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# Does Pre-departure Orientation Protect Labor Migrants? Examining Pre-departure Interventions in Nepal

**Prajesh Aryal and Arjun Kharel**

Migration has been instrumental in bringing about the most significant transformation in livelihoods in Nepal over the past three decades. While the Himalayan nation has a long history of migration—initially for recruitment in the British Army and labor work in India—the phenomenon has increased exponentially since the 1990s. The major share of migration is now to overseas destinations, particularly for labor contract work in the Persian Gulf countries and Malaysia, and to a lesser extent, to more lucrative destinations such as South Korea, Japan and Poland. As of the 2001 census, there were 762,181 members of Nepali households classed as ‘absentee’—those living outside the country for six months or longer at the time of the survey (CBS 2014). This figure increased three-fold, reaching 2,169,478, in the 2021 census (CBS 2021). The high volume of migrants traveling for labor contract employment abroad has led to the emergence of challenges, including exploitation and deception of workers and poor working conditions. Often, migrants return home with limited savings or, in some cases, with a net loss.

It is in this context that government and non-government agencies in Nepal have implemented pre-departure information programs for Nepali workers going abroad. The presumption is that correct information will help protect them from deception, fraud, health and safety risks, human rights violations and other poten-

tial risks present in the migration process. Over 200,000 Nepali workers who leave for foreign employment on a ‘new entry’ category of labor permits every year attend (or are presumed to attend) a mandatory orientation training known as Pre-Departure Orientation Training (PDOT) prior to departure (MoLESS 2020).<sup>1</sup> There are also interventions by international development agencies and non-governmental organizations (NGOs) that provide information on safe migration to workers in the earlier stages of the migration process such as when they apply for a passport.

It has been over a decade and a half since pre-departure orientation programme was first introduced in Nepal. There is no clear indication yet that the intervention is working as envisaged. While no systematic assessment of the effectiveness of the program has been done, available evidence indicates that it has substantial limitations in protecting migrant workers. This policy brief examines the strengths and weaknesses of the pre-departure orientation programs implemented in Nepal, which are aimed at improving migrant workers’ experience and making international labor migration safer.

<sup>1</sup> ‘New entry’ labor permits are issued by the Department of Foreign Employment in Nepal to Nepali workers going to work for a new employer company in a destination country for the first time. The labour permits for ‘re-entry’ are issued for the continuation of the employment with the same employer.

## The Global Context

The dissemination of pre-departure information to migrant workers is a globally implemented intervention premised on the idea that having adequate information will empower and protect migrant workers throughout their migration cycle.<sup>2</sup> It is designed to ensure the safety and security of migrant workers as well as help them find decent work (ILO 2014). It is grounded in the idea that aspirant migrants are mostly unskilled or semi-skilled individuals who come from disadvantaged socioeconomic backgrounds and have limited educational attainment and thus lack adequate information. The intervention is meant to help those migrants who are likely to have no knowledge of the cultural milieu and legal context in the countries of destination, which makes them susceptible to various risks (Siddiqui et al. 2008).

Such interventions have now been adopted by many countries that are engaged in the provision of contractual labor (Asis and Agunias 2012; MoSDE 2022; Akhter 2014). Some have even set up dedicated institutions to carry out timely delivery of information to migrant workers so as to help them mitigate migration-related vulnerabilities and achieve a productive migration experience (FEB 2022a; OWWA 2022; MoEA 2022).

The importance of pre-departure information for the protection of migrant workers has been stressed in other global initiatives on

migration such as the Global Compact for Safe, Orderly and Regular Migration (GCM) by the United Nations, the Integrated Programme on Fair Recruitment (FAIR) principles framed by the International Labour Organization (ILO) and the IRIS (International Recruitment Integrity System) Standard for ethical recruitment set by the International Organization for Migration (IOM). The GCM and FAIR recruitment principles urge labor-sending countries to organize comprehensive orientation programs to inform potential migrants about their rights and obligations, terms of contract, conditions of recruitment and employment as well as social norms and customs in destination countries, while also sensitizing them to the risks of unsafe and irregular migration (UN 2018; ILO 2019). The IRIS Standard calls on recruiters to provide mandatory pre-departure orientation training that ‘includes, at a minimum, training and information on the rights and obligations related to emigration and immigration, the terms and conditions of the employment contract, information on the working and living conditions in the selected sector and grievance mechanisms’ (IOM 2019).

## Pre-departure Information Interventions in Nepal

The practice of providing pre-departure information in Nepal began in 2004 and was eventually institutionalized with pre-departure orientation training (PDOT) being mandated by the Foreign Employment Act, 2007 and the Foreign Employment Rules, 2008 (Asis and Agunias 2012). Until then, the legal instrument governing labor migration from Nepal, the Foreign Employment Act, 1985 and its amendments, did not stipulate any comprehensive orientation training even though they required private recruitment agencies to ‘inform’ outgoing migrant workers about the geographical location, culture, labor laws as well as the economic, political, and social con-

<sup>2</sup> United Nations specialized agencies such as the International Organization for Migration (IOM) and regional multilateral forums like the Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process) strongly promote the practice of disseminating pre-departure information to migrant workers. See for instance: Agunias, D. R.; Aghazarm, C; Battistella, G. n.d. *Labour migration from Colombo Process countries Good practices, challenges and way forward*. Geneva, Switzerland: International Organization for Migration. Available at [http://s3.amazonaws.com/migrants\\_heroku\\_production/datas/448/ColomboProcessStudy\\_final\\_original.pdf?1351845543](http://s3.amazonaws.com/migrants_heroku_production/datas/448/ColomboProcessStudy_final_original.pdf?1351845543)



Potential migrant workers receiving counseling services on safe migration at the Migrant Resource Centre (MRC), Janakpur. The MRC provides mandatory counseling services to anyone that applies for a passport at the adjacent District Administration Office. Photo: Arjun Kharel

ditions of the destination country (GoN 1985).

Training under the PDOT program is provided by private institutions registered with the Department of Foreign Employment (DoFE 2022). These institutions are monitored by the Foreign Employment Board (FEB), which designs the PDOT curriculum (GoN 2007) and ensures the quality of training. The curriculum is required to cover a wide range of topics, including (GoN 2008; FEB 2019):

- the foreign employment law of Nepal;
- geographical situation, culture, lifestyle, economic, social and political situation of the destination country;
- language, relevant laws and traffic rules of the country of destination;
- HIV/AIDS, communicable diseases, sexual and reproductive health;
- occupational safety and health;
- easy and safe travel;
- treatment and security of workers as well as financial literacy;
- points to be remembered while signing the labor contract; and

- dos and don'ts during foreign employment.

The current PDOT curriculum, a 12-hour course (spread over two days) that has been in use since 2021, is tailored to provide country-specific information to migrant workers (FEB 2021).

Beside private players, NGOs, government bodies and international development agencies also provide pre-departure information to migrants. One such initiative is the Safer Migration Program (SaMi) jointly implemented by the governments of Nepal and Switzerland. A major component of SaMi is the dissemination of information on safe migration to potential migrant workers through Migrant Resource Centres (MRCs) established locally or at the district headquarters where passports, the most essential documents for traveling, are issued. The idea behind this initiative is to provide information to migrant workers at the earliest point in their migration process. The MRCs provide orientation on safe migration practices and refer the workers to other SaMi partners for free skills training, legal aid and associated support, psycho-social counseling and finan-

cial literacy classes (SaMi 2022).

Some other organizations operate similar resource centers to assist migrant workers. The Women's Rehabilitation Centre (WOREC), for example, promotes safe migration for women, emphasizing labor rights and the right to mobility and taking up advocacy efforts with a view to preventing trafficking. It also provides counseling services and skill development, operates migration information booths and develops educational materials targeted at female migrants (WOREC 2022). Organizations like Pourakhi, Maiti Nepal, ABC Nepal, Samana and the Samriddhi Project also operate MRCs at different locations in the country to provide information to prospective migrants. Like the government-led MRCs, these centers are mandated to carry out awareness campaigns on safe migration through local FM radio, newspapers and other media, mobilizing local facilitators or social mobilizers (FEB 2022b). A National Migrant Resource Centre at the FEB office in Kathmandu coordinates all the MRCs in the country to ensure consistency and uniformity in dissemination of migration-related information. In addition, trade unions also provide information on safe migration to potential migrant workers.

### **Efficacy of Pre-departure Information Campaigns in Nepal**

While the pre-departure information programs look promising, there is no substantial evidence of their having achieved key objectives, or even that they are on the right track. The limited evidence available in fact points to the contrary, suggesting a lack of effectiveness and only a limited meaningful impact on the people's lives. The key issues affecting these interventions are discussed below.

### **Information Interventions Ignore India-Bound and Irregular Migrants**

The pre-departure information interventions

are focused on migration flows to countries other than India, largely ignoring the various kinds of informal cross-border migration taking place to that country. The mandatory PDOT is intended only for those migrant workers who have secured a visa and are awaiting a labor permit from DoFE (FEB 2019). Since Nepalis traveling to India do not have to obtain a labor permit, most of them do not receive any form of training prior to their departure. Many aspirant migrants to India are therefore oblivious to the hazards and risks they may face during their migration to and within India (MoLESS 2020; Sharma and Thapa 2013). India remains the top country of destination as well as the country of transit for human trafficking from Nepal (Kharel, Bhattarai et al. 2022). Many aspirant migrant workers are reportedly trafficked to India for forced labor and sex trafficking through deception and often return to Nepal in a miserable condition (Kharel, Bhattarai et al. 2022).

The mandatory PDOT does not also cover other migrants traveling through irregular channels and without a labor permit. Most migrants of this kind migrate via India and are at high risk of exploitation or deception. Studies have found that the share of women in migration through irregular channels is disproportionately high (Bhadra 2013). Women take up the irregular route primarily to circumvent the travel ban that bars them from taking up domestic work in a number of foreign countries (Kharel 2016; ILO 2017; Shrestha et al. 2020). Studies have also shown that women appear to be largely uninformed about government regulations relating to labor migration (Sijapati et al. 2019; Mak et al. 2019). A major gap in information interventions in Nepal is, therefore, the exclusion of arguably the most vulnerable of all migrants, i.e., those travelling irregularly, either voluntarily or otherwise, and particularly women.



People queuing up at the District Administration Office (DAO) in Janakpur to receive various services, including passports. Most of the people that apply for passports are potential migrant workers who are provided with free counseling services by the Migrant Resource Centre at the DAO premise before the passports are issued. Photo: Arjun Kharel

### Unhelpful Timing

Part of the criticism of the PDOT program relates to its scheduling. Training is provided to prospective migrant workers after they secure their visas but before submitting an application to DoFE for a labor permit (FEB 2019). This means that it comes toward the end of the pre-departure phase and, as a result, the workers do not receive information on key issues including their rights and entitlements vis-à-vis private recruitment agencies (PRAs) in time so as to be able to avoid some of the risks they face during this stage of their preparation (Kharel, Shrestha et al. 2022). This late scheduling of training also comes at a time when attendees are less inclined to concentrate on the information given to them (Kharel, Shrestha et al. 2022), having other urgent priorities before travel, such as seeing family, making arrangements for household expenses until remittances can be sent home and preparing for the travel itself. Some migrant workers who face potential abuse and exploitation by PRAs and their agents, such as retention of passports and forcible payment of exorbitant fees, may become aware of impor-

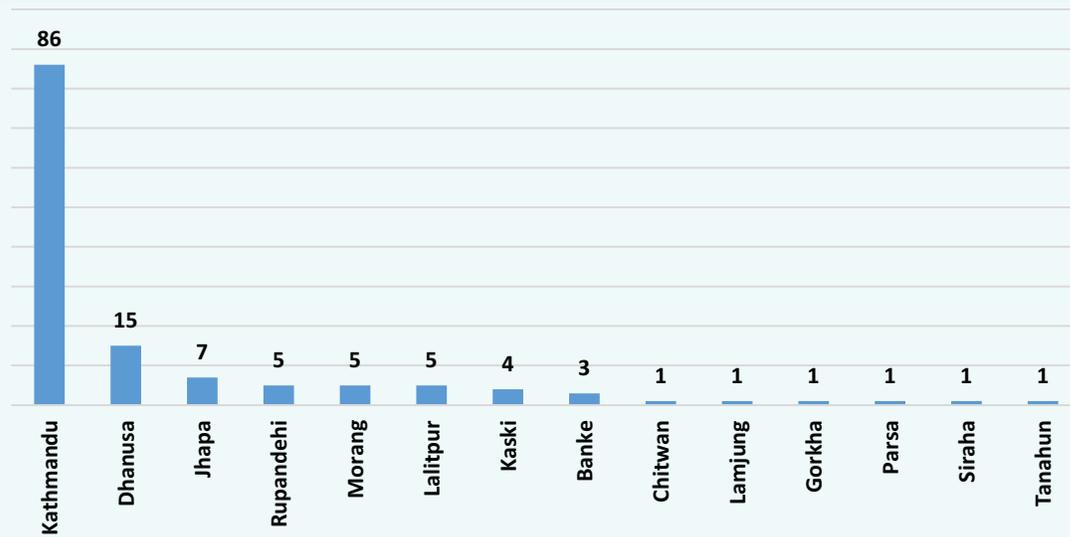
tant laws, complaint procedures and redressal mechanisms only after the experience. The pre-departure information on safe migration provided to migrants by the MRCs based at the passport-issuing offices does seem to address this particular shortcoming in the PDOT. However, such programs have their own limitations as they have limited geographical coverage. More problematically, the pre-departure information at the MRCs is provided somewhat 'forcibly' rather than voluntarily since potential migrants usually attend such information sessions only to fulfil a requirement to obtain a passport and without an interest.<sup>3</sup>

### Location and Centralization of PDOT Centers

A disproportionately high number of active PDOT centers are located in Kathmandu. The DoFE website shows that out of the 143 training centers licensed by the department more than 80 are in Kathmandu. Other than the national capital, only Dhanusa district in Province 2 houses more than 10 PDOT centers.

<sup>3</sup> This is based on observation of interactions between counselors and potential migrants at the MRCs and interviews with MRC counselors and the participants.

Figure 1. Location of PDOT Centers in Nepal (N=136)



(Source: DoFE 2022)

So, an essential service targeted at outbound migrant workers is centralized in the capital despite statistics showing that most migrant workers originate from rural areas and towns outside the capital. This is the prevailing situation despite the devolution of some foreign employment-related authority, including information outreach, to local units since the federalization of Nepal beginning in 2017-18. While migrant workers have limited options in terms of choosing and accessing training centers at a place of their convenience, the centralization of PDOT centers in Kathmandu compels them to incur additional expenses in the form of accommodation and associated costs for the period they have to stay in Kathmandu to attend training sessions, adding to their overall recruitment cost.

### Irregularities in PDOT Centers

In the context of the inconvenience associated with receiving training, many migrant workers do not bother to sit through the mandatory PDOT sessions. The PDOT program is generally perceived as a mandatory requirement for labor permit approval and an additional burden on migrant workers. It is a condition recruitment agencies are able to evade using

their network, or by paying bribes to government officials. As one migrant worker preparing to leave for Qatar said during an interview in Kathmandu:

*I am going abroad for a cleaning job. I am flying in two days ... I haven't attended the orientation class [PDOT]. Our agent said, 'You don't have to sit for the orientation.... We have talked to the officials. You have to pay me 1,500 rupees for this.'*

Further, the involvement of licensed training centers in malpractices, such as issuing training certificates to migrant workers without conducting the training program, is well-known (Mandal 2021). They are reported to issue fake certificates of completion of training to migrant workers in collusion with recruitment agencies (Mandal 2021).

### Lack of Improvement in Occupational Safety and Health of Migrants

Pre-departure information interventions in Nepal have not been successful in producing the intended results in terms of the health and safety of workers. The number of Nepali migrant workers dying in various countries of destination, especially in the Gulf Cooperation

Council (GCC) region, continues to be high (MoLESS 2020). Nearly 1,300 Nepali workers lost their lives in the year 2021/22, more than in the preceding years (MoLESS 2022). Many cases of death of Nepali migrant workers are attributed to traffic and workplace accidents—the very hazards that are meant to be dealt with in the PDOT program (MoLESS 2020). More than 100 Nepali migrant workers have died abroad in traffic accidents every year since 2009/10, and more than 50 annually due to workplace-related accidents in the same period (FEB 2022c).

### High Costs of Migration and Lack of Access to Justice

A major objective of pre-departure information programs is to prevent and curb fraud and deception in the migration process, including the collection of unauthorized fees by recruitment agencies and other labor intermediaries. Migrant workers, however, continue to pay high fees for recruitment and receive inaccurate receipts for fees paid to recruitment agents (ILO 2021). Migrant workers pay an average of NPR 100,000 as recruitment fees for migration to the GCC countries and Malaysia despite a law enacted in 2015 that prohibits collection of a recruitment fee of more than NPR 10,000 from a migrant worker (Kharel et al. 2022). Our field data from Bhojpur and Dhanusha districts suggest that many workers pay more (NPR 300,000 or more) to secure a lucrative job, or to migrate on one of the more coveted pathways to destinations such as Eastern Europe (Gupta et al. 2022).

Studies have indicated that there is a wide range of fraud and deception happening within the migration process, including paying workers less than the assured salary and making them do work other than that specified in the contract (NHRC 2019). In some cases, fraud and deception by recruitment agents land the migrants in legal trouble, and some workers even end up being imprisoned overseas or deported (Gupta et al. 2022). Most

such cases tend to result in the migrant losing money and returning to Nepal more indebted than prior to their migration (Gupta et al. 2022). Despite widespread fraud in the migration process, including high recruitment fees, only a small number of cases are filed against recruitment agencies even though the PDOT program is designed to inform prospective migrants about the laws, institutions and organizations that can provide support to them in such cases in Nepal and in the countries of destination. Data from the Foreign Employment Tribunal (FET) show that only 441, 548 and 316 new cases concerning foreign employment irregularities and fraud were filed in the years 2019/20, 2020/21 and 2021/22, respectively, and only about half of the total cases were adjudicated across the three years, suggesting prolonged court battles and delays in justice delivery even if the initial verdicts were in favor of the migrant workers (FET 2022).

### Conclusion: Unrealistic Promises and Need for Well-Functioning Migration Governance

Programs to raise awareness are based on the presumption that migrant workers suffer both during the migration process and employment overseas due to a lack of information. That, however, is not always the case. Migrant workers suffer mainly because the formal mechanisms of migration do not work, and awareness programs may only provide false hope by suggesting that issues will be resolved through greater access to the right information (Kharel, Shrestha et al. 2022). Migrant workers are unable to exercise their rights in most destination countries as well as at home due to a combination of structural barriers. The lack of improvement in Nepali workers' health and well-being is related to the fact that there has hardly been any improvement in working conditions, and migrant workers do not have the necessary capacity to make desirable changes happen. The staggering number

of Nepali migrant workers dying from heart attacks and suffering kidney failure is a structural problem, which can only be addressed by improving working and living conditions as well as access to health services in the destination countries, not by simply ‘informing’ people to make use of services that do not exist (e.g., telling them to drink plenty of water when the employer does not provide it at the workplace).

Studies do indicate that many migrant workers are unaware of their rights and the redressal mechanisms available in the country of origin as well as in destinations abroad (Bhattarai et al. 2022). However, this should not be viewed as resulting from a lack of information. On most occasions, migrants are unaware of these provisions because they are virtually non-existent or inaccessible. Moreover, filing a complaint can even worsen the workers’ situation. One such recent example is of a group of migrant workers deported from Qatar for protesting against employer companies not paying their wages (Pandey 2022).

Migrant workers’ access to justice is obstructed in Nepal not only by a lack of information but by delays in justice delivery, lack of evidence against alleged perpetrators and unequal power relations between alleged victims and alleged perpetrators. Migrant workers are also reluctant to file cases against alleged perpetrators as the chain of intermediaries is often long and complex. At the village level, these intermediaries may even be relatives, friends or acquaintances who work for recruitment agencies or other intermediaries and may themselves be unaware of the illegal practices that are at play higher up the chain. Migrant workers are ‘informed’ to not use intermediaries and not pay more than what is authorized by the government. However, practically, recruitment agencies do not abide by these rules.

Based on the above discussion, the following recommendations are suggested:

- In the context of the dysfunctionality of formal mechanisms of labor migration in Nepal, awareness programs alone are not sufficient to bring about the desired impacts. These campaigns can work, but only if key institutions work according to the information provided to migrant workers. To achieve this, the Nepali Government and the governments of destination countries must work more effectively together to improve recruitment practices in Nepal and working and living conditions abroad.
- The Government of Nepal should devise a unique pre-departure orientation program specifically targeting India-bound workers. While questions can be raised about the practicability and sustainability of implementing such a program—since it is difficult to identify aspirant migrants in the first place—designing a curriculum and spreading the message through mass media could be a first step in the right direction.
- Migrant workers may benefit more if they participate in PDOT well in advance, before or soon after their first contact with the PRAs. The training institutions can be asked to conduct classes year-round so that aspirant migrant workers can take up such classes at a time convenient to them after paying a pre-determined fee. Only then will migrant workers be better informed and be able to plan their migration journey accordingly.
- Migrant workers will benefit if there is greater decentralization of PDOT centers outside of Kathmandu. The availability of pre-departure orientation at the local level, preferably within the municipality/rural municipality of migrant workers, will significantly reduce the cost of attendance as well as make the migration process less stressful.
- Given that a huge share of Nepali youth participate in foreign employment during their lifetime and one in three households has a member participating in international migration, the information package on safe

migration should form part of the wider school curriculum. This way, basic information on safe migration approaches can reach potential migrants and migrant house-

holds earlier in their life cycles and therefore negate the need for a separate government program on information dissemination.

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## AGRUMIG Policy Brief Series

This policy brief is one in a series of briefs produced as part of the AGRUMIG project.

**Prajesh Aryal** (MA) is a researcher at the Centre for the Study of Labour and Mobility at Social Science Baha, Kathmandu, Nepal. He has research interests in different aspects of regional and international migration and its governance.

**Arjun Kharel** (PhD) is an assistant professor of sociology at Tribhuvan University and a research fellow at the Centre for the Study of Labour and Mobility at Social Science Baha, Kathmandu, Nepal. His research focuses on migration, labour, social change, and development.

## AGRUMIG Project

The project titled AGRUMIG 'Leaving something behind' - Migration governance and agricultural & rural change in 'home' communities: Comparative experience from Europe, Asia and Africa proposes an integrated approach to migration governance to address the two-way relationship between labor mobility and changes in agriculture and the rural sector. Migration creates challenges for rural 'sending' communities in low- and middle-income countries, yet it can also be transformative. The project engages in a comparative analysis of seven countries (China, Ethiopia, Kyrgyzstan, Moldova, Morocco, Nepal and Thailand) to identify the economic, institutional, cultural and agroecological factors which shape these relationships. It will identify the range of governance interventions that can harness migration to stimulate sustainable, gender equitable growth in agriculture, and reduce the distress associated with migration.

**Donor:** European Union (EU) Horizon 2020 Framework Programme (H2020) under grant agreement number 822730

(Call: Towards forward-looking migration governance: Addressing the challenges, assessing capacities and designing future strategies)

**Project website:** <http://agrurig.iwmi.org>

For more information on the project, contact: Angela Haynes, School of Oriental and African Studies (SOAS), University of London, UK (ah121@soas.ac.uk)

This project is part of the MARIS (Migration, Agriculture and Resilience: Initiative for Sustainability) network (<http://maris.iwmi.org>)

