participants have taken a loan of NPR 115,474 (c. USD 1000) on average for financing their migration to Qatar, NPR 134,688 (c. USD 1150) for Malaysia and NPR 120,000 (c. USD 1030) 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

**Table 10: Loan amount (in NPR)**

Destination Country	No of 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
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: Seven of the 90 who took loans seven did not provide an amount.



**Table 11: Source of loan**

	Male	Female	Both
Traditional money lenders	25.3	28.6	25.6
Bank/Cooperatives	21.7	0.0	20.0
Informal/Saving groups	19.3	14.3	18.9
Friends/neighbours	42.2	14.3	40.0
Family members/Relatives	26.5	57.1	28.9
<b>Total Number</b>	<b>83</b>	<b>7</b>	<b>90</b>

Note: Multiple responses

83,333 (c. USD 710) and NPR 100,000 (c. USD 860) respectively.

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 11). 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.<sup>43</sup> 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 12: Interest rate on loans (%)**

	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
<b>All Seven Countries</b>	<b>26</b>	<b>60</b>	<b>12</b>

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

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 12). 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.

### 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. 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 13: Loan amount pending repayment**

Loan Amount (NPR)	Number
20,000-30,000	5
50,000-100,000	9
100,001-200,000	1
200,001-300,000	1
>500,000	1
<b>Total number</b>	<b>17</b>

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 13).

The survey showed that the research participants have used multiple sources to pay back their loans (Table 14). A large majority (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 14: Means of loan repayment (N=80)**

Means of loan repayment	Percent
Self-earned money sent as remittance	93.8
Remittance sent by other family members	7.5
Loans from banks, cooperatives, or other financial institutions	3.8
Loans from friends/relatives/neighbours	5.0
Sold livestock	1.3
Sold house/Land	1.3
Borrowed money	2.5
Others	1.3

Note: Multiple responses

## 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.<sup>44</sup> Studies carried out by CESLAM, 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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> To make matters worse, the returnees were also stigmatized as transmitters of the virus and excluded from the society.<sup>48</sup> 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.<sup>49</sup>

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

44 ACAPS, *Migrant Vulnerability in Bangladesh, India, and Nepal: COVID-19 and Labour Migration*.

45 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); Bhattarai, Baniya and Tumsa, *Impact of COVID-19*.

46 Bhattarai, Baniya and Tumsa, *Impact of COVID-19*.

47 WOREC, *Survey on the Socio-economic Impact of COVID-19*.

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

49 Pravasi Nepal Coordination Committee, *Brief Report on the Cases Received in COVID-19 Online*; Bhattarai, Baniya and Tumsa, *Impact of COVID-19*.

**Table 15: Impact of Covid-19**

Impact	Male	Female	Both
Loss of job	66.7	50	65.2
Labour contract ended	15.5	12.5	15.2
Salary was deducted	1.2	12.5	2.2
Salary was not paid	3.6	0	3.3
Had to work under unsafe working environment	16.7	12.5	16.3
Got infected with coronavirus and felt it would be safer to return home	20.2	25	20.7
Worried about the safety of their family back home	19	25	19.6
Afraid of contracting COVID-19	19	25	19.6
Others	1.2	0	1.1
<b>Total number</b>	<b>84</b>	<b>8</b>	<b>92</b>

Note: Multiple responses

return (Table 15). Two-thirds (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; and 19.6 per cent of the research participants, who had returned as a result of the pandemic, mentioned 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.<sup>50</sup> 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.<sup>51</sup> 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.

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 16) 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

50 WOREC, *Survey on the Socio-economic Impact of COVID-19*.

51 Ibid.

**Table 16: Reason for return (other than Covid-19)**

Reason	Male	Female	Both
End of labour contract	51.1	33.3	50
Wanted to retire	23.4	33.3	24
Illness, injury or disability	17	0	16
Unsafe working environment (e.g. abuse, long working hours, unsafe working conditions)	2.1	0	2
Dissatisfaction with the employer	10.6	33.3	12
Pressure from family to return	2.1	0	2
Others	10.6	33.3	12
<b>Total number</b>	<b>47</b>	<b>3</b>	<b>50</b>

Note: Multiple responses

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.

#### **2.4.2. Stranded in Destination Country**

As GoN and the governments of destination countries implemented 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.<sup>52</sup> 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.<sup>53</sup>

GoN 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.<sup>54</sup> 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,

<sup>53</sup> Ibid.

<sup>54</sup> MoFAGA, 'COVID-19 ko Bishwobyapi Sankramanko Karan Bata Utpanna Asahaj Paristhitima Swadesh Aaunaiparne Awasthama Raheka Nepali Nagariklai Swadesh Aauna Sahajikaran Garne Sambandhi Aadesh', 2077 (Order to Facilitate the Repatriation of Nepali Citizens Who Have to Return Home Due to the Inconvenient Situation Caused by the COVID-19 Global Pandemic, 2020), <https://mofaga.gov.np/news-notice/1872>; '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>.

<sup>52</sup> Baniya, Bhattarai, Thapa and Pradhan, *COVID-19 and Nepali Labour*; Nepal, Baniya and Thapa Kshetri, *Kovid-19 Mahamariko Chapetama*.

Figure 2: Months stranded in destination country (N=142)

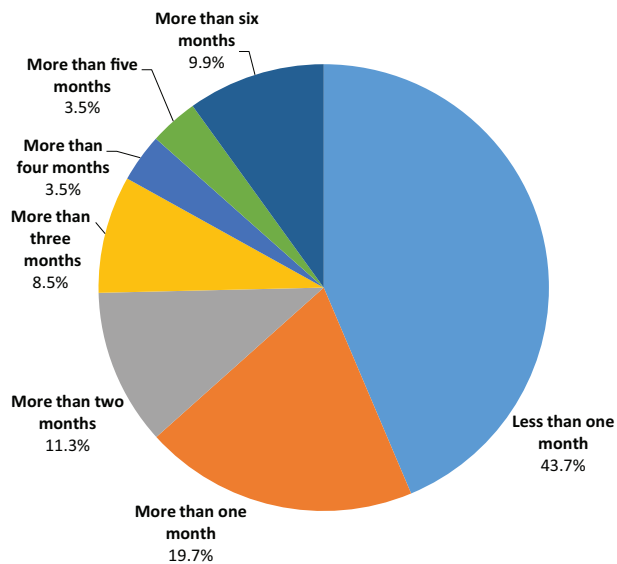
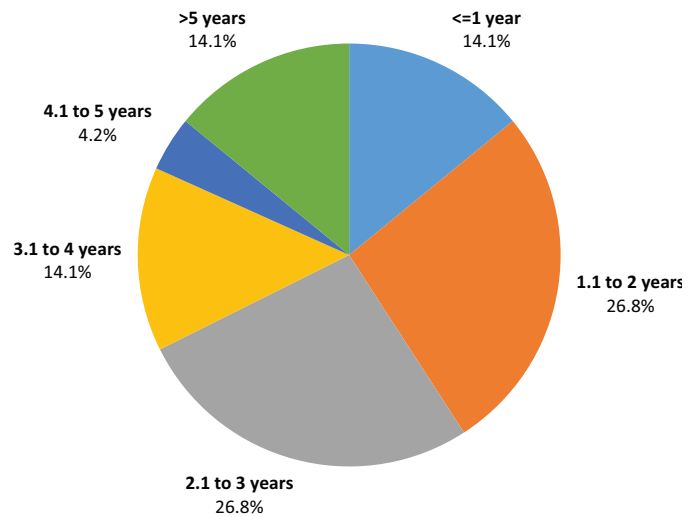


Figure 3: Duration of stay in destination country (N=142)



unable to return and without a job and income to support themselves.<sup>55</sup> 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 (Figure 2). 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 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 (Figure 3).

Estimates have shown that labour permits of 1,500 Nepalis expire per day leading to ‘illegal’

status of migrant workers in destination countries.<sup>56</sup> 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’.<sup>57</sup>

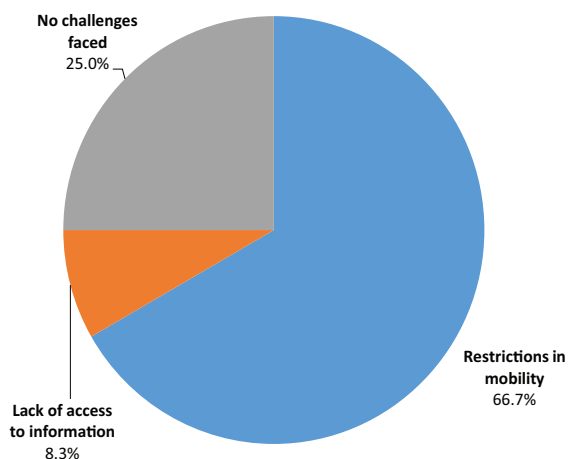
Of the five who became undocumented as a result of the pandemic, three mentioned that they had to pay a fine because of being undocumented. Similarly, the undocumented research participants mentioned that the major challenges they faced include restrictions in mobility due to their illegal status (66.7 per cent). Additionally, participants also faced challenges in access to information about the pandemic, restrictions, services and their return to Nepal (Figure 4).

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

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

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

**Figure 4: Challenges faced by undocumented migrant workers (N=12)**



Note: Undocumented migrant workers include seven participants who went for foreign employment without labour permits and five who became undocumented as a result of Covid-19.

### 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., two 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.<sup>58</sup> 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.<sup>59</sup> Almost two-thirds (59.2 per cent) of the research participants reported that they returned to Nepal via chartered flights while 40.8 per cent came on regular flights.

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.<sup>60</sup> 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; 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.<sup>61</sup> Following widespread

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](https://ccmc.gov.np/ccmc_update/Details%20of%20Returnees%2010.09.pdf).

59 'Pragati Bibaran 2077 Magh 1 Gate Sammakko (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>.

60 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=IwAR2KU7FluI2lKm6CdRFfG5aC1dX2jIVYpU7K8gEVNuKrpq-wlBCs9HA5UaYk>.

61 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

58 'Bidesh bata Nepal Phirta Bhayeka Nagarik haruko

**Table 17: Source of return flight fare**

	Chartered Flight	Regular Flight	Both
Employer	54.8	65.5	59.2
GoN	1.2	0	0.7
Nepali Diplomatic Mission/Embassy	1.2	0	0.7
Government of CoD	2.4	0	1.4
Self	40.5	36.2	38.7
Others	2.4	0	1.4
<b>Total number</b>	<b>84</b>	<b>58</b>	<b>142</b>

Note: Multiple responses

**Table 18: Respondents by fare**

	<=30,000	30,001 to 50,000	50,001 to 70,000	70,001 and above	Total	Total number
Qatar	6.3	75	18.8	0	100	16
Saudi Arabia	0	20	60	20	100	5
UAE	4.2	58.3	16.7	20.8	100	24
Oman	0	100	0	0	100	2
Bahrain	0	50	50	0	100	2
Kuwait	0	100	0	0	100	1
Malaysia	20	20	40	20	100	5
<b>All seven countries</b>	<b>5.5</b>	<b>58.2</b>	<b>23.6</b>	<b>12.7</b>	<b>100</b>	<b>55</b>

**Table 19: Respondents by fare and flight type (%)**

	Chartered Flights	Regular Flights	Both
Up to 30,000	0	14.3	5.5
30,001 to 50,000	55.9	61.9	58.2
50,001 to 70,000	26.5	19	23.6
70,001 and above	17.6	4.8	12.7
<b>Total number</b>	<b>34</b>	<b>21</b>	<b>55</b>

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

2020, <https://www.onlinekhabar.com/2020/06/872330-?fbclid=IwAR2KU7FluI2lKm6CdRFfG5aC1dX2jIVYpU7K8gEVNuKrpqwlBCs9HA5UaYk>.

who went abroad for foreign employment.

Almost 60 per cent of the participants stated that their employer paid for their return flight (Table 17), 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. Forty 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.

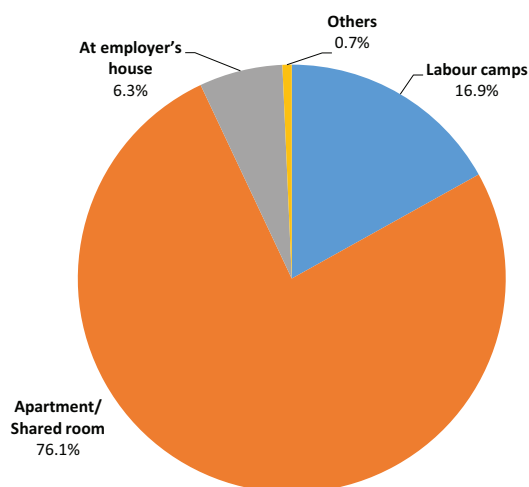
The survey showed that more than half of the research participants who paid their own fare to return home had paid between NPR 30,001 and 50,000 (c. USD 260 and 430), 23.6 per cent reported paying between NPR 50,001 and 70,000 (c. USD 430 and 600), and 12.7 per cent mentioned paying more than NPR 70,000 (Table 18). 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 19).

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 (Figure 5). Similarly, 16.9 per cent were living in labour camps and 6.3 per cent were living at their employer's house. Further-

Figure 5: Accommodation of research participants prior to the pandemic (N= 142)



more, 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.

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.

Nearly 86 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. Likewise, 73.2 per cent reported they had to pay for the food themselves, 38 per cent mentioned receiving 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 20).

Table 20: Source of food or relief during Covid-19 or following decision to return (N= 142)

Source	Percent
Self	73.2
Employer	38.0
Nepali Diplomatic Mission/Embassy	5.6
Government agency of CoD	1.4
International Organisations	2.1
Non-Resident Nepali Association (NRNA)	5.6

Note: Multiple responses

#### 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.<sup>62</sup> Language barriers, illiteracy, and fear of arrest and deportation, mostly in case of undocumented migrant workers, may have hampered migrant workers' access to information.<sup>63</sup>

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 21). Similarly, 50.5 per cent received information through their friends and colleagues in the

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

63 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).



**Table 21: Source of Covid-19 related information received by research participants (N=99)**

Source	Percent
(Social) Media	96.0
Diplomatic Mission/Embassy	17.2
Family/Friends from Nepal	31.3
Friends and Colleagues in CoD	50.5
Company/Employer	1.0

Note: Multiple Responses

destination country, and 31.3 per cent from their friends and families in Nepal.

#### **2.4.7. Health and Covid-19**

More than 15 per cent of the research participants mentioned to have suffered from health-related ailments during their stay in the CoD. Nearly three quarters (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 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.<sup>64</sup> Similarly, millions of migrant workers globally have experienced wage theft or non/under payment of wages.<sup>65</sup> Such incidence has increased sig-

nificantly since the outbreak of the pandemic.<sup>66</sup> 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 testing.<sup>67</sup> 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 22). 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.

In the case of migrant workers who continued

64 Paoletti et al, *Migrant Workers' Access to Justice at Home*.

65 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.'

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

67 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/>.

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.

### 2.5.2. Registration of Grievances

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.<sup>68</sup> 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 reason for return and on cases of wage theft faced by the returning migrants if any.<sup>69</sup>

As such 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 23). More than half (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

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

69 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 22: Challenges faced in destination countries before and after the Covid-19 outbreak (N=93)**

Challenges	Incident Prior to Covid-19	Incident due to Covid-19	Both
Non-payment of wages	37.5	15.9	21.5
Forceful termination of employment	12.5	7.2	8.6
Cancellation of flight tickets	0	23.2	17.2
Deduction in salary	12.5	11.6	11.8
Deduction in benefits (e.g., gratuity, bonus, health card)	12.5	21.7	19.4
Longer working hours	8.3	2.9	4.3
Being infected with COVID-19	0	4.3	3.2
Abuse/ill-treatment	0	2.9	2.2
Workplace injury	4.2	0	1.1
Others	29.2	14.5	18.3

Note: Multiple responses

**Table 23: Registration of complaints in destination country (N=93)**

Agency registering complaint	Per cent
Diplomatic Mission/Embassy	37.6
Police	2.2
Employee/Workers' Associations	4.3
Labour Court	2.2
International Organisation	1.1
Nowhere to report	54.8

Note: Multiple responses

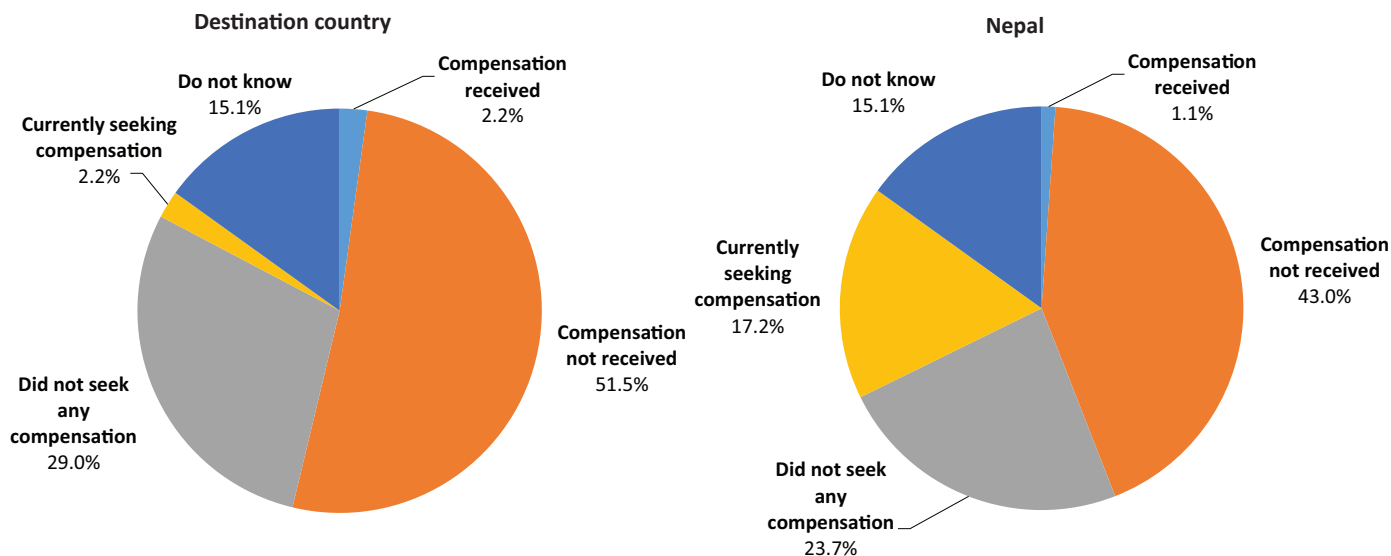
**Table 24: Registration of complaints in Nepal (N=19)**

Agency registering complaint	Per cent
Municipality/Rural Municipality	15.8
Department of Foreign Employment (DoFE)	84.2
Police/CDO Office	10.5
Life Insurance Company	10.5

Note: Multiple responses

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

Figure 6: Compensation received in/from destination country and Nepal (N=93)



themselves and confirm that they have received all their dues from the employer.

On the other hand, 19 research participants (20.4 per cent) reported having filed a complaint about their grievances in Nepal. Sixteen had filed their complaints at DoFE, three at their municipalities/rural municipalities, and two at the police or Chief District Officer (CDO) office (Table 24). Of them, 16 had received a confirmation of receipt of report.

### 2.5.3. Access to Compensation

Half (51.6 per cent) the research participants reported that they did not receive any form of compensation in the destination country while only 2.2 per cent reported receiving compensation for their grievance (Figure 6). 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 80) and the other received NPR 100,000 (c. USD 860).

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. Forty-three per cent of the participants mentioned not having received any

compensation while 23.7 per cent reported to have not pursued any compensation.

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 50), one paid NPR 21,000 (c. USD 180), one paid NPR 45,000 (c. USD 390) and one paid NPR 85,000 (c. USD 730).

### 2.5.4. Ill-treatment after return

There are reports of migrant workers facing ill-treatment and stigma after their return, in

**Table 25: Challenges faced after return (N=142)**

	Male	Female	Both
Ill-treatment at the TIA	5.3	0	4.9
Stigmatised by members in the community as a carrier of the virus	7.6	0	7
Not accepted by family	1.5	0	1.4
Ill-treatment by officials/ authorities at quarantine facilities	1.5	0	1.4
Did not face any challenges	84	100	85.2
Others	0.8	0	0.7

\* Multiple responses

quarantine facilities and in their communities and families.<sup>70</sup> 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 25). Gender disaggregated data shows that the female research participants did not experience any challenges after their return. In case of male research participants, 7.6 per cent 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.

### **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 compensa-

tion 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. 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 (Figure 7).

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. 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 (Figure 8). 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.

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 Plans**

Utilization of capital and skills brought by returnee migrant workers for the nation's development has been an important policy agenda in Nepal,<sup>71</sup> more so in the current scenario where

70 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*.

71 Government of Nepal, *Fifteenth Plan [Fiscal Year 2076/77-2080/81]* (Kathmandu: Government of

Figure 7: Migrants' awareness about rights regarding access to compensation and justice (by gender)

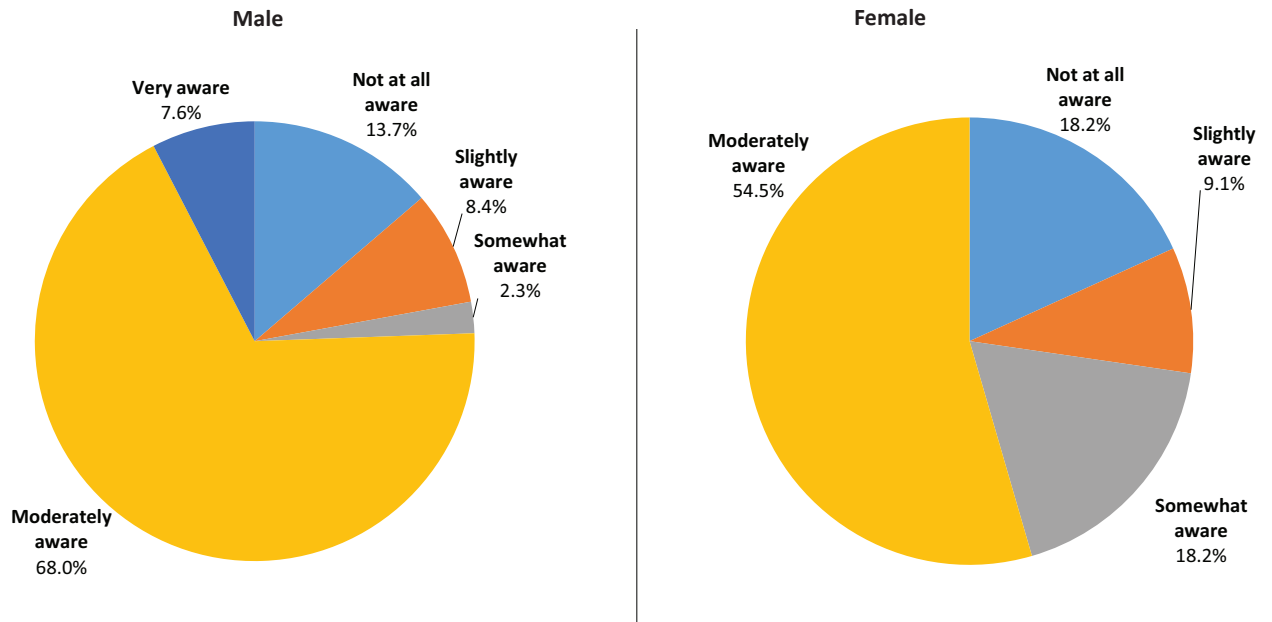
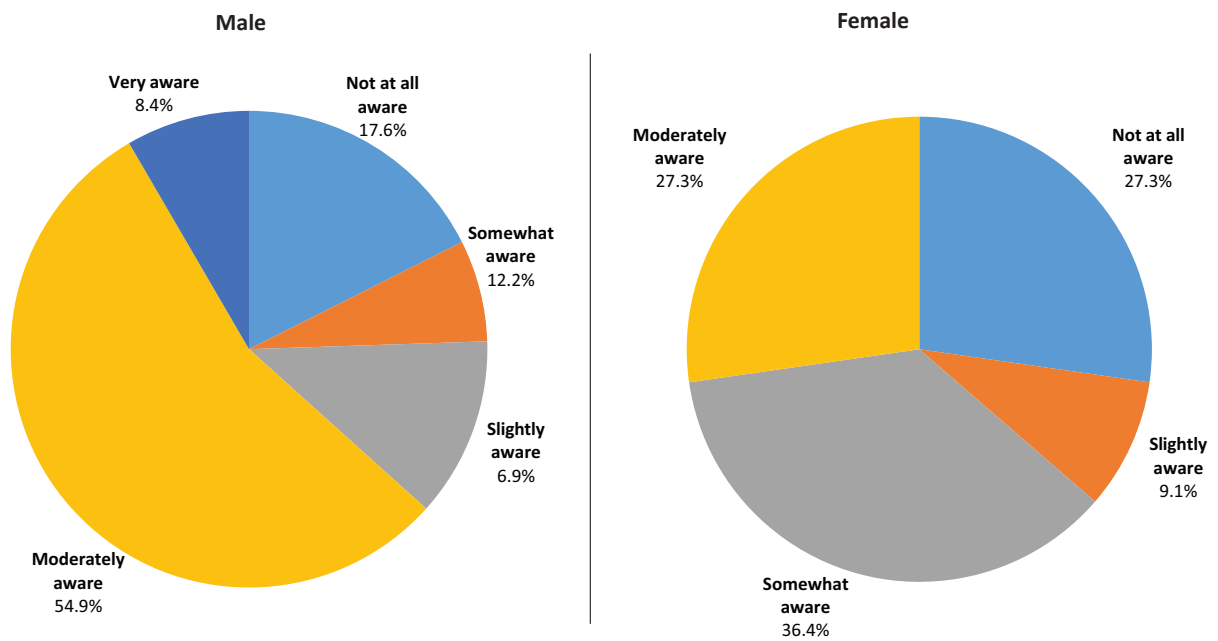


Figure 8: Awareness about the process regarding access to compensation and justice (by gender)



hundreds of thousands of migrant workers returned due to the COVID-19 pandemic. The unprecedented return of large number of Nepalis has increased attention towards the economic and psychosocial reintegration of migrant workers. Also, Government of Nepal recently introduced a reintegration directive for returnee migrant workers ‘Reintegration Programme (Operation and Management) Directives for Returnee Migrant Workers, 2022’ to use the capital, skills, technology and knowledge learnt from their employment abroad.<sup>72</sup> For this, the government in coordination with local level will be conduct socialization programmes, programmes for involvement in employment and programmes to promote entrepreneurship. In this context, it is necessary to understand the future plans of returnee migrant workers, including their sector of interest for employment or self-employment.

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.<sup>73</sup> Another study conducted by PNCC and CESLAM on the impact of Nepali migrant workers also found that returnee migrant workers were interested in employment and/or self-employment in the agriculture sector, primarily farming and service sector.<sup>74</sup>

The survey also showed similar results. Regarding their future plans, 16.9 per cent of the research participants mentioned that they were

**Table 26: Future plans (N=142)**

	Male	Female	Both
Start business in Nepal	18.3		16.9
Engage in agriculture	9.2	9.1	9.2
Search for a job in Nepal	5.3	18.2	6.3
Return to the same country for work	15.3	18.2	15.5
Go to another country for foreign employment	13.7	18.2	14.1
Already started working in Nepal	2.3		2.1
Unsure	32.8	36.4	33.1
Others	3.1	0	2.8
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

planning to start a business in Nepal and 9.2 per cent mentioned that they were planning to engage in agriculture (Table 26). 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, most were either unsure about their future plans or were planning to go abroad again for foreign employment.

Nepal, 2020). Available at: [https://www.npc.gov.np/en/category/periodic\\_plans](https://www.npc.gov.np/en/category/periodic_plans).

72 Government of Nepal, *Reintegration Programme (Operation and Management) Directives for Returnee Migrant Workers, 2079 (Unofficial Translation)* (Kathmandu: Government of Nepal, 2022).

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

74 Bhattarai, Baniya and Tumsa, *Impact of Covid-19*.

## 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 agencies and trade unions to take immediate and urgent actions, some of which are discussed below.

### **Document the grievances of migrant workers**

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Lack of concrete and accurate data on the grievances of migrant workers such as wage theft and forced termination from employment has been one of the biggest hurdles in ensuring migrant workers' access to justice. Furthermore, there is lack of data on occupation of migrant workers in destination countries limiting our understanding of issues of ill-treatment and exploitation across different sector of employment and destination. 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 on the grievances of migrant workers and labour rights violations they faced. 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**

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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 status. It is also necessary to identify the factors that hinders and/or facili-

tates migrant workers in filing complaints about their grievances in the destination and in Nepal. 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. Grievance registration and dispute resolution related services should be devolved at local level as much as possible. The cross border access to justice should be set up particularly to resolve the issues related to wage thefts of large number of Nepali migrant workers.

### **Strengthen coordination and collaboration**

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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 and in general. GoN should ensure the involvement of relevant stakeholders, including trade unions, in migration-related plans and policy formulation. Also, 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 through 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 at all three level of governments 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**

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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 findings of this study show that most migrant workers have lower education qualification. Hence, it is necessary to ensure that awareness raising programs and campaigns used in enlightening migrant workers should use methods and language suitable to such migrant groups. 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 as well as 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**

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Trade unions can collaborate with regional and international stakeholders, including their counterparts abroad, involved in the protection of rights of migrant workers 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. There should be at least one legal advisor in the diplomatic mission to support migrant workers in their access to justice.

### **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, such as Reintegration of Returnee Migrant Workers (ReMi), under Employment Permit System (EPS) and as per the new reintegration directives 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 radio, television and social media platforms. It is important that returnee migrants, specifically women and 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, irrespective of whether they have migrated through 'irregular' pathways

### **Identify skills of returnee migrants and provide skill development and/or upskilling trainings and skill test**

There is lack of data on the skills and interest of returnee migrant workers. Also, migrant workers possess specific skills on their return but often do not have certificate to prove it. GoN should collect data on these aspects and provide demand-driven entrepreneurship and skill development trainings, and skill test to returnee migrant workers to support their reintegration. Existing programmes of FEB

on skill training and skill certification should be expanded. 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.

### **Discuss and collaborate with destination countries to establish training centres for migrant workers**

During the joint committee meeting in December 2021, the Government of Qatar pledged to establish training centres in all seven provinces for capacity enhancement of prospective migrant workers going to Qatar for employment. The government of Nepal should conduct similar discussion with other destination countries about establishing training centres to facilitate capacity building and skill development of both prospective and returnee migrant workers.

### **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. Furthermore, for those who re-migrate amidst Covid-19 situation, it is imperative that migrants are aware about safety measures, vaccines and Covid-19 insurance.

### **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. It is also necessary to formulate plans and policies and reform existing one targeting those who migrated using irregular channel. 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).<sup>75</sup> 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. It is necessary to ensure that 'Free Visa Free Ticket' policy and policy that recruitment fee and related cost be borne by employers is effectively implemented. Trade unions can facilitate consultation and dialogue among the government of Nepal, workers, CSOs and other stakeholders regarding amendment of labour

<sup>75</sup> 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](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/>.

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.

Finally, the study points that there is need of further and detailed study incorporating occupational safety and health of migrant workers in the destination country, root cause of lack of

awareness among migrant workers particularly female migrant workers about their rights and access to justice, situation of access to justice of migrant workers who use irregular channel to migrate, presence of welfare organization and trade unions in the destination country and the willingness of Nepali migrants to attach themselves with the unions, mental health issues as well as perception of migrant workers about the policy intervention and changes in policy and access to justice they want.

