

# Migration, Refugee and Conflict

Week 16- Crisis and Migration

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# COVID -19

- The outbreak of coronavirus was seen first in the Hubei province , Wuhan City in China.

It was seen in December of 2019.

This infectious disease was declared pandemic by The World Health Organization (WHO) on March 11, 2020.

The outbreak spread all over and Nepal also reported cases of infections and deaths.

The destination countries also restricted movement and ban in order to prevent from this virus.

Nepal also took diverse measures such as partial lockdown, travel restrictions, suspended on-arrival visas, suspended domestic and international flights and national lockdown to cope with this pandemic .

# Crisis ; COVID-19 pandemic

- The Covid-19 pandemic affected the dimension of well-being of people.
- It caused a health risk with diverse repercussions in the socio-economic and political aspects.
- Nepal being a country with large number of working age youth population in foreign employment also saw social, economic and political challenges.
- The COVID-19 pandemic affected Nepali migrant workers .
- Several issues and challenges to overcome the crisis were identified and implemented.
- Looking, at The Nepal Labour Force Survey (NLFS) estimates that 2.8 million Nepalese have migrated abroad for work and among these 5 percent are women. The highest number; almost 1 million in India.

# First few Initiatives taken by Government of Nepal

1. Nepal suspended on-arrival visas for nationals from 5 countries effective from 10 March,2020. The countries included China, Iran, Italy, South Korea and Japan. Later, Nepal suspended on-arrival visas from France, Germany and Spain on 13 March,2020.
2. Department of Foreign Employment (DoFE) stopped issuing Labour permits to those Nepalese proceeding for foreign employment. The issuing of Labour permits was stopped from 12 March,2020.
3. On March 14, 2020 on-arrival visas for all foreigners including Non-Residential Nepalese(NRNs) were not provided. Nepal also introduced self-quarantine upon arrival.
4. Nepal suspended all domestic and international flights. The long-distance transport services were stopped. This was effective from March 22, 2020.
5. Nepal declared nation wide lockdown from March 24,2020.

# Key Issues for Nepali Migrant Workers

The key issues and challenges are identified for Nepali migrant workers are divided into two parts – immediate and mid-term/long-term challenges. The immediate challenges included;

1. Health
2. Jobs
3. Vulnerable groups
4. Deportation
5. Discrimination
6. Mental Health
7. Information
8. Relief
9. Return

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## Health

The increment in the number of Nepali migrant workers infected by COVID-19 in various countries of destination particularly GCC countries.

The destination countries focused on healthcare coverage for all migrant workers irrespective of their legal status. Despite that few discriminatory behavior in their access to healthcare was seen

The preventive measures to protect the workers were taken by employers however the question raised regarding the working and living conditions of migrant workers.

As the living conditions of migrant workers seemed to be congested, overcrowded and unhygienic.

In addition the protective gears at workplace was also a concern

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## Jobs

The downwards fall of economy led to disruption of Labour market. The manufacturing and service sector mostly impacted.

The migrant workers also faced reduced work hours, no wage payment, forced to take unpaid leave and are not provided with adequate access to basic necessities.

Nepal Association of Foreign Employment Agencies (NAFEA) in June 2020 estimated job loss as follows;

30 % in UAE and Malaysia

20 % in Qatar and Saudi Arabia

15 % in Kuwait

12 % in Bahrain

10 % in Oman

The 1,15,000 migrant workers who had received Labour permits could not proceed for foreign employment due to restrictions of pandemic.

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## Vulnerable groups

The undocumented and domestic workers were the most vulnerable categories of workers.

The domestic workers already face restriction of movement, working for excessive hours, work without day-off, delay or withheld wages and sometimes harassment and physical abuse.

Domestic workers due to lack of information were not in access to preventive measures.

The increment in workload also occurred and in addition, those workers who wanted to leave also became unable to leave their employment due to restrictions of movement.

The undocumented workers were at risk. Despite destination countries came with the policy of amnesty and other aspects the fear of being detained.

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## Deportation

Despite announcing amnesty programs to undocumented workers by countries like Kuwait and Malaysia many workers due to fear did not show their presence.

As per the data the 400 Nepali workers from Qatar despite having their legal status were deported . This arose fear to migrant workers.

Also being enrolled in amnesty scheme also due to restriction on international flights migrant workers had to wait to return.

Example: Over 3500 migrant workers, including women enrolled in amnesty scheme of Kuwait government.

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## Discrimination

Nepali migrant workers were already impacted economically and also faced health issues.

The discriminatory behavior was another cost of pandemic they faced in the destination countries.

Despite the destination countries assured access to health service several cases of discrimination occurred while accessing health services

These were among few issues faced by Nepali migrant workers.

Upon their return to Nepal these workers were faced with stigmatization and discrimination and blamed for transferring the virus.

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## Mental Health

The mental health issues were another immediate challenges to well-being of migrant workers.

The issues of their job security, lack of information , the uncertainty and future dilemma arose the anxiety.

Workers were also in anxiety of being infected while going to work.

The cases pointed included workers having to go to work despite fear of getting infected to secure their jobs.

To those not working , the future uncertainty and dealing situations back home led to mental health problems.

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## Information

The stress amongst migrant workers also increased due to a lack of proper communication channel.

They were in dilemma in regards to proper information channel for support available to them.

The important information were provided by local language thus making migrant workers difficult to understand the information can take advantage in the time of crisis.

One example can be taken from Jordan; The Government of Jordan launched 13 online platforms for disseminating information. The services included grocery, health services, registering grievances.

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## Information

These information were disseminated in Arabic creating language barrier to several migrant workers.

In addition, the migrant workers being less familiar to technology also could not benefit from this information.

Also, the embassies not giving prompt assistance to critical information.

The role of embassies seemed to be important during the pandemic however the havoc created question on their effectiveness.

The migrant workers hence complained about lack of responsiveness of embassies.

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## Relief

The lack of organized relief distribution on migrant workers was one of the major issues.

In addition , the lack of a clearly defined identification mechanism and insufficient resource have been identified as some of the key challenges.

The concern was regarding relief distribution in destination countries where no diplomatic presence existed.

In the origin also the cases were reported where migrant families have been discriminated in relief distribution.

The remittance receiving households being told not getting additional support was a kind of discrimination prevailed.

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## Return

Managing return was a key challenge. The workers stranded were large in numbers.

Several provisions and initiatives were taken by the Government of Nepal in consideration to the return of stranded migrant workers.

The categorization of workers was developed and was prioritized.

The facilitation of return included who will bear the cost of return, health screening, standard of quarantine facilities and affordable and safe transportation facilities.

Several Supreme Court decisions and declarations along with legal directives were also developed.

# Mid/term and long term challenges

The mid term and long term issues included;

1. Managing reintegration
2. Managing grievances
3. Regarding Remittances
4. Job security and fair recruitment
5. Employment Generation
6. Food security
7. Amendment of Foreign Employment Act , 2007

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## Managing reintegration

The reintegration of returnee migrant workers in the national Labour market brought a huge challenge. The decent work concern and utilization of returnee migrant workers skills.

## Managing grievances

The grievances handling in the countries of destination and origin occurred. The violation of migrant workers rights was a major concern.

## Remittances

Decline in remittances occurred. The large contribution of national GDP is through remittances. Coronavirus pandemic affected the economy of Nepal.

# Government Responses during the COVID-19 Crisis

- Government as its immediate response to the COVID-19 outbreak stopped issuance of Labour permits from February 2020. Later after the favorable situation occurred Labour permits were provided.
- Government developed an action plan on relief. It included provision of inclusion of workers who had obtained work permit but could not proceed for work in foreign employment. They were included in the Prime Minister Employment Project (PMEP).
- The study was conducted by Foreign Employment Board (FEB) regarding number of migrant workers returning immediately and in the long-run.

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- Government of Nepal also announced the repatriation and the repatriation began.
- The priority was given to pregnant women, people who have lost their jobs, people having health issues, people who lost their family members in their home, people overstaying after visa expiry.
- Foreign Employment Board (FEB) sent a total of Nepali Rupees seven million to the diplomatic missions based in some countries of Gulf and Malaysia. Money was send to support migrant workers stranded without employment and food.
- National Planning Commission (NPC) formed a task force to assess the effect of COVID-19 on foreign employment and its impact on Nepalese economy with special focus on remittance.

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- National Human Rights Commission (NHRC) also focused on monitoring the violations of rights of migrant workers NHRC liaison with their counterparts in Malaysia, Qatar and Philippines.
- NHRC recommended government to address issues relating to those stranded migrant workers in destination countries and those stranded in Nepal-India border.
- NHRC also formed multi-stakeholder taskforce to organize support for migrant workers during pandemic.
- Ministry of Labour, Employment and Social Security (MoLESS) also collected grievances through call centers that operated from 7 AM to 9 PM daily.

The call center operators were provided with psychosocial counselling training and their role was to provide counselling services to the migrant workers and their families.

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-Regarding facilitating the reintegration programs MoLESS developed a form to record skills of the migrant workers. These forms were distributed to the migrant workers through diplomatic missions in countries of destination.

-Provincial and local government engaged in facilitating quarantine in respective locations.

Also, several programs and policies were developed to promote local employment opportunities.

-Supreme court issued interim order directing government to rescue Nepali migrant workers stranded at the Nepal-India border those who were willing to return and provide them quarantine facilities.

# Socio-economic impacts of COVID-19

- Nepali migrants lost their job due to pandemic.
- Many of the workers were forced to go on unpaid leave or return home before their contract period is over.
- The risk of being unemployed was estimated around 20 %
- The workers not being given wages and other benefits.
- The workers being deprived of basic services, including health facilities etc.
- The workers being exposed to risk of infection.
- The loss of income causing economic cost of migration; as increment in debt burden and shortage of food occurs
- The remittance went down as earlier years.

# Example

A case of migrant worker being stranded in India.

A 35 year old was forced to conduct death rituals in India.

He was a seasonal Labour working in various hill towns in India. The spread of Coronavirus and nation-wide lockdown in Nepal stopped him at border to come to his hometown Darchula.

His home town was near to the border despite that he could not go his village. He was in communication via telephone and internet with his mother who worried about him. Soon his Mother died due to heart attack.

He was not allowed to cross border. Despite being the elder son and he could not perform cremation rites. His younger brother did.

Only after 6 days of his Mothers demise he entered Nepal.

This one example cannot generalize however, it can also be considered that the communication from both sides Nepal and India were also not commendably done while coping up the crisis.

# Supreme Court Decisions and Declarations

The supreme court decisions and declarations regarding Labour migration and migrant workers are as follows;

## 1. Repatriation of migrant workers affected by COVID-19

The interim order by Supreme Court on June 17, 2022 was regarding repatriation of migrant workers.

The Supreme Court ordered the government to use the Foreign Employment Welfare Fund to repatriate Nepali workers stranded abroad.

## 2. Repatriation of migrant workers affected by COVID-19

The interim order by Supreme Court on April 16, 2022 was regarding repatriation of migrant workers.

The Supreme Court ordered the government to take care of the health needs of Nepali migrant workers living in foreign countries and

To repatriate vulnerable Nepali workers from foreign countries.

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## 3. Repatriation of migrant workers at the Indian border affected by COVID-19

The interim order by Supreme Court on April 7, 2022 was regarding repatriation of migrant workers at the Indian border affected by COVID-19.

The Supreme Court ordered the government to bring all Nepali citizens stranded at the Indian border willing to come home and quarantine them.

- Few Legal Framework also has been developed inconsideration's to diverse crisis.
- They include rescue and repatriation of Nepali Migrant Workers due to Covid-19 and The Disaster Victim Rescue and Relief (7<sup>th</sup> amendment) criteria.
- Furthermore Nepal also has commitments to several international conventions and treaties.

# Legal Framework

1. The Directive for the Rescue and Repatriation of Nepali Migrant Workers Stranded due to COVID-19,2020.

This directive has focused on using Foreign Employment Welfare Fund (FEWF).

The FEWF will be used to repatriate Nepali migrant workers who left with due process but were stranded in various countries of destination due to pandemic.

The Nepali missions abroad and recruitment agencies were tasked for few things

They were asked to verify that migrant workers have received air tickets, salary and other benefits they were entitled to from their employer.

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## 2. The Disaster Victim Rescue and Relief (7<sup>th</sup> amendment) Criteria,2020

It guides and directs the government authority to provide the necessary support to victims of natural calamities and their families.

It also has developed criteria related to foreign employment.

A member from the victim's family upon referral and decision of the District Disaster Management Committee can proceed for foreign employment through Ministry of Labour, Employment and Social Security.

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## 3 . Several commitments towards Migrants Rights

Commitments to various international conventions and treaties.

The sixth periodic review of Nepal at the 71<sup>st</sup> session of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committee has focused on institutionalizing women's rights, including rights of migrant workers.

4. Ministry of Labour Employment and Social Security (MoLESS) has prepared a working procedure to include Nepali migrant workers in the national social security scheme.

# Policy Changes in Key Countries of Destination ( COVID-19 induced changes)

## 1. Bahrain

Due to COVID-19 employers required to reduce a number of persons per room.

To maintain physical separation and consider hygiene and sanitary standards

Introduced short-term free health coverage for migrant workers

In June 2021 vaccination program was extended to cover irregular migrants.

## 2. Israel

A blanket ban on caregivers to physically leave their place of employment ; nursing homes after COVID-19.

The daily basis monitoring of the health of migrant workers in the care sector working in nursing homes.

In addition, they were required to wear personal protective kits all the times.

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## 3.Japan

The 915 USD cash was provided for all residents, including foreigners listed on the Basis Resident Register in 2020.

Also, in 2021 foreign businesses also were eligible to apply for the subsidy program for sustaining business.

However, only if their monthly income dropped to more than 50 percent compared to the same month of previous year they could apply.

In addition, in May 2021 Temporary Loan Emergency Fund was established.

The foreigners struggling financially could take loans amounting to USD 1825 with a repayment deadline of two years.

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## 4. Kuwait

Amnesty programme was announced for irregular migrants in April 2020

Kuwaiti government took steps to repatriate irregular migrant workers at no cost to the migrant workers.

Nepali migrants could enroll in the programme from 26 to 30 April.

## 5.Saudi Arabia

The royal order expanded irregular migrants access to COVID-19 related health assistance without any civil, criminal or economic liability.

The amnesty also provided free coronavirus testing for irregular migrant population.

The employers availing of government subsidies cannot terminate workers contract. If they do it becomes illegal.

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## 5. Malaysia

In March 2020 Malaysia suspended admission of less-skilled workers who had temporary passes.

It also suspended domestic workers and workers in agricultural , manufacturing and service sectors.

The Social Security Organization (SOCSO) took responsibility of COVID-19 screening cost of those migrant workers who contributed to SOCSO.

On August 2020 new regulation was introduced by Malaysia government in regards to cramped and congested living conditions for foreign workers

The Ministry of Human Resources (MoHR) required employers to pay their workers full-time salary even if they were unable to provide full-time work between 18 March and 3 May 2020.

This was due to Movement Control Order (MCO) issued in March 2020.

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The amnesty provision was introduced in 2021 for undocumented migrant workers during the COVID-19 pandemic.

This provision was to regulate illegal migrants in four sectors;

- Construction
- Manufacturing
- Plantation
- Agriculture

The irregular migrants without any criminal charges benefitted from this scheme.

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## 6. UAE

The employers those who could not provide work during COVID-19 pandemic asked their workers to register in a virtual Labour market.

This online registry system was to facilitate their re-employment with other employers.

The monitoring mechanisms were also prioritized regarding the registration.

The temporary repatriation for employed migrant workers were provided .

Employers were required to pay for return flights.

The visas for workers were automatically renewed from 31 December 2020 to ensure that no one are into irregular status due to pandemic.

The amnesty was also announced for foreigners with overstay . They were given 3 months time to return home.

# Summing up

1. To protect the Nepali Migrant workers and ensure their rights; the concern of workers rights as human rights. However, diverse challenges were faced .
2. The relief, repatriation and upon return several initiations were taken however the stigmatization faced by the returnee migrant workers still remained. The repatriation of deceased was a major challenge.
3. Preventing and mitigating the stigmatization was done using collaborative approach with the concerned stakeholders at the local level. These concerned stakeholders included; Non-Governmental Organizations, political and community leaders and media. The role of local government was also seen however several questions also were raised in working efficiency and effectiveness.
4. The Legal frameworks were developed .The dignified return of Nepali migrant workers were a major concern hence, diverse efforts were taken. However, implementation part still raised a question?

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