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Migration in South Asia: Poverty and Vulnerability

Nepal Poverty Report 2020

AUTHOR

Keshav Bashyal

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South Asia Alliance for Poverty Eradication (SAAPE) Secretariat
288 Gairidhara Marg, Gairidhara, Kathmandu, Nepal
Telephone :977-1-4004976, 4004985
Email: saape@saape.org
Website: www.saape.org

Author's Introduction

Dr. Keshav Bashyal is presently visiting faculty of Department of International Relations and Diplomacy, Tribhuvan University, Kathmandu, Nepal. He has 15 years experiences in cross border labour migration, employment and human resource assessment, labour market analysis, trafficking, policy review, humanitarian responses in earthquake affected districts and in other areas. He is recently worked as a member of task force committee formed by Labour ministry, Nepal government.

Migration in Nepal: Compulsion Vs Aspiration

Nepali migration is as long as the history of modern state formation. Largely, it began in about the mid-eighteenth and evolved at a time of feudal state formation in Nepal and as the impact of British colonialism in South Asia. Although Nepal was never colonized by the British Empire, it remained under the larger influence of British colonialism during that period.

There are many points of continuity and simultaneously changes in trends of migration with India even after the formal end of colonialism. The oppressive labor policies in the eighteenth and nineteenth centuries in combination with population pressures caused difficult to live in many villages in Nepal, which forced to both temporary and permanent migration to terai (plain) areas of Nepal and India. Nepal remains almost closed for the outer world for many decades. An initial period of Rana Regime, Nepali youths were banned for joining a foreign army, though it was started long before joining Punjab's ruler Ranjit Singh's army battalion. In 1885, the formal agreement between the British viceroy, and the prime minister of Nepal Bir Shamsher Rana allowed recruiting Gorkhas in exchange for arms and money. Still, India and Britain are recruiting Nepali youths in their army and it is highly selective too. Both countries primarily focused on particular ethnic groups in Nepal; mostly Magar and Gurung from the western hills are taking into their army.

Currently, Nepal is one of the major migrant-origin countries to the Gulf States and Malaysia. Nepal is both origin and destination country for India. In Nepal, male-dominated migration is common like other South Asian countries. This is because of the belief that male is breadwinner and female is for homemaker and also cultural restrictions on women's mobility in public spaces. Since 1985, The Nepal government is highly dependent on private recruitment agencies to sending Nepali workers other than India. The recruitment process has never fared and they are charging more money to migrant workers.

Every day about 1500 Nepalese officially leaves their country in order to work abroad. Currently, between 2 to 3 million Nepalese men and women working in abroad, other than in India, mainly in low-skilled jobs and mostly on time-limited contracts. The number of workers abroad is about 10% of Nepal's total population. Since 2000 around 7,500 Nepalese migrant workers have died in GCC countries and Malaysia.

The state of Nepali women migrant workers in the Middle East is also under severe criticism and the Government of Nepal have already banned the migration of women under 30 (later changed to 24 years) years to Middle East countries. The result of banning from working aboard had increased women trafficking and irregular migration. Traffickers are mostly using the land of India to sending Nepali women to abroad.

Nepal is in the high grip of neoliberalism. The contribution of remittances in GDP of Nepal is more than 30 percent. There is a high correlation between remittances sending by Nepali workers and development of banks and financial institutions. While Nepal's massive remittance economy insured that deposits in the capital's private banks continued to grow.

There is a significant gap in the policy and implementation of complaint mechanisms, which currently leaves migrant workers without adequate means to seek redress for rights violations during recruitment and employment. Finally, it shows that despite high dependence in migration and remittances earning from abroad Nepali workers livelihood is not changing due to the government's policy of promoting immigration rather than creating employment in Nepal.

In this paper, I have analyzed the migration issues of Nepal through government/non-government data, journal articles, books, thesis, semi journals, and daily newspapers.

Introduction

Current migration trends and flows of migrants may not necessarily be similar to past centuries. After the formation of closed national borders, it is becoming more difficult for migrants to freely move in many places of the world. Nevertheless, it is still a continuing phenomenon. People often move from the place of lesser opportunities to the ones that can offer them better opportunities. Mostly they look for the opportunities that would benefit themselves and the family members who would accompany them. But all those who move to different places other than the places of origin do not necessarily get good opportunities. They might face several other problems like loneliness and the racist behavior from host societies. This might create tensions among the immigrants and the inhabitants. Or the uncertainties of jobs and lack of proper support services to the migrants also add to their problems (UNDP, 2009).

The causes, contexts, and dynamics of Nepalese migrations varied. Some ancient people from Nepal were searching for better agricultural land. Others moved for religious reasons, especially after the invasion of the Muslims in the middle era during the 12th to the 16th century. These types of migrations occurred before the eighteenth century when the meaning of state, sovereignty, and boundaries were contested and differed from those of today (Burghart 1984 and Prasain 2010).

Historically, Nepal was known for entrepot trade between Tibet and parts of the Indian plains, as well as the nearby hills and plains of present Nepal. Agriculture was of primary value for the hill Hindus, whose migration to Nepal had a deep and far-reaching impact on the politics, economy, culture and social organizations of Nepal, as pointed out by David Seddon:

Where petty states were formed, therefore, they were associated with significant development of the productive forces in agriculture, in the technology of warfare, in the division of labor, in the process of class formation and in the coercive and extractive capacity of the state. Farmers and herdsmen became peasants, subject to the demands of their overlords; taxes were extracted and obligation to provide unpaid labor for 'public works' was widespread (1995:6).

Migration within Nepal is high, with almost half of migrants moving within the country. Still, the largest destination for Nepali migrants is India, which is a destination for about 20 percent of total migrants. One-third of male migrants move to countries other than India, with the most popular destinations being countries of the Middle East and Malaysia. Among men migrating for work, the majority migrated within the last five years, indicating a recent out flux of labor migration. Those migrating for work are most likely to go to countries other than India (44 percent). A quarter of such men migrate to India, while 32 percent move internally within Nepal (NDHS, 2016).

Every year, about half a million people are entering into labour market of Nepal. Because of insufficient employment opportunities in Nepal, there is a forceful drive for foreign employment. Since 1990, more than 4.5 million people have gone for foreign employment through a formal and informal way. Out of the total Nepali migrants abroad for employment, the number of skilled workers is very less in number. Skilled workers are only 1.5 percent, semi-skilled workers are 24 percent and unskilled labour comprises 74.5 percent. Officially, Nepal has given permission to recruitment agencies for 110 countries and more than 167 countries have been opened for an

individual basis. According to the National Labour Force Survey (2019), the unemployment rate in Nepal is 11.4 percent and the semi-unemployment rate is 39.3 percent (NLFS, 2019).

While remittances from Nepali worker from abroad has helped cutback overall poorness, 10% of rich Nepalis now own property worth an astounding 26 times more than 40% of the poorest. The income gap has also become wider: earnings of the top 10% of richest Nepalis have grown three times more than the poorest 40%. According to the report, only 5% of Nepalis saw their income increase in the period between 2003-2011. Urban dwellers enjoyed double the income of the rural population. The top 2 hundredth of Nepalis own fifty-six of the wealth, and the bottom 20% own only 4%. In fact, the gap in possession of land and property is even starker than financial gain inequality between wealthy and poor.

In this background, Nepali labour migration can be divided into three outlines; internal, India migration and the Middle East and Malaysia.

Internal Migration

Over the last 40 years, (till 1990) of internal migration in Nepal, the volume of lifetime migrants have been continuously increasing, but it increased more rapidly only after eradication of malaria in Terai and easy travel to Terai districts. At the time of King Mahendra, program of eradication of malaria in Terai held though it was started much earlier, construction of the East-West Highway, along the southern foot of the hills, and land settlement programs contributed to a massive movement of population from the hills into the Terai, resulting in a large increase in the area for agriculture. After the restoration of democracy in 1990, the expansion of employment opportunities in the informal sector largely associated with a massive level of internal migration. The census (2011) says, most migrants in Nepal originate from the hills (63%) and they go to the Terai (70%). Terai became the largest numbers of the population through the migration process; the hills are being the highest loser. Hill migration generally has a common destination to proximate areas of Terai region. Few districts of Terai are the most popular destination for hill population. Migration from the eastern hills goes to three major Terai districts namely, Jhapa, Morang, and Sunsari; western hill population goes to Nawalparasi, Rupendehi and Kapilbastu; from mid-western hill to Dang, Banke, Bardiya, and from far-western hill to Kailali and Kanchanpur. In addition, there are hill districts where migration is high from the same hill area. They are Kaski (western hill) and Lalitpur, Kathmandu, and Bhaktapur (central hill) district (CBS, 2014). Four of the districts from eastern mountain and hill regions — Bhojpur, Taplejung, Khotang, and Terhathum — have the highest net loss of population. Due to high net out-migration, these districts experience negative population growth implying that population size in these districts has declined during 2001-2011. These districts have medium Human Development Index (HDI) (NPC & UNDP, 2014). Five districts with the highest net in-migration are districts with high HDI values; Kathmandu, Lalitpur, Chitwan, and Bhaktapur, except Kanchanpur which has high net in-migration, but not a high HDI value. Like hill to Terai, most migration in Nepal takes place from rural to rural areas. The rural-to-rural migration has declined during 2001-2011 as rural to urban migration is gradually increasing. This is indicative of the fact that internal migration in Nepal is gradually shifting to a rural to urban. Nepal's internal migration is largely longer-term migration, irrespective of region, type of residence, and gender. Female migration is mainly due to marriage, but economic migration is the main reason among males (CBS, 2014). A comparison of age structure between migrants and the non-migrant population reveals that internal migration in Nepal favors youth ages. A large majority of internal migrants in Nepal are literate and have higher educational attainment than non-migrants. The majority of male migrants are engaged

more in non-agricultural occupations, whereas the majority of migrant females are engaged in agricultural occupations. Internal migration also favors more socioeconomically advanced populations (Brahmin and Chhetri than backward caste/ethnic groups (Sarki, Teli, Chamar/Harijan/Ram, Kori/Kuswadiya) for a position on human development indicate of each caste/ethnic group (Gurung et al, 2012). There is no such research about internal migration of Nepal, which captures socio-economic dynamics of migration process and its findings.

Nepali Migration to India

Contemporary migration between Nepal and India is the result of various agreements based on the historical, cultural, social legacy between the two countries. That legacy facilitated the movement of people across the borders except in some conflict areas of India. Keeping border open between Nepal and India is the product of the shared culture of the colonial past (Bashyal, 2014). It has been said that the open border between Nepal and India is the outcome of security needs and political and historical reasons. Considering the geographic situation of Nepal and India, an open border that facilitates the movement of peoples from one country to another also supports their economic and religious needs (Rajabahak 1992). The well-known 1950 Nepal-India Treaty has facilitated the relationship between the two countries. Many opinions have been diversely voiced regarding this treaty, especially by Nepalese academics, political parties, and social activists. Some of them have opined that it ‘should be revised in order to put the relationship between the two countries on a more realistic footing.’ The provision in Nepal India Treaty of 1950 in Articles VI and VII encouraged large-scale immigration of Indians to Nepal.

Article VI: Each Government undertakes, in token of the neighborly friendship between India and Nepal, to give to the nationals of the other, in its territory, national treatment with regard to participation in the industrial and economic development of such territory and to the grant of concessions and contracts relating to such development.

Article VII: The Governments of India and Nepal agrees to grant, on a reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature.

Given its proximity and socio-cultural affinities, and further assisted by the open border between the two countries, and since a long time, India has been a major destination for a migrant from Nepal. Gurung writes “India as a safety Valve for Nepalese overpopulation or exporting poverty to India cannot be a permanent panacea for the country’s economic problems. Such a dependent role will weaken Nepalese leverage regarding control of Indian immigration.” He further writes, “The national boundary is not just a cartographic device. Unless it is clearly defined in terms of movements of men and commodities, planning for a national space will remain a theoretical proposition without desired impact. Thus, there is a need for regulating the movement across the border, effective implementation of industrial employment act 1959, the introduction of work permit to restrict alien workers and implementation of vital registration system particularly in the border districts” (Gurung, Hark 1989). The number of Nepali migrants in India is still contested. Each source has a different idea and numbers. Each CBS record of Nepal always counts Nepali migrants in India are an absentee population of Nepal.

Table No 1: Emigration from Nepal to India in different census periods

Census	Absentee Population	% of total absentee	Male	Female
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	living in India	population of the country		
1952/54	157323	79.4	87.7	12.3
1981	375196	93.1	82.1	17.9
1991	587242	89.2	83.8	16.2
2001	589050	77.3	88.4	11.6
2011	722255	37.6	83.9	16.1

Table No 1 shows that the population of migrants has been rising over the years in absolute terms, although the rate of migrants with respect to the total population has remained almost stagnant and consequently the rate of increase in migration has remained almost nil. What is noticeable is the rise in participation of female workers in this process although even in this account, there has been a slowdown till 2001. In absolute term, census data (2011) shows that little increase in the Nepali born population in India. Similarly, the proportion of female migration to India also has been increased (CBS 2014).

Table No: 2 Nepal born population in India

Year	Nepali Census	Indian Census
1952/54	157,323	278,972 (61% male and 39% female)
1961	302, 162	498,836 (83% in UP, Bihar and West Bengal)
1971	NA	526,526
1981	375,196	501292
1991	587,243	478,694
2001	589,050	640,862

Source: Nepal Census and Indian Census of different period

The official data of the two countries do not match totally perhaps suggesting different techniques of data collection and a lack of coordination between two countries in data collection. Over the years, the population of Nepali migrants in India has increased considerably although the rate of growth has been stagnant over the years (Prasain 2010). While some migrant Nepalis work in government offices, police or army, most young migrant work in menial and low paid jobs in the informal service sector, including security, construction, manufacturing and agricultural sector. The demand for Nepalis working as Chaukidars in factories is declining; there is an increasing demand for Nepali workers in hotel/restaurants. As domestic workers and caregivers for the elderly in the middle-class households in metro cities and increasingly in smaller towns and cities in India, Nepalis are in demand (Ibid 2012). The most common destinations in India for Nepalis are Delhi, Mumbai, Bangalore, Pune, Ludhiana, Amritsar and Almora, Nainital, Shimla, and Pithauragadh. Social networks and inheritance have played a crucial role in sustaining the migration circle between the original villages in western hills and specific destinations in Indi (Thieme 2006). Neither historical nor contemporary Nepali migration to India is exclusively about labor: a large number of Nepalis cross the border for other purposes, including medical, educational, pilgrimage, family contact, and employment in multiple sectors. More than 58 percent of migrants who come to India come in pursuit of the uplifting the economic status of their family. In the interviews, they said that limited source of income, inadequate land; unemployment and lack of skill are major factors to push them to India (Bashyal, 2014). The runaway (bhagne) culture is dominant in rural Nepal and is also one of the main causes of migration of rural Nepali people to India. Many frustrated youngsters do run away from family and end up being laborers in cities of Nepal and India (Sharma, 2007).

International Migration (other than India)

Over the past 60 years, the number of international migrants has increased significantly from about 200,000 in the 1950s to approximately two million by 2011. The most visible change occurred between 2001 and 2011 when the number of Nepalis abroad more than doubled.

Table No. 3: Population absent from households abroad by sex, Nepal, 1981-2011

Census	Absentee Population	Migration to abroad (Except India)	Male	Female
1981	402,977	27,781	20,277	-
1991	658,290	40,481	32,477	7,120
2001	762,181	173,131	158,989	-
2011	1,921,494	1,178,926	1,062,755	4,865

Concerning proportion, the ratio of females going to the West (USA, Canada and the European Union) is higher than those going anywhere else. Of the total migrants in the 'USA and Canada', and 'European Union countries', 33 per cent and 37 per cent, respectively, are females, with those going to 'Other Asian' countries (at 21.9 per cent) a distant third (see table 3) (CBS, 2011). After the enactment of the Foreign Employment Act (FEA) 2007, the trend of labour migration from Nepal concentrated in Gulf Cooperation Council (GCC) countries and Malaysia. During 2008/09 to 2014/15, labour migration to these countries accounted for 85 per cent of all. Similarly, among them, labour migration is highly male-centric and it is more than 95 per cent of all those obtained labour permits. The database from the Department of Foreign Department shows that over 3.5 million labour permits have been issued in nine years till 2016/17 since the enactment of the FEA Act in 2007. Migration remained a livelihood strategy for most of the Nepali households. Recent data revealed that more than 56 per cent of household receiving remittances from internal and external migration. Since a long time, India was only the most attractive destination for Nepali. It is continuing, but after 1990, foreign employment has dramatically increased. Now, Nepal is one of the largest migrant worker sender countries in Asia. Nepal's economy is highly dependent on earning foreign currency from remittances sending by migrants, which share is more than 30 per cent of the total economy. Nearly 1500 Nepali youths are going to the Gulf States and Malaysia for temporary work every day. The 2011 census shows that 1,921,494 people or 7.2 per cent of the total population of Nepal were out of the country (CBS, 2011). In fact, the number of Nepali migrants abroad is much more than government data. Due to less effectiveness of monitoring system and controlled mechanism of Nepal government, agents are provoking to go abroad by using illegal way. In this process, agents are not compelled to do an agreement with migrant workers, and they send to them via other ways. If they succeed to reach destination countries, they become undocumented. In this case, they don't get support from the government of Nepal. In another way, migrants are affected by social inequalities and are passing through several experiences during the migration process, which puts their physical, mental and social well being at risk. Migrants often face a low level of income and social exclusion, which has a negative impacting on family and their health, especially in countries of destination and at home.

Box No: 1

150 Nepali migrant workers in UAE capital Abu Dhabi are left in lurch after they lay off seven months ago. The company Al Wasita Emirates for services and Catering said it was unable to allot job and pay the due salary to the workers citing that it failed to get new contracts. The company employed 1000 workers from Nepal, India, Bangladesh and Sri Lanka.

Kathmandu Post, Jan 27, 2019

Migrants are using 'irregular' channels of migration, i.e., travelling via Indian airports which do not require migrant workers to produce their work permits or on tourist visas to circumvent the periodic government bans imposed on women's mobility to certain countries, and, hence, are not captured in the figures, and especially in the data maintained by the DoFE.

There are many pathetic stories of migrants suffering in destination country. It is believed that Nepali migrants workers are chosen in destination countries because they are cheap and they do job whatever given. At first they don't get realistic information about work and destination work. They go with bigger dream and comeback with sad stories.

Box No: 2

103 Nepali workers lost their lives due to various reasons in the UAE in 2018. Among them, 8 were women and 95 were men. 44 died from natural causes, 3 women and 30 men committed suicide while 2 women and 21 men lost their lives in road accident.

1 January 2019/ The Himalayan Times

Box No: 3

Bed Nidhi Chapagain of Banke district died in Saudi Arabia while working in Jeddah Almarai Company. He died due to heart on December 1 but his family is unable to carry out the last rites because the body is still in a foreign country.

Republica, 17 December 2018

Box No: 4

One Nepali migrant worker a day dies in Malaysia

Malaysia, Dec 11: As per data provided by the Embassy of Nepal in Malaysia, 322 Nepali migrant workers have died in 2018 due to various causes. The figure was 364 in 2017.

Published: 12 December 2018/ Republica

Table No 4 postulates the current trend of obtaining labour permits during the period of 2008 to 2017. The ratio of female is obtaining labour permits are very less compare to male in all the time.

Table No 4: Current trend in obtaining labour permits, 2008/09-2016/17

Fiscal Year	Female	Male	Total
2008/09	8594	211371	219965
2009/10	10056	284038	294094
2010/11	10416	344300	354716
2011/12	22958	361707	384665
2012/13	27767	423122	450889
2013/14	29121	490517	519638
2014/15	21412	477690	499102
2015/16	18467	385226	403693
2016/17	20105	362766	382871

Source: DoFE, 2018

Table 5 illustrates annual rate of increase or decrease in permits issued to labour migrants during the period of 2009/10 to 2016/17. The calculation of annual rate of decrease or increase in labour permits is based on 2008/09 year. In absolute term, since the 2013/14 to till, the rate of issuing permits is negative.

Table 5: Annual rate of increase/decrease in permits issued to labour migrants,

2008/09-2016/17

Fiscal Year	Annual rate of increase/decrease in issuing permits (%)	Rate of Increase/decrease in Absolute terms (% male)	Rate of increase/decrease in absolute terms (% female)
2008/09	—	—	—
2009/10	33.7	34.37	17
2010/11	20.61	21.21	3.6
2011/12	8.44	5.05	120.4
2012/13	17.21	16.97	20.94
2013/14	15.24	15.92	4.87

2014/15	-3.95	-2.61	-26.47
2015/16	-19.12	-19.35	-13.75
2016/17	-5.15	-5.83	8.86

Except India, there are 10 major countries for employment to Nepali labour migrants. Among them, Middle East and Malaysia is on the top position. The rest destination countries are hosting only about 15 percentages. Malaysia is on the top position, which covers about 30 percent of Nepali migrants.

Table No 6: Top destination countries for foreign employment, 2008/09-2016/:

Top destination countries	Numbers (%)
Malaysia	29.88
Qatar	21.57
Saudi Arabia	20.37
UAE	10.62
Kuwait	2.54
Republic of Korea	1.32
Bahrain	0.86
Oman	0.63
Japan	0.35
Lebanon	0.21
Remaining countries	11.65

Table no 7 shows the fact sheet of proportion of labour permits issued by mode of migration from Nepal. There are two ways of getting labour permits either by recruitment agency or by individual basis. The individual basis means, worker demands visa from direct employer from destination. The trend of issuing labour permits is increasing via recruitment agencies.

Table 7: Proportion of labour permits issued, by mode of migration, 2008/09-2016/17

Fiscal Year	Ratio (%)	
	Via recruitment agency	Individual
2008/09	74.51	25.49

2009/10	76.57	23.43
2010/11	67.94	32.06
2011/12	67.6	32.4
2012/13	87.75	12.25
2013/14	84.89	15.11
2014/15	89.86	10.14
2015/16	90.89	9.11
2016/17	92.44	7.56

Source: DoFE, 2018

Qatar World Cup workers unpaid for months: AI

‘AT LEAST 34 MALE NEPALI MIGRANTS RETURNED HOME FROM QATAR PENNILESS, OVERLOADED WITH DEBT’

A new investigation by Amnesty International has exposed how an engineering company involved in building infrastructure linked to the 2022 FIFA World Cup took advantage of Qatar’s notorious sponsorship system to exploit scores of migrant workers.

Almost a year after their return from Qatar, many of the workers are still struggling with their debts, and all remain without the salaries and benefits they are owed. AI said it is calling on the new government in Nepal, in place since February 2018, to deliver on its promises to better safeguard the rights of migrant workers, by reforming and enforcing its foreign employment laws to end the exploitation of their nationals at home and abroad.

According to the report, the money that workers have lost through as a result of abusive recruitment practices and non-payment of wages continues to have a devastating impact on their families’ access to health care, adequate housing and education. Some of these workers, now unemployed and with huge debts, face the risk of losing their land and homes.

Published: 27 September 2018/ The Himalayan Times

20 Nepalis in coma in GCC

335 languish in foreign prisons

Jun 28, 2018-Twenty Nepalis, employed in Gulf Cooperation Council (GCC) countries, are in coma and undergoing medical treatment in different hospitals, government data shows. Nepalis in coma include 11 in Qatar, five in Saudi Arabia, and two each in Bahrain and the United Arab of Emirates (UAE), Foreign Minister Pradeep Gyawali told Parliament on Wednesday. A large number of Nepali workers suffer serious injuries while working under challenging conditions in foreign countries. Workplace

accidents and occupational diseases often inflict life-long injuries on workers. A total of 219 Nepalis are serving their sentences in Saudi prisons. They account for the largest number of inmates abroad, followed by the UAE (63), Thailand (39), Bahrain (9), Singapore (4), China (3), two each in Oman and Israel; and one each in Lebanon and Cambodia.

Published: 28 June 2018/ The Kathmandu Post

“But in people exposed to extremely high temperatures, the cycle of sperm development and maturity gets disturbed and it takes three months for sperms to develop and mature. As migrant workers return home only for a short vacation, the treatment procedure is difficult to continue on them. This is why infertility among migrant workers is increasing,” added Dr Shrestha.

20 May 2018, The Himalayan Times

Status of Women Migration in Nepal

Accordingly Nepal Demographic Household Survey in 2016, Women’s status in Nepal is low in any respect compared to men. In the case of education, only 50 percent of females have secondary level education as compared to 71 per cent of male. Agriculture is the main occupation among both women (70%) and men (33%). Receiving payment in cash and kind also not equal to male, only 29 per cent of women and 47 per cent of men are involved in agriculture receive payment in cash and kind (NDHS, 2016). In employment too, numbers of women are less. Getting employment also difficult for women. In total, 57 per cent of women and 78 per cent of men are employed. The proportion of women who were employed decreased from 83 per cent in 2006 and 77 per cent in 2011 to 68 percent in 2016. It shows gender bias in employment. The proportion of women paid in cash only has increased over the past decade, from 14 per cent in 2006 and 24 per cent in 2011 to 36 percent in 2016. Similarly, ownership in assets; land and house are also not equal to men. Nineteen per cent of men own a house and 21 per cent own land alone or jointly, as compared to 8 per cent and 11 per cent of women, respectively (NDHS, 2016). Like men, women migration is also not new phenomena of Nepali context. But, it is slightly different from male. The number of female migrants has been rising over time; in fact, labour migration from Nepal remains largely male-dominated. The low participation of women in foreign employment is dominated by the patriarchal mindset of the Nepalese society, where men are considered the primary breadwinners; generally, they migrate to fulfill the need of the families while women are limited to caretaking and managing work within the domestic space (Kasper, 2005). There are various factors that influence to restrict the mobility of female compared to male, its deep-rooted historical and patriarchal notion. In the case of Nepal, the government time and again to certain destinations are banned the mobility of women. The rationale of the banning is to safeguard women from exploitation and abusing in abroad. That provision not only restricted the mobility of women but also forcing them to see other ways to go abroad, using irregular channels.

Box No: Trafficking of women to Gulf countries on the rise

High demand of Nepali women for domestic work in Saudi Arabia has given ample opportunity to traffickers as the African countries stopped supplying domestic workers there, says a report prepared by the National Human Rights Commission. Human smugglers earn at least Rs 400,000 by supplying a domestic worker. Nepali human smugglers have established offices for supplying Nepali domestic

workers to Ajman of UAE and Kuwait city. “Although there is no exact data on domestic workers in Gulf countries, it is found that 60 per cent of Nepali domestic workers reach there via Tribhuvan International Airport with the connivance of immigration staff and security personnel,” said the National Report on Trafficking in Persons in Nepal published by the rights body. The report also warned that the government’s decision to send workers at a minimum cost had totally failed. The workers have paid at least Rs 50,000 to Rs 900,000 to reach a Gulf country for work. “When asked, employer companies said they had paid money for visa and ticket to the manpower agencies,” the report said. “Ninety per cent of domestic workers are forced to sign two labour agreements: one in Nepal and another in the destination country. The agreement in Nepal does not have legal status. It is reported that there is a difference in the agreement signed in Nepal and in the destination country in terms of salary, nature of work, working hours, leave and benefits,” it stated.

Published: 17 December 2018/ The Himalayan Times

Women are more vulnerable than men in the migration process. Due to lack of livelihood option to sustain their family, women are also forced to migrate, although they are not aware of legal provisions and necessary documents for foreign employment (Pourakhi, 2017). Females constitute a significantly lower percentage of international migrants, a ratio that has remained quite unchanged even in the inter-census decade between 2001 and 2011 that shows a small increase in international migration, registering only 12 females for every 100 males abroad in 2011 census, a marginal increase compared to 11:100 in 2001. Eighty-six percent of women who migrated from their original places moved within Nepal. Eight percent migrated to India and very few to other countries. About one-third of women who migrated for work moved to countries other than India. Women were less likely to migrate to other countries for non-work-related reasons. Region wise, women from the Far-western Terai were more likely to migrate to India, primarily due to cross-border marriage practices. India was the second common destination for women migrants from the lowest wealth Quintile, while those in the highest wealth Quintile were more likely to migrate to other countries (NDHS, 2016). Despite restrictions, few numbers of women have been going abroad but destinations are not similar to males. Lebanon was a major destination for female migrant workers until 2009 when the Nepali government banned women from working as domestic workers. The ban brought a drastic decrease in the number of labour permits issued to Nepali women going to Lebanon. In the fiscal year 2007/08, 2490 women were issued permits to work in Lebanon; this number reached 3696 in the year 2009/10, but in the year 2010/11, it decreased to 84, rising slightly to 369 in 2012/13. Later, UAE became the largest designation of Nepali female migrants followed by Malaysia, Kuwait and Qatar respectively. Looking at the male-female ratio permits issued by the government to labor migrants, it clearly proves the gender-based disparity persists in the labor migration from Nepal. Women are assumed as more vulnerable to the risk of sexual assault in foreign lands (Oishi, 2005; Piper, 2009). In Nepal, the government has been imposing and retracting various restrictions on women’s migration because of increasing incidents of physical assault on female migrants. For example, in 2012, a temporary ban on migrating to the Gulf region was placed for women younger than 30 years of age, and this ban was extended to the women of all ages in 2014. Though this restriction was partially relaxed in 2015 by reducing the minimum age for migration to 24, women’s migration to most destinations still requires strict oversight (ILO, 2015). Such regulations are influenced by the patriarchal ideology that seeks to ‘protect’ women by restricting their physical mobility (Bhadra, 2007). State policies have systematically facilitated men’s migration and discouraged or controlled women from migrating. In addition, recruitment agents, who negotiate labor contracts between migrants and their employers at the destination, hesitate to recruit women to avoid the risk of having to bear responsibility if women face sexual assault at the destination (NIDS, 2011). Despite these restrictions, the number of women

migrating for work has risen over time, and it is suspected that the government bans have only encouraged migration through irregular channels (Clewett, 2015).

Box No: Migrant workers suffer as agents use fake papers

SURESH RAJ NEUPANE

Aug 2, 2018-Four Nepali women were detained at Chandigarh Airport in India and another Nepali man was arrested from Delhi’s Indira Gandhi International Airport on Tuesday for possessing fake ‘No Objection Certificate’ (NOC). Two weeks earlier, the Indian authorities had detained two Nepali youths at the Delhi airport over the same charge. They later released the two after confiscating their passports. The recent incidents suggest that foreign employment agents have been involved in a ‘fake NOC’ racket after the Indian airport officials started seeking NOC issued from the Nepali Embassy from the Nepalis heading for foreign employment via Indian airports. In 2015, the government had imposed restriction on Nepali women from going to Gulf countries as domestic labour. It had made NOC from the Nepali Embassy in India mandatory for all Nepali travelers heading for the Gulf from the Indian cities. The issue of fake NOC came to light last week when 16 Nepali women were rescued from a house in Munirka area of the Indian capital. The airport authority at New Delhi learnt about the fake NOC while enquiring with two of the rescued women. A source claimed that seven Nepali women had already flown to Kuwait and Iraq without legal documents. According to the Nepali Embassy in Delhi, 60 women were rescued from Indian airports in the fiscal year 2017-18 as they were being sent to Gulf countries.

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The gendered nature of labor demand at the destination country, with many of the jobs in West Asia, Southeast Asia and East Asia being in ‘male’ sectors like construction, security, driving and manufacturing (Piper, 2009). The job for caregiver, cleaning and domestic help are separated for female migrants. Jordan is exception of providing job in garment factories for female migrants. Though there has been an increase in demand for female migrants for domestic work in East Asia and Middle East, most of these jobs are taken by women from other countries that already have stronger networks of female migrants at the destination and better skills than Nepalese women.

Table No 8: Top-ten destination countries for female labour migrants,

2008/09-2016/17

Top-ten destination countries for female labour migrants	Number (%)
UAE	24.11
Malaysia	15.72
Kuwait	11.21
Qatar	5.91
Cyprus	3.23

Saudi Arabia	3.1
Lebanon	2.55
Jordan	2.38
Oman	2.24
Republic of Korea	1.8
Remaining countries	27.75

Table no 9 depicts the reality of reason for migration of women from Nepal. It is heartening that only 9.6 percent of women go for work. It is good that among them, 10.9 percent of women go for study that is near to men's ratio of 14.2 percent.

Table No 9: Reason for migration of Women

Reason For Migration			
	Women	Men	Total
Work	9.6	78.3	49.1
Study	10.9	14.2	12.8
Marriage	64.1	0.7	27.7
Accompany Family	14.4	5.9	9.5
Security	0.2	0.2	0.2
Others	0.6	0.6	0.6
Don't Know	0.2	0.1	0.1
Source:	NDHS 2016		

Transit Migration through India

Labour migrants are required to comply with the norms and procedures prescribed by the Foreign Employment Act 2007 and Foreign Employment Rules 2008 in Nepal as specified for foreign labour migration. Those who do not complete all the documents and/ or leave for jobs abroad via the Tribhuvan International Airport (TIA) unless prior permission has been received from the government qualify as an undocumented migrant worker. Major Indian cities such as Mumbai, Delhi, Bangalore and Chennai, as well as Dhaka in Bangladesh, were identified as an unofficial route for sending Nepali labour migrants to destination countries. Among them, Mumbai is the most frequently used route. Women, especially single women, and victims of domestic violence who lack the support system are also often driven to irregular migration. The process of irregular migration for female

migrant labour is further encouraged by age restrictive policies imposed by Nepal Government. As female migrant labour mostly target domestic work or caregiver services the age restrictive bans on these sectors force them to take the irregular route. Reasons for Using India for Transit Until 2010, the government of Nepal forbade Nepali women to seek employment in the informal sector such as domestic work in GCC countries. Labour migration was permitted only in the formal sector for Nepali women. However, despite restrictions on women to work as housemaids or helpers Nepali women continued to go to GCC countries to work in these sectors using the irregular channel. Nepali women were heavily dependent upon informal channels such as unlicensed agents or brokers and travelling through India to GCC countries. In 2010 the government revoked the ban and data showed that the number of female migrants workers in GCC countries soared after the ban was lifted. Analysis of statistical records maintained by the Department of Foreign Employment found a threefold increase in Nepali female labour migrants employed in GCC countries between FY 2008-2009 and FY 2011-2012. Kuwait (12,495) and UAE (4,523) were the two primary destination countries for Nepali women in FY 2011-2012, absorbing nearly 90 per cent of all registered female labour migrants in the GCC. However, despite these statistics, which indicate that there is a demand for female labour migrants in the domestic work sector in Gulf countries; and women seek these avenues as a way for improving their livelihood options, the government in Nepal instituted the age restrictive ban for women in the domestic work sector in 2012. The government policy banning women from working aboard had increased irregular migration. A research conducted by Paurakhi says that out the 15 female returnee migrants surveyed, seven said they used India of transit because of restrictions on migration from Nepal. Few of them said the India route was quick, easy and cheap. Recruitment agents often take advantage of ignorant and powerless migrants.

Box No:

A 36-year-old female returnee migrant from Belbari-Morang recounted, “I started my journey for Oman with my agent arranging my travel via Mumbai. He suggested that such a route through India would be cheaper, and it would be easy to get a visa. After a 3-day journey by train, crossing the border at Kakarvitta-Siliguri, we reached Mumbai. I was forced to spend 19 days in Mumbai obtaining documents including a visa, bearing all the expenses. I was confused, totally, depressed and in a dilemma — whether to return home or to spend a few more days in Mumbai in hope of getting my visa. On one hand, I was running out of money. On the other hand, I couldn’t go home, as I had already left my family in the hope of earning good money. The most distressing moment for me was when I realized I had been cheated by the agent whom I had blindly trusted. I was told that I would get NPR 12,000 in salary, but my agreement was breached and I was paid only NPR 8,000 per month. I asked many times, and each time my employer told me that some amount of money was subtracted to pay the commission to my Agent.” (Asia Foundation)

Imperialism/Colonialism and Nepali Migration

If we trace the long history of Nepali migration, we found Nepali state is involved in sending youths to British India’s army Batallion. Before 1885, it was restricted to join a foreign army by Nepali youths. But later on, in 1885, Bir Shamsheer opened the door to recruiting Nepali youths by the British India army. After that, large numbers of Nepali youths joined Gorkha Batallion of British India. Apart from the army, they have used Nepali youths as a porter in wars and subsequently they encouraged them to settle in Assam and Darjeeling area. This process has been continuing till now in different forms. During the First World War, the British wanted to enroll lots of youths in their army to fight against their enemy or to capture more land and resources. When British colonized India, Rana dynasty was ruling

Nepal at that time. British colonial regime continuously exploited friendship with Rana's. They have used Nepali youths to fight some decisive battles to suppress the Indian states. Bir Shamsheer Rana openly allowed employing Nepali youths in British battalion. The 1885 Rukka of Bir Shamsheer reads as follows: *"Whereas the British Government wishes to obtain subjects of the Nepalese Government as recruits for service in the British Army; the Nepalese Government desiring to show its friendship for the British Government hereby notifies that if you wish to enlist in the British Army you should present yourselves to the nearest Nepalese Officer, from whom you will learn all particulars as to the terms of pay, service, and pension etc. There is full permission from my Government to enlist in the British service, and there is no restriction whatever about it. Nepalese Government will be pleased with those who go to enlist. The people are going to enlist should present themselves to the British Recruiting Agents on the frontier"*. Mary Des Chene mentions that these provisions were in addition to about 18,000 soldiers already serving in the British Army. To compare with 47, 383 recruits serving in the period of 1866-1913, the First World War time recruitment is implausibly huge. Basically, the recruitment was made of eligible youths from so-called "martial race," i.e. Gurung, Magar, Rai, and Limbu (Sangraula, Yubraj, 2018). The recruiters and village headmen were given rewards by the number of recruits they gathered. The Second World War also sees an extremely huge size of recruitment from Nepal. It is calculated that over 1,24,000 youths were recruited in the Second World War which is about seven times compared to the preceding four-year's period. At the end of both the First and Second World War, the large number of survivors had been disbanded without gratuities and pensions. For allowing the unrestricted recruitment of Gorkhas in the British Army, the Rana Prime Ministers pocketed Rs. 10,000,00 every year as royalty, the most part of which was deposited in the personal accounts. The Gurkha Brigade was developed as an institution for trading the Nepalese hill-youths. The exact numbers of Gorkha soldiers died in the wars is still not known. Neither the Government of Nepal nor the UK has given or made honest attempts to collect the exact figures of war casualties. The British Government, referring to a report of Graves Commission, has provided that 7000 Gorkhas died and 1068 wounded in the Second World War. The total number of Gurkha soldiers mobilized during World War II exceeded two hundred thousand. Nepal's military was also worst hit by acute migration. It found no recruits. Interestingly, only 3,838 soldiers returned home after the end of First World War. On being pressed by Chandra Shumsher, the British Government in India banned the employment of Gorkhas in the military police, in the tea gardens and other non-military services. But later, the British started given employment to Nepalis in tea gardens of Darjeeling and Assam area. They wanted to permanent settlement of outsiders to oppose the movement against British Regime in India. About 30000 Nepalis are in Indian army fighting for Indian security and sovereignty. In the British army also, there are few thousands of Nepalis are in their troops. They are also sending Gorkhas to security for the Brunei Kingdom, and they are taking money from Brunei.

Neoliberalism and Migration in Nepal

Structural adjustment program (SAP) of IMF and World Bank implemented in Nepal since the mid-1980s hoping to accelerate economic development and growth due to facing a deficit in the balance of payments (BoP) in the first half of the 1980s. World Bank and the IMF in which, unlike in the past, priority is given on internalization of ownership of policies and programs in the developing countries (Khanal ed, 20015). Since more than two decades, implementing SAP and economic liberalization, Nepal still in the low end of development ranking (Shrestha, Prakash, 2010). Nepal has liberalized external account, financial sector and privatized some public enterprises, dismantled industrial policy intervention and allowed a greater private sector role in economic activities by downsizing the role of

the government. However, all of these IMF supported structural adjustment programs failed to focus on generating employment to reduce the unemployment problem of Nepal (Ibid). The recent report of the Centre Bureau of Statistics (CBS) indicates the unemployment rate of Nepal is 11.4 percent (NLFS, 2019). Although there is no regular publication of unemployment data as in advanced countries, facts like labour force growth of about three percent, many applications for a few advertised vacancies, and about 300 thousand workers going abroad for foreign employment annually show that unemployment is a serious issue in Nepal and it may be a root cause of poverty and inequality in Nepal. Due to financial deregulation, the number of Bank and Financial Institutions (BFI's) exploded between 1992 and 2011 from 8 to 31 commercial banks (often joint efforts with foreign investors); from 4 to 87 development banks; and from zero to 80 finance firms (Sapkota 2011). While Nepal's massive remittance economy insured that deposits in the capital's private banks continued to grow Due to massive money collection regarding remittances, those financial institutions have emerged in large numbers, and it benefited to very few persons involved in these financial activities (Ibid). Remittances sent by migrant labour uses mostly in consumption. Only three percent of remit money goes for investment in enterprises. Due to an increase in consumption of food and clothes, it increases the imports. For imports, it requires foreign currency, and foreign currency comes in the form of remittance because Nepal is in dearth of foreign currency due to the high deficit of the balance of payments.

Remittances in Nepal- an example of increasing influence of neo-liberal economy and rising vulnerability of migrant workers

Remittances play stronghold position in the national economy and it transformed agriculture to remittance economy. As discussed in the section above in length, remittance inflow in Nepal has a long history and it began with the entry of Nepalese youths in the British Indian Army in eighteenth century. It is continuing phenomena of Nepal. Likewise, the increased number of Nepalese migrant workers in India also contributed to bring in remittances from India. This initial phase of foreign employment came to a change in the second stage in the 1990s, when a large number of Nepalese opted for jobs in Malaysia and Gulf countries. Nepali youths foreign employment concentrated is still in India, Malaysia, Gulf nations and South Korea. USA and Australia are attraction for thousands of Nepali students each year.

In fact, remittances have become a major source for hard currencies for the national economy and more than 56 percent of households are getting remittances. The role of remittance has about 31 percent shares in GDP and has surpassed the incomes received from tourism and national exports for the last five consecutive years. Besides, remittance has supported the country's economy from being shuffles at a time when the world was reeling under recession. Remittance has also supported to poverty reduction but remaining poverty gap.

Table: Ratio of Remittance Received and GDP

Year	1993	2002	2008	2012	2016
Personal remittances, received (% of GDP)	1.5	11.21	21.74	25.43	31.28
Personal remittances, received (current US\$)	5482510 3	67848589 1	272714048 7	479344097 6	661183854 3

Source: NRB, 2018

According to World Bank reports (2017) recruitment and transactions costs are the major bottlenecks of remittance regime. Report concludes that recruitment costs paid by low-skilled workers are often more than a year's worth of income.

This happens to be true in Nepal's case too in major remittance corridors. Despite the "free-visa-and-free-ticket" provision of government of Nepal, the deceitful manpower agencies in Nepal are taking the money of poor migrant workers, mostly from rural communities.

Box No: 5

A deadly decade for migrant workers

In the last 10 years, Nepal has received Rs 4.48 trillion-equivalent to USD 38.67 billion remittances from migrant workers abroad, particularly from Gulf and Malaysia. In the same period, 6,708 Nepalis who had gone abroad foreign employment in search for better life returned home in coffins, making the lucrative labour migration one of the deadliest and costliest affairs for the Nepal.

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British newspaper Guardian 2013 September article "Revealed: Qatar's World Cup 'slaves'" reported almost slave like working conditions in the country for migrant workers. According to the article at least 44 workers died between 4 June and 8 August of 2013 and further the situation in the Qatar was equated with the modern slavery of 21st century.

Since 2000 around 7,500 Nepalese migrant workers have died in GCC countries and Malaysia. In Qatar, the Government has categorized most of them as natural deaths without giving any authority to Nepalese embassies to enquire about it. It tells a lot about the state of Nepalese migrant workers and others from developing world in the GCC and in other major work destinations countries. According to a recent newspaper report almost 150 women are being rescued by Nepal embassies in GCC every month.

State Response to Migration (Policies and Institution)

Nepal government enacted first foreign employment act in 1985. That Act aimed to regulating the migrant workers leaving for foreign employment to abroad other than India. That time volume of migrants was relatively low. But later, after restoration of democracy in 1990, government adopted liberal approach to address the labour migration issue. Government opened the door to private sector to engage intensively in the migration process of Nepal. Since then out migration flow has been increased.

Under Article 51 (i) (5) of the constitution, "Policies relating to labour and employment", it is recognized that the government would work "to regulate and manage the sector in order to make foreign employment free from exploitation, safe and systematic and to guarantee employment and rights of the labourers."

Time line of key events in foreign employment governance in Nepal	
Year	Description
1985	Enactment of first law on foreign employment: First Employment Act
1992	Final amendment of the Foreign Employment Act
1998	Second amendment of Foreign Employment Act
1999	Enactment of Foreign Employment Rules, 1999
2003	Nepal Government becomes member of Colombo Process- a regional consultation forum on management of foreign employment and contractual labour
2007	Enactment of New Law: Foreign Employment Act: 2007
2008	Establishment of Foreign Employment Board
	Establishment of Department of Foreign Employment
	Enactment of Foreign Employment Rules, 2008
2010	Establishment of Foreign Employment Tribunal
2011	First amendment of Foreign Employment Rules, 2011
2012	First Foreign Employment Policy, 2012
2015	Development of five year National Strategic Action Plan on Foreign Employment Act, 2007
2016	First SAARC level regional consultation on labour migration held by Government of Nepal together with SAARC secretariat
2017	Nepal becomes the Chair of the Colombo Process

Almost two decades after adoption of first FEA, government inclined to govern the issues of migrant workers and shifted most of the responsibility to private sectors and individuals providing services for foreign employment.

Prevailing Laws and guidance to govern Migration in Nepal

Foreign Employment Acts	Other National Instruments
Foreign Employment Act 1985	Constitution of Nepal 2015
Foreign Employment (First Amendment) Act 1992	Labour Act 201

Foreign Employment (Second Amendment) Act 1992	National Labour Policy 1999
Foreign Employment Rules 1999	Labour and Employment Policy 2005
Foreign Employment Act 2007	Trade Union Act 1992
Foreign Employment Rules 2008	Child Labour (Prohibition and Regulation) Act 2000
Foreign Employment Policy 2012	Children Act 1992
	Human Trafficking and Transportation (Control) Act 2007
	Immigration Act 1992
	Passport Act 1967
	Nepal Citizenship Act 2006
	Non-Resident Nepali Act 2008

Foreign Employment Act, 2007

The foreign Employment Act 2007 and Foreign Employment Rules 2008 govern the all issues of migration for foreign employment in Nepal. They talk about security and welfare of foreign labour migrants. FEA Act, 2007 and accompanying Rules 2008 directs the establishment of necessary institutions to govern the foreign employment, the creation of a welfare fund for migrant workers, pre-departure orientation and training, compensation to migrant workers and their families, rescue and repatriation and their income. It has also provision of monitoring mechanisms, facilitating in airport, develop mechanism to receive, investigate and resolve complaints as well as setting up tribunal to settle cases and penalize to perpetrators. Some of the amendments were made to the Foreign Employment Rules in 2011 and FEA in 2015.

Foreign Employment Policy, 2012

This policy has been announced to address the foreign labour employment in 2012. The policy has set following seven pillars:

1. Identify and promote employment opportunities in the international market.
2. Develop skilled human resources to a competitive capacity to maximize the benefits from foreign employment
3. Make each step of the foreign employment process simple, transparent, organized and safe
4. Address the concerns of female migrants workers and ensure their rights in the overall migration cycle
5. Ensure good governance in the management of foreign employment
6. Marshal local, national and international resources for managing foreign employment and

promote collaborative efforts by increasing sectoral partnership

7. Help foreign labour migrants utilize their remittances for their own development as much as possible

Institutional Mechanisms

Ministry of Labour, Employment and Social Protection

Development Process of Ministry

Year	Name of Ministry
2038	Labour and Social Welfare Ministry
2052	Labour Ministry
2057	Labour and Transport Management Ministry
2069	Labour and Employment Ministry
2074	Labour, Employment and Social Security Ministry

Since 2028, Industry ministry was managed to labour issue and it was only labour department under Industry Ministry.

Foreign Employment Promotion Board

According to section 38 of the FEA (2007), Foreign Employment Promotion Board has been established and is chaired by the Minister of Labour, Employment and Social Security. It is large board consisting 23 members representing from different sectors. Its main focus is to promoting foreign employment, social protection and welfare of migrant workers.

This board also manages the Foreign Employment Welfare Fund. This fund collected through deposited by the departing migrant workers (NRs 1500 for three year labour permit and Nrs 2500 for labour permit extending more than 3 years). It also includes forms of fees and renewal fee from private recruitment agencies and orientation training institutions.

The Welfare Fund is mostly utilized for providing skill oriented training to workers going for foreign employment and providing monetary support to migrant workers or their families in case of deceased, injured, disabled and repatriation during foreign employment or had to be return due to adverse conditions.

Department of Foreign Employment

The Department of Foreign Employment is the key institution in facilitating and regulating foreign employment. It is the sole organization responsible for monitoring the foreign employment.

Foreign Employment Tribunal

The FET was established in 2007 to resolve the migrant's problems. It is pursuant to the FEA, 2007 and its Regulation, 2008. Tribunal is judicial body comprised of three members, chaired by Judge of the Appellate court, a case-trying officer of the Labour Court and the gazette first class of the judicial service.

FET operates as per the provision in the Summary Procedures Act, 1972. The cases are dealt in accordance with this act. Apart from direct cases filed from migrants, it also receives cases forwarded by the DOFE. The jurisdictions of the FET are as follows:

1. Prohibition on operating foreign employment business without permission
2. If a licensed recruiting agency sends a migrant worker without obtaining the labour permit
3. Prohibition on sending minor for foreign employment
4. Prohibition on sending workers to countries are not specified by the Government
5. Action against embezzlement of necessary documents or reports

Labour Attache

The Foreign Employment Act (section 68) entails the requirement of Labour Attache in destination countries. But, there should be 5000 or more than Nepali migration workers. The government of Nepal has appointed labour attaches in countries: Baharain, Kuwait, Malaysia, Oman, the Republic of Korea, Saudi Arabia and the UAE. The Labour Attchaes are from labour ministry.

Nepal Embassies

The roles of Nepal Embassies in destination countries are vital to providing services and supporting Nepali migrants. They are providing services and support to those migrants, who are in problems or facing problems in destination countries. Generally, Embassies are working for repatriation of dead bodies, facilitating migrant workers to receive compensation from their employee, and rescuing migrant workers if they are in vulnerable situation.

During the process of demanding migrant workers from Nepal, employer must have to submit their documents in respective embassies of Nepal. After clearance from the Embassies only employer can get approval letter. Earlier it was not but now it is mandatory in all destination countries.

Immigration/Passport Department/ District Administrative Office

Department of Immigration under the Home Ministry is tasked with monitoring, controlling and regulating entry, exit and stay of immigrants. Passport department provides the passport to needy Nepali citizens. In district level, DAO is responsible to provide passports. The Consular Services Department under the Foreign Ministry deals with diaspora-related matters.

Bilateral Agreements/MOU

Bilateral agreements are formal and legally binding, whereas MOUs are informal mechanisms in the form of executive agreements between ministries of two or more countries. Both bilateral agreements and MOUs are capable of regulating the recruitment and placement of migrant workers between

countries, although MOUs as executive agreements rather than international treaties have little primacy over national laws. Because of their binding nature, negotiating bilateral agreements is often time-consuming. In South-East Asia, MOUs are more common than bilateral agreements.

Table: List of Bi-lateral Agreements and Memorandum of Understanding		
Destination Country	Years of Agreement	Nature of Agreement
Qatar	2005	General Agreement
UAE	2007	MOU
Republic of Korea	2007	MOU
Bahrain	2008	MOU
Japan	2009	MOU
Israel	2015	Joint Pilot Program
Jordan	2017	General Agreement
Malaysia	2018	MOU
Oman	2019	MOU

In the relevant international standard, ILO Convention on Private Employment Agencies, 1997 (No. 181), the costs of recruitment should be borne by the employer, not the worker. However, this principle is not widely applied in Asia, where governments have instead opted to set limits on recruitment fees that agency can charge.

There is often insufficient evidence to make successful claims against the recruitment agencies, especially where there are no receipts, or signed contracts or agreements between the workers and the recruitment agencies.

“The Government is issuing licenses too easily and the Government should monitor whether the agencies have the capacity to send workers and take responsibility if there is problem. The penalties ordered by the Government against unethical recruitment agencies are very weak; even when an agency is blacklisted, they can apply for a license with another name.

In practice, migrant workers often earn less than the minimum wage (IOM, 2013), and are subjected to illegal wage deductions, excessive working hours, and poor living and working conditions.

Discussions and Conclusion

Nepal’s out-migration is started is as long as the establishment of the modern state. Since a long time, it was only concentrated in India. Nepal India migration is not regulated and mostly undocumented. Migration from Nepal to Gulf countries is comparatively recent. Nepal is also becoming an important

sender of low-skilled workers to GCC countries. In the last two decades, migration of female workers to the region has increased considerably, especially to service-related sectors like domestic work and health care. Due to the controlling nature of policy for women of Nepal are becoming more vulnerable due to they are choosing an illegal way of migration. Compare to International migration, there is a lack of policies related to internal migration in Nepal. Nepal has undertaken a number of policy measures to deal with international migration. Broadly, steps to reform the regulatory and institutional framework; tackling the recruitment process and the cost of international migration; measures to protect the conditions of work and the rights of migrant workers abroad, including bilateral agreements with destination countries; to ensure safe migration of women workers; including promotion of awareness to aspirant migrants; labour market information systems, pre-departure training and skills promotion; promotion of formal financial intermediation; and steps to provide social security to migrant workers, their families and returnees. While coming to implementation, most of these steps are not found effective. A significant remaining gap in the policy and implementation of complaint mechanisms, which currently leaves migrant workers without adequate means to seek redress for rights violations during recruitment and employment. Lack of standard operating procedures, inadequate awareness-raising activities, and ineffective services all present considerable barriers. Generally, effective mechanisms do not exist for resolving cross-border labour-related disputes, such as contract substitution, delay paying or not paying and redress for abuses carried out.

Way Forward

National policies on labour migration need to be seen in the context of the goals of development and the perspectives of migrants. From the standpoint of migrants, development must also be able to fine-tune with the basic rights of migrant workers and their families. Both internal and international migration leads to broadly similar consequences. Internal as well as international migrant workers, who are at the lower end of the labour market, lack of social security at the place of destination? They suffer from a range of vulnerabilities and deprivations. Given the common causes, and consequences of Nepali migration to abroad, its link with national development, need to respect human rights of migrants, essential to an integrated rights-based approach towards the different types of migration. Further, Nepal prerequisite is that to formulate an integrated, active labour-market policy focusing on education, skills development, labour-market information systems and other appropriate labour-market interventions, which only can prepare the young labour force participating productively in the national and global labour market. Such a policy must also specifically address rampant gender, and social discrimination in the migration process and in the workplace as well. Furthermore, policies should improve formal financial intermediation to lower the cost of migration and facilitate the transfer of remittances through formal channels and use in productive sector to lower the poverty level.

Women Migration (Case Studies in India)

Sangita Mahatara worked as a security guard in a multinational bank in Gurgaon, near Delhi. She worked 12 hours a day, and put in overtime on many days a week, managing to earn enough to admit her children to a private school.

“The boss would be looking at us at all times through surveillance cameras to make sure we weren’t sleeping. If we slept, they would be able to see us from America. That was the kind of system there. I

had to be alert at all times. It was hard, but at least we could do our jobs sitting. We had to check what kind of people were entering, and see if anyone sets off the alarms. It was good.”

Shobha Sharma, her husband, and their two daughters fled their home in Arughat Bazar in Gorkha District. They first went to Darjeeling and eventually to Bengaluru, where they both run a philanthropic agency, sheltering young people and women in distress.

“Some people come due to some suffering, some due to difficulty; others come to bring up children, feed them and work for a better future for their children. Husbands and wives both do jobs to save some money and do something in the village. Now that we are here, this is like our desh (country). Wherever we stay, that is our desh.”

Asha Verma, 35, is from Jahada village in the Morang District in eastern Nepal. She lives in a rented house near Delhi and works as a tailor in a sports factory in Haryana.

“There are things we would like to do but have not been able to. That’s how it is for poor people. Our ideas get buried in our heads. Some of it is our fault. Some of it is our fate. Sometimes it’s the lack of support to move forward. My soul still cries, but I have to keep going for the children.”

Geeti BK, 25, is from Thalinamish village in western Nepal’s Bajhang District. At 16, she was married to a 30-year-old man who was working in Bellandur, a suburb in Bengaluru. After nine years in India, she and her husband continue to work as domestic workers in apartment complexes in Bellandur.

“Everyone from my village comes to India – they don’t go to Dubai, Saudi or places in the Gulf. They don’t come here through middlemen, but through relatives. It’s very far and the journey is not safe, so no one comes alone. Six or seven relatives in a group are needed to make the journey to India.”

Himal South Asia

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References

- Baral, Lokraj (2001), *Nepali Migration to India: Nature, Patterns and Consequences*, South Asian Studies Series-36, by Ramakant and B C Upreti (eds), *India and Nepal, Aspects of Interdependent Relations*, Kalinga Publications, Delhi
- Bashyal, Keshav (2014), *Nepali Migrants in India: A Political and Economic Implications for Nepal*, Ph D Thesis submitted to Jawaharlal Nehru University, New Delhi, India
- Baruah, Nilim (2006), *Remittances to least Developed Countries (LDCs): issues, Policies, Practices and Enhancing Development impact*, (IOM) International Organization for migration.
- Bhattarai, B. R. (2003), *The nature of underdevelopment and regional structure of Nepal: A Marxist analysis*. Delhi: Adroit Publishers.
- CBS (1996), Government of Nepal, National Planning Commission Secretariat, *Nepal Living Standards Survey: Main Findings Vol. 1 and 2*, Kathmandu.
- CBS (2004), Government of Nepal, National Planning Commission Secretariat, *Nepal Living Standards Survey 2003/04: Vol. 1 and 2*, Kathmandu.
- CBS (2011), Government of Nepal, National Planning Commission Secretariat,
- Datta, P. (1990), *Nepali Migrants in India*, paper presented at the XIV Annual Conference of the Indian Association for the Study of Population (IASP), December 1990, Udaipur.
- Datta, Pranati 2002, *Nepali Migration to India*. A paper presented at the USSP conference on Southeast Asia's population in a changing Asian context, Bangkok, Thailand, 10-13 June 2002.
- Dhakal, Samir 2012, *International Remittances, Household Expenditures and Saving: Evidence from Nepal*, Department of UMB School of Economics and Business, Unpublished M. A. Thesis, 30 credits, Norwegian University of Life Sciences.
- Government of Nepal, 2002, National Planning Commission Secretariat, Central Bureau of Statistics CBS, and United Nations Population Fund Nepal (UNFPA) (2002), *Population Census 2001: National Report*, UNFPA, and Kathmandu.
- Graner, Elvira (2001), "Labor Markets and Migration in Nepal: The Case of Workers in Kathmandu Valley Carpet Manufactories," *Mountain Research and Development*, 21(3):253-259.
- Gurung Hark 1989, *Defining National Boundary, Dimension and Development*, Published by Mrs Saroj Gurung page 286.
- Gurung, Harka (1987), "Factors Influencing Migration in Nepal," *Journal of Development and Administrative Studies*, 9: 94-124.
- Kaspar, H. (2005), *I am the Head of the Household now: Gender Aspects of Out-Migration for Labour in Nepal*, Nepal Institute for Development Studies (NIDS), NCCR North-South, Kathmandu.

Mishra, Chaitanya et al. (2000), *Seasonal Agricultural Labour Migration From India to the Nepal Terai*, Center for Nepal and Asian Studies, Tribhuvan University, Kathmandu (Nepal).

Pandey, Devendra Raj (2000), *Nepal's Failed Development: Reflections on the Mission and the Maladies*, Nepal South Asia Centre, Kathmandu (Nepal).

Pattanaik, Smruti S 1998, Indo-Nepal Open Border: Implications for Bilateral Relations and Security, *Strategic Analysis*, IDSA/June 1998

Regmi, Mahesh C.(1972), *A Study in Nepali Economic History (1768-1846)*, Adroit Publishers, Delhi(India).

Regmi, Mahesh Chandra 1972, *A study of Nepali economic history 1768-1846*, New Delhi: Adroit

Sapkota, D., 2009, Nepali settlement and cattle rearing in India's northeast. In T B Subba, A C Sinha, G S Nepali & D R Regmi (eds) *Indian Nepalis: issues and perspectives* (pp 214-224), New Delhi: Concept

Schrader, H. 1988, *Trading Patterns in the Nepal Himalaya*, Bielefelder Studien zur Entwicklungssoziologie, Vol 39, breitenbach, Saabrucken.

Seddon, D., J. Adhikari, and G. Gurung (2001), *The New Lahures: Foreign Employment and Remittance Economy in Nepal*, Nepal Institute of Development Studies, Kathmandu.

Seddon, David, Jagannath Adhikari, Ganesh Gurung 2001: *The New Lahures: foreign employment and remittance economy of Nepal*, Kathmandu: Institute of Development Studies

Segal Uma 2002: *Framework for Immigration: Asians in the United States*. New York: Columbia University Press, 2002. Pp. 468.

Sharma, Jeevan Raj, 2007, *Mobility, Pathology and Livelihoods: An Ethnography of Forms of Human Mobility in/from Nepal*, Unpublished Ph D Thesis, The University of Edinburg, Scotland

Sharma, Jeevan Raj, 2012, *Border effects: Analytical Issues in Border Crossing*, Social Science Baha Lecture Series,

Shrestha, N R 1990: *Landlessness and Migration in Nepal*, West view, Boulder, San Francisco, Oxford.

Sinha, A C 2003, *The Nepalis in Northeast India: A community in search of search of Indian identity*, Delhi: Indus Publishing House

Subba, T B (1997), ' The Nepalis in North-East India: Political Aspiration and Ethnicity' Occasional paper presented in 12th Indian Anthropological Society in Danda Ajit Dasgupta et al (eds), *Ethno-cultural perspectives and Process*, The Indian Anthropological Society, Calcutta.

Subba, T.B. et al. (eds.) (2009), *Indian Nepalis: issues and Perspectives*, Concept Publishing Company, New Delhi (India).

Subedi, 2002, *International Labor Migration from Nepal: Emerging Patterns and Trends*, Population Monograph, CBS, Nepal

Subedi, B. (2003), "International Migration from Nepal: Emerging Patterns and Trends", in Y. Ishikawa (ed.) *A Comprehensive Study of Migration Changes in Asia and Pacific Region*, Japanese Society for Promotion of Sciences, Kyoto University, pp. 252-272.

Subedi, Bhim Prasad (2006), "Migration issues in Nepal: The local worldview of GHARA (Home) and PARA(Other worlds) as a framework of Understanding short-term territorial Mobility", *Nepal Population Journal*, vol.12(no.11), July 2006.

Subehi, Bhim Prasad (1991), "International Migration in Nepal: Towards an Analytical Framework", *Journal of Center for Nepal and Asian Studies*, vol. 18, (no. 1), Jan. 1991, pp. 83-102.

Thapaliyal, Sangita (1999), Movement of Population between India and Nepal, *Strategic Analysis/August 1999*

The Center for Migration and Development (2005), *Immigrant Transnational Organizations and Development: A Comparative Study*, Working Paper Series, Princeton University, CMD working paper # 05-07.

Thieme, S. (2006), *Social Networks and Migration: Far West Nepali Migrants in Delhi*. Culture, Society, Environment, 7, LIT Publishing House, Münster.

United Nations Development Report (2009), *Human Development Report, Human Barriers and Movement...*

Upreti, B.C. (2002), *The Marginal Migrants: A Study of Nepali Emigrants in India*. Delhi: Kalinga Publications.

World Bank 2018: World Development Indicators.