

Migration in Nepal

A COUNTRY PROFILE 2019



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Migration in Nepal

A COUNTRY PROFILE 2019



MESSAGE FROM THE MINISTER OF MINISTRY OF LABOUR, EMPLOYMENT AND SOCIAL SECURITY

Rameshwar Ray Yadav
Minister

Ministry of Labour, Employment & Social Security

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Foreword

It is Pleasure to see the **Migration Profile** of Nepal published by the International Organization for Migration (IOM). It would be a roadmap for policymakers to ensure that migration is for the benefit of all.

The Migration Profile provides a comprehensive evidence based account of the country's migration experience in a single, concise document to serve as a tool for policy-making. Hopefully, it would be an invaluable tool for all the stakeholders and entities responsible for shaping the policies of the country.

To summarizing readily available migration data sets and statistics, the Migration Profile aims to identify and analyze the challenges and critical areas for overall migration data management. It also strengthens the connection between migration and development and its significance in the country's migration governance framework.

Nepal is a major source country for labour migrants. It contributes to multi-dimensional developments of the country. I believe the informations presented and the recommendations made by the Migration Profile will be helpful to manage migration and its overall impacts to the developments.

Thanking You.

17/12/2019
Rameshwar Ray Yadav
Minister
Ministry of Labour, Employment and Social Security

MESSAGE FROM THE SECRETARY OF MINISTRY OF LABOUR, EMPLOYMENT AND SOCIAL SECURITY



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Message



It is my pleasure to share message about Migration Profile of Nepal getting published from IOM. This profile is an important document assembling all in and out migration related statistics of Nepal from different sources. Migration Profile is a tool for examining various characteristics and trends of internal and international migration.

Migration is an important demographic factor which affects in policy level. National plan formulation and its implementation is greatly dependent on migration statistics. Information and statistics in this profile portrays the comprehensive and overarching picture of migration of Nepal. Besides, key figures and trends related to migration this profile reviews migration related laws and policies that affects migrants' rights.

Information on this profile could strengthen the basis for programming and policy making. This profile would be an important reference material for policy makers, practitioners and professionals especially who are working in the field of migration. I hope this profile would be another cornerstone on evidence based decision making.

I would like to thank all the concerned agencies and stakeholders in the process of developing and bringing out this Migration Profile and congratulate IOM for the comprehensive document.

(Binod KC)

Secretary

Ministry of Labour Employment and Social Security

MESSAGE FROM THE CHIEF OF MISSION

I am pleased to introduce the inaugural Nepal Migration Profile developed with the support of IOM Development Fund. The Profile is the result of several months of consultations and research, led by the Technical Working Group (TWG), an interministerial forum co-chaired by the Joint Secretary of the Ministry of Labour, Employment and Social Security and the Chief of Mission of IOM. The TWG provided essential guidance and support to the Migration Profile Development Process.

Nepal's migration situation is characterised by out-migration for employment, with a significant proportion of the population being overseas for work at any one time. Nepali workers are found in well over 100 different countries around the world and their remittances make a valuable and important contribution to Nepal's economy.

This dominant trend, and the potential impacts of such large-scale foreign employment, need to be properly measured and understood by Nepal, to ensure that potential positive impacts are harnessed and that negative impacts are minimised.

A further defining characteristic of Nepal's migration is the freedom of movement of nationals to and from India. Although its scale is considered significant and many of its direct and indirect impacts are apparent, reliable data is scarce. At present, this and other migration data in Nepal is collected and analysed in a fragmented manner which can result in policymaking without the necessary evidence to underpin it. The Government of Nepal is increasingly aware of the effect of migration on the welfare of Nepal, its people and its economy, and has recognized that we need to view migration within a broader development context.

At the cusp of a new decade, the development of this Migration Profile takes place at a time when migration has been firmly placed on the international agenda as an issue of importance that needs to be addressed in a comprehensive and planned way. Migration is featured in the Sustainable Development Goals (SDGs) in recognition of the growing impact of migration on development.

Lastly, I would like to thank the members and representatives of the TWG from the Ministry of Labour, Employment and Social Security, National Planning Commission, Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Education, Ministry of Industry, Commerce and Supplies, Ministry of Health

and Population, Ministry of Women, Children and Senior Citizen, Ministry of Federal Affairs and General Administration, National Human Rights Commission, Department of Immigration, Department of Civil Registration, Central Bureau of Statistics and Central Bank of Nepal as well as civil society, research organizations, academicians, private sector, UN agencies for their engagement, contributions and support.



Lorena Lando

Chief of Mission

International Organization for Migration
Nepal

CONTENTS

Message from the Minister of Ministry of Labour Employment and Social Security	iii
Message from the Secretary of Ministry of Labour Employment and Social Security	v
Message from the Chief of Mission	vii
List of tables.....	xi
List of figures.....	xii
Technical working group members	xv
Drafting team.....	xvii
Abbreviations and acronyms.....	xix
Migration definitions and concepts	xxi
Executive summary.....	1
Introduction	7
Part A: Migration trends and migrant characteristics.....	23
A.1. Global Migration and Displacement Trends	23
A.2. Key Drivers of Migration.....	26
A.3. Brief History of Nepal's Migration	33
A.4. Migration Rates	35
A.5. Absentee Population	35
A.6. Labour Migration.....	40
A.7. Student Migration	65
A.8. Irregular Migration	69
A.9. Internal Displacement	74
A.10. Nepali Diaspora	76
A.11. Passports	79
A.12. Foreigners in Nepal	79
A.13. Refugees.....	83
A.14. Overstayers.....	84
Part B: Impact of migration	87
B.1. Levels of Impact	87
B.2. Impact on Economic Development (Remittances)	88
B.3. Impact of Migration on Human Development	95

Part C: Migration governance.....	113
C.1. International Treaties	113
C.2. National Legal Policy and Institutional Frameworks	114
C.3. Key Partners	131
C.4. Regional and Interregional Governance	136
C.5. Global Governance	138
Part D: Key findings, policy implications and recommendations	141
D.1. Main findings on current trends, migration policies and the impact of migration.....	141
D.2. Recommendations	143
Annex 1: Agencies and organizations involved directly and indirectly with migration (stakeholder mapping)	151
Annex 2: Meetings of TWG	155

LIST OF TABLES

Table 1:	Nepal key statistics	xxiv
Table 2:	Sources of data.....	10
Table 3:	Migration related questions in census schedules, census years 1952/54–2011.....	14
Table 4:	Share of regions in world population and international migrants by origin (in thousands)	25
Table 5:	Absent population of Nepal, 1911–2011	36
Table 6:	Number of emigrants and countries of destination by province, 2011.....	38
Table 7:	Number of Nepalis in the foreign land as reported by Nepali missions abroad	39
Table 8:	Labour permits issued by place of destination and sex, 2018/2019.....	47
Table 9:	Assistance Provided by the Foreign Employment Welfare Fund.....	50
Table 10:	Provisions adopted by the government of Nepal on women migrant workers	53
Table 11:	Number of private institutions providing services to migrant workers.....	55
Table 12:	Cost of migration versus average earnings by destination country	59
Table 13:	Costs borne by labour migrants in the process of foreign employment	59
Table 14:	Number of displacements in four years period from 2015 to 2018	76
Table 15:	Foreign born population and foreign citizens in Nepal	80
Table 16:	Foreign born population in 2011 by sex.....	80
Table 17:	Trends of foreign-born population in Nepal by countries of birth, 1961–2011	81
Table 18:	Labour migration and caste.....	110
Table 19:	List of agreements signed between the Government of Nepal and destination countries	122

LIST OF FIGURES

Figure 1:	Global data gaps.....	12
Figure 2:	SWOC analysis of Nepal's migration data.....	13
Figure 3:	Number of international migrants (millions) by region of destination, 2000 and 2017	25
Figure 4:	Increase in the number of international migrants by region of origin	26
Figure 5:	Drivers of migration	27
Figure 6:	Surge in labour permits during the 10-year insurgency.....	32
Figure 7:	Migration Rates.....	35
Figure 8:	Total number of absent population by age, 2011	37
Figure 9:	Nepalis in India as per Indian and Nepali censuses.....	44
Figure 10:	The Issuance of Labour Permits since 2008	46
Figure 11:	Top destination countries for foreign employment 17 July 2015 to 13 April 2019	48
Figure 12:	Top destination places for foreign employment for women migrant workers 17 July 2015 to 13 April 2019	49
Figure 13:	Top destination countries for foreign employment for male migrant workers 17 July 2015 to 13 April 2019	49
Figure 14:	Trend of death of migrant workers , 2008/09 to 2017/18	51
Figure 15:	Proportion of labour permits issued by channel, 2008/09 to 2018/19	56
Figure 16:	Trends in internal migration by origin and current location from NLFS, 2008	61
Figure 17:	Trends in internal migration by origin and current location from NLFS 2017–2018	62
Figure 18:	Reasons for internal migration overall	63
Figure 19:	Reasons for internal migration to rural areas.....	64
Figure 20:	Reasons for internal migration to urban areas.....	64
Figure 21:	Distribution of internal migrants by their occupation before migration.....	65
Figure 22:	Nepali student migration, 2009/2010 to 2018/2019	67
Figure 23:	Top 10 destination countries of Nepali students, 2018/2019	67
Figure 24:	Funds outflow due to student migration (NPR, in million).....	68
Figure 25:	Flows of trafficked women and girls.....	71
Figure 26:	Factors determining demand for smuggling and services provided by smugglers	73
Figure 27:	Numbers of passports issued, 2010/11–2018/19	79
Figure 28:	Tourist arrivals in Nepal.....	82
Figure 29:	Total tourist arrivals by sex 2000–2018.....	82
Figure 30:	Remittance inflow continues to rise 2000/2001 to 2018/2019	89

Figure 31: Remittance as share of GDP	89
Figure 32: Share of remittances compared to net FDI and Net ODI.....	90
Figure 33: Remittances, migration trends and natural disasters.....	91
Figure 34: Channels of remittance transfers from India in 2010.....	93
Figure 35: Channels of remittance transfers from India in 2010 by country of destination	93
Figure 36: Positive changes perceived in remittance-receiving households.....	95
Figure 37: Factors influencing the health and well-being of migrants in the migration cycle.....	98
Figure 38: Land use and land cover in 1978 and 2015 and flooding in 2015, Thulakhet village	112
Figure 39: MiGOF Principles and Objectives	139

TECHNICAL WORKING GROUP MEMBERS

The 2019 Nepal Migration Profile was developed by an inter-Ministerial Technical Working Group (TWG), which was led by the Ministry of Labour, Employment and Social Security (MoLESS) in close coordination and the technical support from the Central Bureau of Statistics. The Government of Nepal assumes ownership for the Migration Profile and will seek to ensure that it is updated periodically to ensure its sustainability.

Agency

- Ministry of Labour, Employment and Social Security (co-Chair)
- National Planning Commission
- Ministry of Home Affairs
- Ministry of Foreign Affairs
- Ministry of Education
- Ministry of Industry, Commerce and Supplies
- Ministry of Health and Population
- Ministry of Women, Children and Senior Citizens
- Ministry of Federal Affairs and General Administration
- National Human Rights Commission
- Department of Immigration
- Department of Civil Registration
- Central Bureau of Statistics
- Central Bank of Nepal
- International Organization for Migration (co-Chair)

DRAFTING TEAM

Drafting of this Migration Profile was undertaken by a team of consultants with technical support from IOM. The consultants worked under the supervision of the TWG and the Chief of Mission of IOM and reported regularly to the TWG on Migration Data to give updates on the progress of the Migration Profile.

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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
ADD	Abu Dhabi Dialogue
ASEAN	Association of Southeast Asian Nations
BLA	Bilateral Labour Agreement
CBS	Central Bureau of Statistics
CDPS	Central Department of Population Studies
CEDA	Centre for Economic Development and Administration
CESLAM	Centre for the Study of Labour and Mobility
CMIR	Centre for Migration and International Relations
DFID	Department for International Department
DoFE	Department of Foreign Employment
ECAN	Educational Consultancy Association of Nepal
FAO	Food and Agriculture Organization
FEB	Foreign Employment Board
FEWP	Foreign Employment Promotion Board
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GFMD	Global Forum for Migration and Development
HDI	Human Development Index
IASCI	International Agency for Source Country Information
ICIMOD	International Centre for Integrated Mountain Development
ILO	International Labour Organization
IOM	International Organization for Migration
MECC	Migration, Environment and Climate Change
MoLE	Ministry of Labour and Employment (former name of MoLESS)
MoLESS	Ministry of Labour, Employment and Social Security
MoPH	Ministry of Population and Health
MoWCSC	Ministry of Women, Children and Senior Citizens
NPHC	National Population and Housing Census
NAYS	Nepal Adolescent and Youth Survey
NDHS	Nepal Demographic and Health Survey
NGO	Non-governmental Organization
NIDS	Nepal Institute of Development Studies
NLFS	Nepal Labour Force Survey
NLSS	National Living Standards Survey

NNSM	National Network for Safe Migration
NPC	National Planning Commission
NRA	National Reconstruction Authority
NRB	Nepal Rastra Bank
OCHA	Office for the Coordination of Humanitarian Affairs
RWMW	Returning women migrant workers
SAARC	South Asian Association for Regional Cooperation
SDC	Swiss Agency for Development and Cooperation
TIP	Trafficking in persons
TWG	Technical Working Group
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office for Drugs and Crime
USAID	United States Agency for International Development
WHO	World Health Organization

MIGRATION DEFINITIONS AND CONCEPTS

This Migration Profile aims to contribute to the cross-country comparability of migration data. It is, therefore, important to ensure that the data presented adheres to internationally-accepted statistical definitions and practices, to the extent possible. This is currently one of the major impediments in creating comparable international migration statistics. Differing national practices and definitions mean that data cannot be readily compared. Even within a country, different systems are designed with different objectives, meaning that the definitions related to migration which are used are frequently not consistent.

The various Nepal national surveys use dissimilar definitions for the same concept. This is not unusual, as the surveys are designed to collect data for diverse purposes and not necessarily designed to collect data for international migration statistics. Nevertheless, it is an issue, as national surveys are an important data source, and one which may be feasible for the TWG to discuss and address.

International definitions

There is no universally agreed definition of “**migration**”.¹ The United Nations however has issued Recommendations on Statistics of International Migration which defines “**international migrant**” for statistical purposes as a “person who changes his or her country of residence”. It is clarified that temporary travel for purposes such as holidays, business, medical treatment or religious pilgrimage does not entail a change in the country of residence.²

More specifically, the Recommendations provide that a “**long-term migrant**” is a person:

who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence.

A “**short-term migrant**” is defined as a person:

who moves to a country other than that of their usual residence for a period of at least 3 months but less than a year (12 months).

¹ International Organization for Migration, Mainstreaming Migration into Development Planning: A Handbook for Policy-makers and Practitioners, Global Migration Group (Geneva, 2010).

² UN DESA, *Recommendations on Statistics on International Migration Revision 1*. Statistical Papers Series M, No. 58/Rev.1, Statistics Division (New York 1998).

Nepal definitions

As mentioned above, it is not uncommon for data sources within a country to use different definitions. This is also the case in Nepal, with some key data sources relevant to migration having differing terms.

The census and key surveys used as data sources for this Profile have differing definitions of “**migrant**” and “**absentee**”.³ The 2001 and 2011 Census used the following definition for “**migrant**”:⁴

A person who moves either from his [or her] place of birth to another area or keeps on moving stepwise or circular by changing his [or her] residence more or less frequently by being either a seasonal, temporary, semi-permanent or permanent migrant, depending upon the duration of migration and reasons for migration within a defined geographic area (i.e., internal migrants only).

The National Demographic and Health Survey (NDHS) of 2006⁵ defines “**migrant**” as:

A household member who had moved away in the 12-month period prior to the survey.

The NDHS Survey of 2011⁶ defines “**migrant**” as:

A person who has migrated away from the household in the 10 years prior to the survey.

The National Labour Force Surveys (NLFS) of 2003/4, 2008 and 2017/18⁷ count migrants at the destination, namely Nepal, and define “**migrant**” as:

Any household member who was not born in their current place of residence but who moved to their current residence from another VDC or municipality or from another country (i.e. internal migrants and immigrants).

³ See further, Sharma S, Pandey S, Pathak D and Sijapti-Basnett B, *State of Migration in Nepal*, Research Paper VI, Centre for the Study of Labour and Mobility (2014).

⁴ See Chapter 9 and 10 of the *Population Monograph of Nepal*, Vol. 1, available at <https://cbs.gov.np/wp-content/uploads/2018/12/Population-Monograph-of-Nepal-2014-Volume-I-FinalPrintReady1.pdf>.

⁵ See <https://dhsprogram.com/pubs/pdf/FR191/FR191.pdf>.

⁶ See <https://dhsprogram.com/pubs/pdf/FR257/FR257%5B13April2012%5D.pdf>.

⁷ See https://nepalindata.com/media/resources/items/20/bNLFS-III_Final-Report.pdf.

The National Living Standards Survey (NLSS-III)⁸ specifies that:

A person who has changed his/her residence from previous place (another VDC or municipality or another country) to the present place (VDC or municipality) is considered a migrant in this survey.

Definitions of “**absentee**” also differ among surveys:

The Census defines “**absentee**” as:

Any member of a household who has been abroad for six or more months prior to the time of enumeration (i.e. external migrants only).

The NFLS and NLSS surveys define “**absentee**” as:

An individual considered by the household to be a member at the time of the interview but excluded from the survey’s definition of household membership because of his/her absence (more than six months out of the last 12 months, or expected to be away for more than six months before returning to the same household) (i.e. both internal and external migrants).

The above show the difficulty of comparing migration data from different sources even within one country. Naturally this difficulty is exacerbated among diverse countries, meaning that internationally comparable data is scarce. In this Profile, where a Nepali data source has its own, or differing, definition being used in the collection of data, this will be noted. For more definitions of the terms related to migration, see Annex V of the Profile.

Other definitions

Country of destination: The country that is a destination for migratory flows (regular or irregular).

Country of origin: The country that is a source of migratory flows (regular or irregular).

Country of transit: The country through which migratory flows (regular or irregular) move.

⁸ See http://siteresources.worldbank.org/INTLSMS/Resources/3358986-1181743055198/3877319-1329489437402/Statistical_Report_Vol1.pdf.

Current migrants: Current migrants are those migrants who migrated during the last one-year period preceding the census.

Districts: Nepal has 77 districts. The study of migration in Nepal frequently addresses inter-district migration. This increases the volume of migration substantially and represents intra-provincial migration because one Province has several districts.

Ecological zones: Central Bureau of Statistics has delimited ecological zones of Nepal on the basis of the boundary of administrative districts that are constructed with due consideration of local topography and drainage basins. The Mountain Zone has 16 districts, the Hill Zone has 40 and the Tarai has 21 districts. Inter-zonal migration here refers to migration occurring between these three zones.

Emigrant: A person undertaking an emigration.

Emigration: The act of departing or exiting from one State with a view to settling in another.

Forced migration: A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made.

Households and families: Households and families are the basic units in which most people live. Trends in the number, type, and composition of households are important to sociologists, planners, and policymakers. For example, municipal services are provided to households, not to each individual.

Immigrant: A person undertaking an immigration.

Immigration: A process by which non-nationals move into a country for the purpose of settlement

Internal migrant worker: (i) A Nepali national who resides at the time of interview in his or her usual residence, but works in another location in the same country; (ii) A Nepali national who moved from his or her usual residence to another location in the same country for employment purpose.

Internal migration: Refers to changes of residence within a nation.

Internally displaced persons (IDPs): Persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid, the effects of armed conflict, situations of generalized violence, violations of human rights, development projects, natural or human-induced disasters, and who have not crossed an internationally recognized State border.

International students: Students who have crossed a national or territorial border for the purpose of education and are now enrolled outside their country of origin.

Irregular migration: Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.

Lifetime migrants: A person is a lifetime migrant whose current area of residence⁹ is different from his area of birth, regardless of intervening migrations.

Migrant worker:¹⁰ A Nepali national who is to be engaged, is engaged or has been engaged in a remunerated activity in a State other than Nepal.

Migration: The movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.

Migration flow: The number of migrants entering or leaving a given country during a given period of time, usually one calendar year.

Migration stock: The number of immigrants present in a given country at a particular point in time.

Nepali diaspora: Refers to persons originating from Nepal, including their descendants, living and/or working abroad, regardless of their nationality, who individually or collectively, are willing to contribute to national development.

⁹ In this paper, area of residence refers to migration defining area namely districts, ecological zones, development regions, and rural-urban residence. In Nepal, there are 77 districts, three ecological zones (Mountain, Hill and Tarai), five development regions (Eastern, Central, Western, Mid-Western, and Far-Western) and 15 eco-development regions.

¹⁰ Adapted from International Migration Law No. 25 - *Glossary on Migration*, 2nd Edition (2011).

Permit: Documentation, usually issued by a governmental authority, which allows something to exist or someone to perform certain acts or services. In the migration context, reference to residence permits or work permits is common.

Provinces: Provinces in Nepal consist of the cross product of three zones and seven provinces. The three zones are mountain, hill and the Tarai and seven provinces are Province 1, Province 2, Province 3, Gandaki, Province 5, Karnali and Sudur Paschim Province.

Pull factors: Factors which attract the migrants to an area to the country of destination such as, opportunities for better employment, higher wages, facilities, better working conditions, amenities and others.

Push factors or drivers of migration: Factors which drive people to leave their place and go to some other place or country (such as economic, social, or political problems or natural calamities).

Refugee: A person who owing to a well-founded fear of being persecuted for reasons of race, religious beliefs, nationality, membership of a particular social group or political opinion is outside the country of nationality and is unable, or owing to that fear is unwilling, to be protected by that country.

Remittances: Monies earned or acquired by non-nationals that are transferred back to their country of origin. This includes “domestic remittances”, which occur when there is migration from rural to urban areas within a country.

Resettlement: The relocation and integration of people (refugees, internally displaced persons, etc.) into another geographical area and environment, usually in a third country.

Return migration: The movement of a person returning to his or her country of origin or habitual residence usually after spending at least one year in another country. This return may or may not be voluntary. Return migration includes voluntary repatriation.

Short-term international migrant worker (including seasonal migrant worker): A Nepali national who is engaged in a remunerated activity in a State other than Nepal. For the purposes of the study, short-term/seasonal migrants those who have been out of Nepal for between three (3) to 12 months.

Trafficking in persons: Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Visa: An endorsement on a valid passport of a foreigner, which is confirmed by examination by an Immigration Officer at the port of entry, granting that person the authority to enter Nepal.



Multi-stakeholder consultation on Migration Profile. © IOM 2018/Nikesh DONGOL

Table 1: Nepal key statistics

Official Name	Federal Democratic Republic of Nepal		
Geography	<p>Nepal is a landlocked country, bordered by China and India. It has extremely diverse topography, almost 75 per cent is covered by mountains and rugged hills. It is divided into three ecological zones:</p> <ol style="list-style-type: none"> 1. “Mountains” from 3,000 to 8,840 metres above mean sea level (mamsl) which has a temperate to alpine climate; 2. “Hills” from 300 to 3,000 mamsl, which has a temperate to subtropical climate; 3. “Tarai”, from 60 to 300 mamsl, which has a subtropical to tropical climate. Its plains are part of the Gangetic floodplain. 		
Federal Structure	<p>Nepal is divided into three levels of governance: the Federation, seven Provinces and 753 Local levels according to the 2015 Constitution. At the Local level there is a further breakdown into rural municipalities/municipalities and district assemblies. The Village Institutions and Municipalities are divided into Wards; in total there are 6,743 wards across Nepal.</p>		
Total Area	147,181 sq. km.		
Population (millions)	2011	2015	2019
	26.5	29.3	33.3
Life Expectancy at Birth (years)	69.7 ¹¹		
Median Age (years) ¹²	23.2		
Urban Population (%)	19.3		
Human Development Index ¹³	0.574 (Rank of 149)		
Expected Years of Schooling	12.2		
Adult Literacy Rate (%)	59.6		
GDP per capita, PPP\$ ¹⁴	2,702		
Unemployment Total (% of workforce)	11.4 per cent (Nepal Labour Force Survey 2017–2018)		
Remittance Inflows (% of GDP)	25.4 ¹⁵		
Foreign Direct Investment (% of GDP)	0.8		
Net Official Development Assistance Received (% of GDP)	5.0		

¹¹ National Planning Commission *The Fifteen Plan Approach Paper 2019/20–2023/24*, Kathmandu (2019). Available at www.npc.gov.np/images/category/15th_Plan_Approach_Paper2.pdf.

¹² UNDP *Human Development Indicators*. Available at <http://hdr.undp.org/en/countries/profiles/NPL>.

¹³ Ibid.

¹⁴ The World Bank Data. Available at <https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD>.

¹⁵ Nepal Rastra Bank’s preliminary calculation published in *Macroeconomic Activities*. Available at www.adb.org/sites/default/files/institutional-document/454881/nepal-macroeconomic-update-201809.pdf.

EXECUTIVE SUMMARY

This Migration Profile, which is a living document owned by the Government of Nepal, was prepared through the government-led, inter-Ministerial Technical Working Group (TWG), in consultation with a broad range of stakeholders and with technical support from the International Organization for Migration (IOM). The Profile is a capacity-building tool, which provides data and analysis on migration trends and their impacts in order to enhance policy coherence, evidence-based policymaking and the mainstreaming of migration into Nepal's development plans.

The Migration Profile provides an overview of trends, patterns, impact and governance of migration in Nepal. The data used in the analysis was collected from various migration data sources ranging from the national population census and national surveys to administrative records and other relevant data.

The overall objective of the profile is to provide relevant migration data to facilitate effective policymaking, ensuring that migration can be successfully mainstreamed into the development plans of Nepal. More specifically, the Migration Profile serves to: map out available migration data sources on diverse migrant categories and their characteristics; provide a comprehensive evidence-based account of the country's migration experience in a single concise document to serve as a planning tool for policymakers and practitioners; and present available statistics on migration stocks and flows in a concise and internationally comparable way.

There are four parts to the Profile: Part A provides data and analysis of migration trends relevant in Nepal; Part B describes the impact of migration on key socioeconomic and development indicators; Part C presents an overview of migration governance in Nepal; and Part D presents recommendations for consideration of policymakers.

The development of the Migration Profile was facilitated by consultants who conducted comprehensive desk research, organized consultation meetings with different layers of government, civil society organizations, trade unions, research organizations, UN agencies and academia and held interviews with key stakeholders for cross verification and substantiation of data.

Why a Migration Profile?

The availability of accurate and current migration data in Nepal is limited, with a number of identified gaps. Migration data is not comprehensively collected and recorded by the Government of Nepal. Rather, varying sources of demographic and other data need to be examined in order to extract relevant migration related information. Three major sources of migration data - statistical, administrative and innovative - have their own strengths and weaknesses.

Across Government, the collection of national statistics is fragmented with opportunities for better coordination. While the 1958 Statistical Act designates the CBS as the sole agency responsible for government data, various subsequent laws have authorized other Ministries and agencies with the tasks of data production and dissemination.

This Profile collates and reviews migration data from all available sources and in this way provides a comprehensive overview of migration trends and their impacts in Nepal.

Migration Trends

Nepal's migration situation is dominated by migration of Nepalis for foreign employment. The 2011 census on population and housing showed that almost 50 per cent of Nepal's households had a member who was either working overseas or had returned. While this labour migration has a significant positive effect on Nepal's economy, it also has a series of socioeconomic impacts on the welfare of Nepali nationals and their communities. Exploitation of migrant workers is rife and aspiring labour migrants may find themselves in a situation of irregular migration or trafficking.

Nepal's environmental vulnerability also has an impact on the scale of internal and international migration. Climate change, environmental degradation, natural and man-made disasters cause displacement and dislocation from the land, meaning that many Nepalis migrate to ensure a sustainable livelihood.

Nepal's open border with its close neighbor India is another defining and unique characteristic in Nepal's migration context. Although the lack of data on this issue is of concern, it is recognized that there are frequent and extensive cross-border movements, which have significant impacts for Nepal, both positive and potentially negative. The 2011 census data shows that nearly two-fifths (37.2%) of the Nepali absentees are in India, however such data has its

limitations in the case of an open border where crossing can be short-term or seasonal and will be undocumented. There are also no records kept on how many Nepalis work in India or where they are.

Traditionally, Nepali migrant workers sought employment mainly in India, however from the mid-1980s, Nepalis started also to migrate to the Gulf States and Malaysia for work which resulted in an increase in migrant workers as well as in a proliferation of labour recruitment agencies and brokers. The decentralization of passport issuance in Nepal also facilitated the migration of many unskilled and semi-skilled Nepalis.

During past two decades, Nepal has also witnessed an increase in the number of Nepali women who are seeking work abroad and being gradually recognized as important economic actors. The risk of exploitation and abuse of women migrant workers is high, particularly in largely unregulated sectors such as domestic work and the Government has put in place a series of measures seeking to protect women migrants. To date, these measures have met with limited success and there is still evidence that many women migrants are in situations of risk.

The process for Nepalis to migrate for employment is complex and can be time-consuming, which has spurred the increase of recruitment agencies. It also means that many migrant workers may use irregular channels to access foreign employment, not going through the process of obtaining a labour permit.

To address the different challenges of foreign employment business and process, the Government has introduced number of laws, policies and directives aimed at regulating foreign employment, and seeking to minimize the risk of exploitation and protect the rights of migrant workers. There are numerous instances of exploitation and abuse of migrant workers as well as concern that the Government's capacity to implement the laws needs to be further strengthened.

The Government has sought to reflect increased protections for Nepali labour migrants into bilateral agreements with countries of destination. It has taken several practical measures also to support migrant worker, such as establishing a call centre which is able to provide prompt assistance to migrant workers in Nepal or in destination countries. The Government of Nepal has also made legislative changes designed to offer protections, including in the regulation of recruiting companies as well as instituting a "free visa free ticket" scheme whereby employers are to bear the visa and air travel expenses for workers going for employment in Saudi Arabia, Kuwait, United Arab Emirates, Qatar,

Oman, Bahrain and Malaysia. Recently, the Memorandum of Understanding (MoU) signed by the Government of Nepal with key destination countries such as Malaysia and United Arab Emirates, the government has institutionalized “Employers Pays Principles”. While there are labour laws and standards in place in countries of destination, their full implementation is needed. Further, undocumented workers are usually highly vulnerable, with few safeguards or the ability to enforce their rights.

Impacts of Migration

Migration has direct and indirect impacts at the macro, meso and microlevels. The most evident impact of Nepal’s migration is brought by the remittances which flow back into Nepal. They positively and significantly contribute to the economy, increase household income and therefore have positive impacts on the amounts available to spend on education, healthcare and other goods and services. However, there are also negative impacts to migration including on the health and welfare of those who work abroad, the effect on families left behind and on national productivity, to name a few. Significant policy work is being done both internationally and within Nepal to maximize the development impact of remittances.

Migration from Nepal also has demonstrated impacts on human development, including increasing food security, allowing access to education and improving the general standard of living. It does however also produce demographic imbalances and can have negative impacts on health. It also impacts social development, noting that frequently women are left behind when the men leave to go overseas and need to take on new roles. Migration is also shown to impact the environment, particularly in the way land is used.

Governance

A number of laws, policies and strategies exist at the national level which involve themes relevant to migration and its effective management. However, existing policies has to be made comprehensive to govern entire migration sector. The Government has however shown its commitment to effectively addressing migration issues and harnessing its potential in a broader development context. It has ratified a number of international instruments on migration and is an active member of intergovernmental mechanisms on migration, both at the global and regional levels.

Recommendations

Recommendations on migration governance: Nepal has many government entities, at different levels of Government, involved in migration issues. Their work would be strengthened by increased coordination achieved through the establishment of an institutional coordination mechanism as well as the formulation of a comprehensive migration policy. It is important to ensure the existing laws are being properly implemented and their compliance monitored. Other laws need review to ensure that processes are working and are as streamlined and effective as possible. Protections for migrant workers which are effective, for example, the bilateral agreements with countries of destination, need to be expanded.

Recommendations on improvements to migration statistics and the overall evidence base: Data-driven migration governance remains central to unlocking the real economic, social and societal benefits in all dimensions of migration. There are several gaps in data and information on migration in Nepal which curtails the ability to ensure that laws and policies are effectively designed and targeted. More research needs to be undertaken in order to fill these gaps. Areas where there is limited information include migration with India, irregular migration, disaster displacement, the potential of the diaspora and further analysis on effective protections for migrant workers. It is also recommended to design a mechanism to ensure that there is timely and comprehensive data gathered on migration trends in Nepal. The periodic updating of this Migration Profile will also assist in developing an evidence base.

Recommendations on skill development and capacity-building: The fact that its youth and so much of its population leaves Nepal in search of work, frequently for years at a time if not permanently, means that Nepal is missing out on their human capital. Given the fact that such a high proportion of this labour force is unskilled or semi-skilled also frequently means that its nationals are put in situations of exploitation and abuse. There is significant scope for Nepal to provide opportunities to “upskill” its working population, which will make any foreign employment more worthwhile in terms of wages but also help protect against exploitation. Additionally, Nepal is not yet adequately benefiting from the skills and capacities of returned labour migrants, and should focus on providing them with opportunities to invest, or find suitable employment, in Nepal.

INTRODUCTION

The number of international migrants in the world today is unprecedented, with an estimated 271.6 million people living in a country other than their country of birth. This is an increase of 51 million since 2010¹⁶ and the figure is expected to grow as the world experiences population growth, increased connectivity, demographic imbalances, rising inequality and climate change. International migration impacts every country and has wide-ranging socioeconomic, political and environmental implications, for the countries of origin and of destination, in both positive and negative ways. Governments are increasingly recognizing the effect of migration on the welfare of the State and its people and are realizing the need to take population mobility into account in their policymaking and to view migration within a broader developmental context.

At the global level, this recognition has led to migration being firmly placed on the international agenda as an issue of importance that needs to be addressed in a comprehensive and planned way. The international adoption of the 2030 Agenda for Sustainable Development in September 2015 represents an acknowledgement that migration is an integral part of global sustainable development. Its Target 10.7 calls for States to facilitate the "orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies."¹⁷ It seeks also to facilitate remittance transfers, to promote decent labour standards for migrant workers and to eliminate human trafficking. Migration is a cross-cutting theme in many of the other sustainable development goals (SDG) targets which are directly or indirectly relevant to migration.

The need for a coherent and holistic approach to the issue of international migration has also led to the adoption of the Global Compact on Safe, Orderly and Regular Migration in December 2018. Although non-binding, the Global Compact for Migration is the first ever comprehensive framework for global migration governance developed under the auspices of the United Nations. It sets out a common approach to international migration in all its many and varied dimensions.

¹⁶ United Nations, Department of Economic and Social Affairs, Population Division *Trends in International Migrant Stock: The 2019 Revision* (United Nations database, POP/DB/MIG/Stock/Rev.2019). Available at www.un.org/en/development/desa/population/migration/data/estimates2/estimates19.asp.

¹⁷ Sustainable Development Goals (SDGs), Goal 10: " Reduce inequality within and among countries" www.un.org/sustainabledevelopment/inequality.

These developments at the international level reflect the significance of the issue of migration for States around the world. However, to be able to effectively address migration, as well as to track commitments to these international standards, reliable and timely migration data is needed. Indeed the Global Compact for Migration specifically includes the objective for States “*to collect and utilize accurate and disaggregated data as a basis for evidence-based policies*”.¹⁸ Having access to data on migration is critical to ensure that policymaking at the national, regional and global levels is evidence-based and effective.

In recent years, the issue of migration has been high on the policy agenda in Nepal. The Government of Nepal recognizes the central role that migration plays in its economic and social development, particularly the significant contribution of remittances to its economy and the use of labour migration as a livelihood strategy. It is actively seeking to be able to better leverage the link between migration and development, is committed to working towards achieving the targets in the SDGs and is seeking to ensure an enabling policy and institutional environment to support this. The Government of Nepal has taken a proactive step to gather migration data from a variety of sources and to compile it into this Migration Profile in order to have an evidence base which can be used to more effectively include human mobility and its impacts into national development planning.

Methodology

A Migration Profile is defined as:

Both a report and a capacity-building tool, which is country-owned and prepared in consultation with a broad range of stakeholders, and which can be used to enhance policy coherence, evidence-based policymaking and the mainstreaming of migration into development plans.¹⁹

Originally conceived by the European Commission in 2005, over 80 Migration Profiles have been developed around the world. Over time, they have moved from simply a “snapshot” of migration flows and trends to become a tool for developing and advocating an evidenced-based approach to policymaking.

¹⁸ Objective 1 of the Global Compact for Safe, Orderly and Regular Migration, contained in A/CONF.231/3 of 30 July 2018.

¹⁹ <https://gmdac.iom.int/national-and-regional-migration-profile-repository>.

In Part A, the Profile covers all migration trends relevant in Nepal and in Part B it describes their impact on key socioeconomic and development indicators. Part C deals with migration governance and Part D concludes the Profile with recommendations to more effective migration management in Nepal. The overall objective of the Profile is to provide relevant migration data to facilitate effective policymaking, ensuring that migration can be mainstreamed into the development plans of Nepal.

More specifically, the Migration Profile serves to:

- Map out available migration data sources on diverse migrant categories and their characteristics;
- Provide a comprehensive evidence-based account of the country's migration experience in a single concise document to serve as a planning tool for policymakers and practitioners;
- Present available statistics on migration stocks and flows in a concise and internationally comparable way;
- Provide recommendations for the Government of Nepal with regards to more effective migration management in Nepal which are relevant to Nepal's new federal structure.

The development of the Nepal Migration Profile was led by an inter-Ministerial Technical Working Group (TWG) chaired by the Ministry of Labour, Employment and Social Security (MoLESS) with technical support from the Central Bureau of Statistics (CBS). The TWG was co-Chaired by the Chief of Mission of IOM Nepal.

Both an international consultant and a team of national consultants were retained to conduct comprehensive desk research, organize consultation meetings and interviews with key stakeholders and, under the direction of the TWG, draft the Profile. Key stakeholders included Government Ministries and departments, civil society organizations, trade unions, research organizations, United Nations' agencies, development partners and academia.

Sources of Migration Data

In general terms, there are three main sources of migration data: statistical, administrative and innovative. Statistical data is data that is collected for the creation of official statistics, mainly derived from censuses and surveys. Administrative data is collected primarily to support administrative processes, whereas innovative data are emerging sources of data. Each of these sources has their strengths and limitations as explained in Table 2.

Table 2: Sources of data

Source	Example of source	Strengths	Limitations
Statistical data			
Collects data for the creation of official statistics. In Nepal, CBS is the responsible entity for census and some periodic surveys whereas Ministry of Health and Population (MoHP) conducts demographics and health surveys every five years.	Census	Universal, cross-country comparability, socioeconomic characteristics, comprehensive data on small population groups	Infrequent, costly, difficult to administer, lack of information on causes and consequences, limited questions on migration, unreliable emigration data
	Household Surveys	Information on causes and consequences, flexibility with questions, possibility for timely data, can target specific groups	Issues with sample size and coverable, unreliable source of emigration data (e.g. where whole households have emigrated), can be costly, migration may not be main focus
Administrative data			
Collects data primarily to support administrative processes rather than to produce official statistics.	Visa/residence/work permit	Data is already being collected on an ongoing basis, therefore inexpensive and usually timely, covers a broad range of issues	Definitions, coverage and availability are not comparable between countries or even among Ministries in the same country. Does not cover undocumented residents or irregular migration. Records registration processes not actual movements.

Source: Migration Data Portal.²⁰

Data Gaps and Challenges

The UN Statistics Branch has recognized that, worldwide there are “huge gaps at country level” which need to be addressed in terms of migration data.²¹ As is the case for most countries in the world, data on migration available in Nepal is limited and fragmented. Migration data is not comprehensively

²⁰ Available at <https://migrationdataportal.org/themes/migration-data-sources>.

²¹ See UN News ‘Huge data gaps’ hampering ‘evidence-based’ national migration policies”, 4 March 2019. Available at <https://news.un.org/en/story/2019/03/1034051>.

collected and recorded by the Government of Nepal. Rather, varying sources of demographic and other data need to be examined in order to extract relevant migration related information.

In relation to coordination, while the 1958 Statistical Act designates the CBS as the sole agency responsible for government data, various subsequent laws have authorized other Ministries and agencies with the tasks of data production and dissemination.²² There are also various civil society, development or international organizations and private sector agencies which produce relevant data. In recognition of the need to coordinate data collection, CBS has developed a National Statistics Development Strategy.²³ It aims to improve and modernize the system for the collection of statistics, within CBS and other departments. The National Planning Commission has also made efforts to collate and synthesize data in its “Visualizing Development Initiative” which provides SDG baseline data.

In terms of data dissemination, it remains common for Government to share data through hard copies or online versions of the reports.²⁴ Increasingly however, data is available publicly online. The Visualizing Development Initiative of the NPC, for example, seeks to make SDG data accessible.²⁵ CBS also has a National Data Archive. Many Ministries and Departments have developed Management Information Systems, including several public portals sharing government information, however the information contained in these systems is not always timely or complete.

Despite these efforts, for Nepal, as is the case for many other countries, there is focus on data for certain aspects of migration, such as on migrant stocks, remittances and labour migration, student migration and, to the extent possible, on human trafficking and smuggling. Many other areas of migration however are not given sufficient attention or focus in data gathering, and resources and data are often weaker in these areas, such as integration, smuggling, return migration, re-migration and the impact of migration policies. Figure 1 shows this.

²² Bikas Udyami A Study into Development Data in Nepal: Data for Development in Nepal (2018).

²³ This is a five-year Strategy for 2019 -2023 approved by the Cabinet of the Government of Nepal on 4 February 2019. Available in Nepali from <https://cbs.gov.np/national-strategies-for-the-development-of-statistics>.

²⁴ Bikas Udyami A Study into Development Data in Nepal: Data for Development in Nepal (2018).

²⁵ See <http://128.199.69.221:5555/data/>.

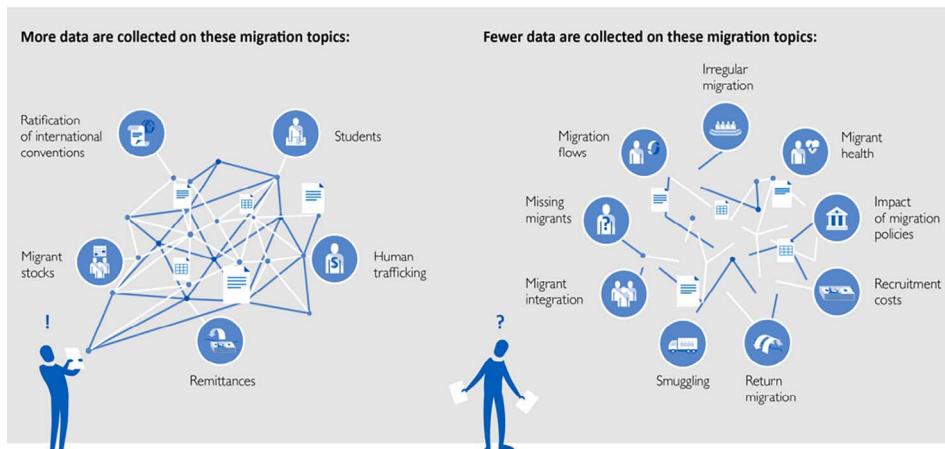
Figure 1: Global data gaps

Global data gaps

Good data on migration are essential for countries to effectively manage migration and ensure that migrants are not left behind. Yet significant data gaps exist on a variety of migration topics.

Data gaps can mean data that are

- Not collected or accessible
- Incomplete
- Scattered across various sources
- Not disaggregated
- Not comparable among countries



Source: IOM GMDAC, 2017.

A study on development data in Nepal by Bikas Udyami finds that:

Overall, much of the administrative data and MIS are not directly accessible to public users. Not all accessible information is uploaded onto Government of Nepal websites. Hard copy dissemination is limited. Key informants revealed that many officials are not aware which information are classified as there is no clearly articulated policy or guidelines on data sharing. Neither is there an integrated and commonly shared system within the Government of Nepal for data dissemination. There are no uniform and comparable formats for data collection and dissemination across statistical agencies. Interview respondents admitted that the prevalent administrative culture militated against sharing. The key informants believe that poor capacity of statistical agencies; limited statistical processing and products; inadequate IT infrastructure; limited coordination and integration of various sectoral portals; absence of a national framework for data sharing; ever increasing numbers of indicators; limited disaggregation of data; limited and weak demands also leaves the system less prepared for dissemination.²⁶

²⁶ Bikas Udyami, A Study into Development Data in Nepal: Data for Development in Nepal (2018).

While these are the findings of just one study, it is incontrovertible that while Nepal has made significant efforts and good progress in the collection and dissemination of data, there is room for improvement. Structural gaps such as policies on data sharing and insufficient coordination between Ministries and their portals are issues that the TWG may want to consider. The Bikas Udyami study further developed the following analysis of the Nepal statistical system's strengths and weaknesses, which could be useful to recall in future policymaking and examination of data processes in Nepal, as shown in Figure 2.

Figure 2: SWOC analysis of Nepal's migration data

Strengths	Weaknesses
<ul style="list-style-type: none"> • Basic infrastructure is in place (legal, institutional, physical including ICT, platforms and portals for dissemination) • Human resource profile improving over time • System-wide M&E system established and demand for data increased • International principles, guidelines, methods and formats largely internalized in the national context • Increasing use of metadata (in majority of recent survey and census reports) • Greater use of data and evidence in policymaking, implementation and reporting • Fairly aligned with national and international reporting requirements • Need based expansion into new sectors like environment and climate change • Increased use of new technology and methods • Data dissemination culture evolving • Provision of Nepal Economic Planning and Statistics Group within civil service 	<ul style="list-style-type: none"> • Weak political/administrative commitment and low priority accorded • Not adequately equipped to accommodate growing and diverse demands • Inadequate human resource base with low level of motivation • Weak legal, physical, ICT and statistical infrastructure • Lack of effective coordination mechanism and absence of data validation mechanism • No data/information sharing policy in place • Limited work on data value chains, limited capacity for processing and analysis • Weak demand side, limited statistical literacy and education for data users and suppliers • Weak overall research and development system
Opportunities	Constraints
<ul style="list-style-type: none"> • Growing demand for quality data from a wide range of stakeholders • New statistical fields and reporting obligations evolving • Improved supply of skilled human resources in diverse statistical fields across the NS • Continuously improving infrastructure and knowledge/technological base • State restructuring opening new avenues of engagement at province and local levels • Development partners willing to invest in the field • Increasing number of professionals, policymakers, academics and other users capable of scrutinizing the quality of data • Coordination among NSS agencies improving 	<ul style="list-style-type: none"> • Weak administrative and political commitments at higher level • Weak ownership and inclusion of stakeholders • Infrastructure constraints • Human resource constraints • Budgetary constraints • Capacity constraints • Weak dissemination culture • Low level of staff motivation • Diverging priorities of government and development partners • Slow pace of reform

Source: Derived from Bikas Udyami 2018.²⁷

²⁷ Available at www.nepalindata.com/media/resources/items/19/bA_Study_Into_Development_Data_in_Nepal.pdf.

Key Statistical Data

The main statistical sources of migration data in Nepal are national surveys which have been conducted mainly by CBS and other government departments. These are as follows:

The National Population and Housing Census (NPHC or “census”), conducted by CBS, is regarded as the major source of socioeconomic and demographic information in Nepal. The census is conducted every ten years and the next one is being planned for 2021. While the information collected by the census is considered to be highly reliable, it can become dated and this can be exacerbated by the delay between conducting the census and dissemination of the results. The census data is made available over three phases: a) the preliminary data phase based on household listings, b) the publication of the National Report I, based on Form One of the census questionnaire and c) publication of the National Report II based on Form Two of the questionnaire. The complete data with an analysis of trends from the 2011 census was disseminated in the form of Population Monograph of Nepal some three years after the census had been conducted. The first census of Nepal was carried out in 1911. The census of 2011 was the 11th to be conducted. The census provides some solid information on migration through various questions. Table 3 lists the migration related questions in different census schedules of Nepal.

Table 3: Migration related questions in census schedules, census years 1952/54–2011

Description of questions	1952/54	1961	1971	1981	1991	2001		2011	
						Complete	Sample	Complete	Sample
Place of birth	-	Y	Y	Y	Y	-	Y	-	Y
Native born	-	Y	Y	Y	Y	-	Y	-	Y
Foreign born	-	Y	Y	Y	Y	-	Y	-	Y
Duration of residence in Nepal (foreign born)	-	-	-	Y	Y	-	-	-	-
Duration of residence in present place	-	-	-	Y	-	-	Y	-	Y
Reason for residence in present place	-	-	-	Y	Y	-	Y	-	Y
Place of residence at fixed prior date	-	-	-	-		-	-	-	Y
Absentee population	Y	Y	-	Y	Y	Y	-	Y	

Description of questions	1952/54	1961	1971	1981	1991	2001		2011	
						Complete	Sample	Complete	Sample
Age, sex	-	-	-	Y		Y	-	Y	-
VDC/ Municipality	-	-	-	-	-	-	-	Y	-
Education	-	-	-	-	-	-	-	Y	-
Duration of absence	-	-	-		Y	Y	-	Y	-
Reason for absence	-	-	-	Y		Y	-	Y	-
Absent within country but other district	Y	Y	-	Y	-	-	-	Y	-
Destination abroad by sex	Y	Y	-	Y	Y	Y	-	Y	-
Age at time of absence	-	-	-		Y	Y	-	Y	-
Citizenship	-	Y	Y	Y	Y	Y	-	Y	-
Nepalis by sex, age	-	Y	Y	Y	Y	Y	-	Y	-
Non-Nepalis by sex, age	-	Y	Y	Y	Y	Y	-	Y	-

Source: Khatiwada, 2014.²⁸

Note: Y = Yes; blank = No (not included).

The National Demographic and Health Survey (NDHS) is a periodic survey carried out every five years by the Ministry of Health and Population (MoHP) that collects demographic and health related information. NDHS also provides the information of migration by age, sex, date, reasons and destination. The 2016 NDHS survey is the fifth time that the survey was conducted and was the first Governmental survey which provides provincial data, as the 2011 Census is based on Nepal's former political structure of "development regions". The 2016 survey used a nationally representative sample of 12,682 women aged 15–49 in 11,040 households and 4,063 men aged 15–49 in half of the surveyed households.

The NDHS is primarily designed to provide data on fertility levels, marriage, nutrition, family planning, maternal and infant mortality and other related health issues. However, it has also collected data on household members who had migrated elsewhere in the 10 years prior to the survey. Information was

²⁸ Khatiwada, P. P. International migration and citizenship in Nepal. *Population Monograph of Nepal Vol. I.* (2014). Available at <https://cbs.gov.np/wp-content/uploads/2018/12/Population-Monograph-of-Nepal-2014-Volume-I-FinalPrintReady1.pdf>.

collected by sex, age at migration, date of migration, reasons for migration, and destination. These data offer insights into period migration (mobility patterns of internal migrants five years before the survey in terms of where they were living then) and lifetime migration (permanent shifts in place of residence since more than 5 years prior to the survey).

The Nepal Labour Force Survey (NLFS), conducted by CBS in collaboration with ILO, collects labour force statistics in order to be able to assess changes in labour and labour market conditions in Nepal. Information on the absentee population and remittances is also included. The latest survey was the third Labour Force Survey and followed NLFS I in 1998/99 and NLFS II in 2008. NLFS-III of 2017/18 surveyed 18,000 households and collected information on employment, unemployment and underemployment. It contains a separate module on forced labour. The survey shows differences in gender and by province, making it important data for policymakers.

The Nepal Living Standard Survey (NLSS) collects information on overall living standards including household demographics, remittances, health, employment, education and expenses. The last two surveys conducted in 2003/4 and 2010/11 also included migration-related information. There were 7020 households surveyed for the “NLSS-III” conducted in 2010/11.

The National Economic Survey was conducted by the Ministry of Finance from April to June 2018 and, in relation to migration, gives information on foreign workers who are living and working in Nepal, broken down into provincial level data. It provides updated, key economic data, including on remittances, on poverty and employment, education, health, and other socioeconomic indicators.

Key Statistical Data

The administrative sources of migration data in Nepal are scattered. Bikas Udyami writes:

Although incremental improvements in administrative recordkeeping has reduced the response burden on primary data providers to a certain extent, in the absence of fully-functional digitized administrative systems that are able to generate live data and with the emergence of new development priorities there is still a heavy reliance on official surveys and censuses.²⁹

²⁹ Bikas Udyami *A Study into Development Data in Nepal: Data for Development in Nepal* (2018).

Nevertheless, there are a number of data sources relevant to capturing relevant information on Nepal's migration situation.

The Department of Immigration (DOI) is responsible for issuing visas for entry into Nepal and collects and publishes entry and exit data from Tribhuvan International Airport. Figures show entry and exits by nationality and gender, however there is no indication of the purpose of the entry. Entry information is also available for Nepal's other official entry and exit points for foreigners, which are staffed by immigration officials 24 hours a day. These points are as follows:

- Kakarbhitta (Jhapa, Province 1)
- Pashupati Nagar (Ilam, Province 1)
- Birgunj (Parsa, Province 2)
- Kodari (Sindhupalchok, Province 3)
- Belhia, Bhairahawa (Rupandehi, Province 5)
- Jamunaha, Nepalgunj (Banke, Province 5)
- Humla (Karnali Province)
- Mohana, Dhangadhi (Kailali, Sudurpaschim Province)
- Gaddahachauki, Mahendranagar (Kanchanpur, Sudurpaschim Province).

A significant gap in border statistics is any data on Indians entering or exiting Nepal. While identity documentation is required for Indians arriving by air at the Tribhuvan International Airport in Kathmandu, this is not the case for land crossings. Evidently the border is able to be crossed at many other points also, not only formal border checkpoints listed above.

The Research and Statistical Section of the Ministry of Culture, Tourism and Civil Aviation compiles statistics on tourism using information from data obtained from different organizations working in the tourism sector in Nepal, including the Department of Tourism, the Department of Immigration, the Department of Wild Life Conservation, Nepal Rastra Bank and Nepal Mountaineering Association.³⁰ This includes the number of tourism arrivals and duration of stay.

³⁰ Ghimire, D. R. (Ed.) *Nepal Tourism Statistics 2016*. Research and Statistical Section, Planning and Evaluation Division, Ministry of Culture, Tourism and Civil Aviation (2016).

The Relief and Rehabilitation Division at the Ministry of Peace and Reconstruction (MoPR) collected figures on displacement caused by the 10-year conflict. Since MoPR has been dissolved, the data has been handed over to MoHA's Relief and Data Management Section.

However, the international Internal Displacement Monitoring Centre (IDMC) reports that the data contained in the Ministry's database of vulnerable populations does not seem to be comprehensive and does not provide information on displacement.³¹

Nepal Rastra Bank produces monetary statistics, including on remittances, and has produced several studies as well as regular data on the macroeconomic and financial situation of Nepal. Information is relatively easily available on its website, which is kept up to date.

The Department of Civil Registration captures information on births, deaths, marriages, divorces and internal migration, these are known as "Vital Events". Such events are registered at the ward level, and this is increasingly possible to do online. Regular reports on registration of vital events are available in Nepali on the website.

Other Studies and Surveys

In addition to surveys organized periodically by CBS, other government authorities and government administrative data, there are many other studies and surveys which produce data relevant to migration.

One of the earliest studies on migration in Nepal was contained in a review by the Centre for Economic Development and Administration (CEDA). It noted that due to the frequent changes in district boundaries, census questionnaires and definitions, a comparative study and analysis of census data of Nepal had become virtually impossible since 1961. It recommended adjusting the 1971 census to align with the changes in the district boundaries resulting from the Second Amendment of the Constitution (CEDA, 1973).³² The contribution of a scholar, Dr Harka Gurung, to the study of migration in Nepal should also be recognized. Subedi writes: "He [Dr Gurung] was probably the native scholar who knew more about ins and outs of migration dynamics in the country than any

³¹ Internal Displacement Monitoring Centre, Global Report on Internal Displacement (GRID 2018).

³² Centre for Economic Development and Administration (CEDA) *Migration in Nepal: Implication for spatial development: A Project Proposal*, Kathmandu (1973).

other Nepalese scholars of his time.”³³ Another study by the Central Department of Population Studies (CDPS) on Nepal Migration, Employment, Birth, Death and Contraception (MEBDC) 1997 focused on migration issues in relation to child labour as well as the remittance contribution made by migrant workers.³⁴ Migration data was also collected from the very first Nepal census.

For the purposes of this Migration Profile, some more recent surveys and the status of their reports are briefly described below.

The IOM-IASCI Comprehensive Market Study (“IOM-IASCI study”) entitled “Maximizing the Development Impact in Nepal” was conducted within the project “Research and Policy Dialogue Initiative on Migration and Development in Nepal”.³⁵ This nationally representative household survey was conducted with a sample size of 22,997 households at the screening stage. In-depth interviews were held with 557 households with short-term migrant workers abroad and 2,669 with long-term migrant workers abroad and 909 households without migrant workers as a control group. The survey periods were December 2015 to December 2016. Further, during October to November 2016, a large-scale survey of 1,976 Nepali long-term migrant workers was carried out at main points of entry.

A MoLESS study **Labour Migration for Employment: A Status Report for Nepal 2015/16–2016/17** documents data and trends from 2008 to 2017. Its aims were to assess the scope of labour migration for employment, identify various government-led initiatives to improve the process and identify gaps and challenges in the existing policies and institutional mechanisms that support labour migration. Its key sources of data are the Department of Foreign Employment (DoFE), the Foreign Employment Promotion Board (FEPB), the Foreign Employment Tribunal and the Department of Consular Services (hereafter “the MoLE Status Report”).³⁶

The Nepal Migration Survey, carried out in 2009, surveyed a sample size of 3,200 households across 62 districts in Nepal. It provides information on reasons for migration, degree of internal and international migration by gender,

³³ Subedi, B.S. *The issue of foreign born population in Nepal: a short essay in honor of Dr. Harka Gurung* (2007) www.nepjol.info/index.php/HR/article/view/2015/1854.

³⁴ The report is available online at ILO website: www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_425162.pdf.

³⁵ See www.iids.org.np/sites/default/files/doc_publication/Maximizing%20the%20Development%20impact%20of%20Migration%20in%20Nepal%20-%20Comprehensive%20Market%20Study%20-%202017_0.pdf.

³⁶ Ministry of Labour and Employment Labour Migration for Employment: A Status Report for Nepal: 2015/2016–2016/2017. Ministry of Labour and Employment, Kathmandu (2018).

age, marital status, origin and destination, level of education, ethnicity, sector of work, occupation (both prior to and following migration) as well as information on the volume of remittances and their use/impact, the money transfer system/channels and the cost and process of migration.

The Household Risk and Vulnerability Survey is a three-year panel survey conducted by the World Bank which commenced in 2016. Its objective is to provide empirical evidence on the patterns of exposure to shocks at the household level and on the vulnerability of households' welfare to these shocks. It covers 6,000 households in non-metropolitan areas of Nepal, which were interviewed in mid-2016 and again in mid-2017 and mid-2018. Being a relatively comprehensive and representative (rural) sample household survey, it can also be used for other research into living conditions of Nepali households in rural areas. It includes data on numbers of migrant workers per community and on situations of forced displacement.

Nepal Earthquake 2015: A Sociodemographic Impact Study (with Reference to 14 Most Affected Districts) is another major survey carried out by the Central Department of Population Studies (CDPS) in collaboration with International Organization for Migration (IOM) and United Nations Population Fund (UNFPA). The survey was conducted among affected households in the 14 districts using multiple approaches and both quantitative and qualitative techniques to measure the socio-demographic impact of the earthquake. The fieldwork was carried out during 20 November to 15 December 2015 with a total of 3,000 households surveyed, which was a statistically representative number. The survey report presents findings on the earthquake and population mobility that includes impact of earthquake on migration and displacement.³⁷

Innovative Data

As per Table 1.1, another potential source of data relevant to migration comes from innovative sources. The Government of Nepal has undertaken several technology-based initiatives in order to make data more accessible, for example the Ministry of Finance has an interactive visualization dashboard,³⁸ the NPC also has some interactive visualization tools³⁹ and the MoHP has launched a web-based open data system called Smart Health.

³⁷ This report is available online in UNFPA website: <https://nepal.unfpa.org/en/publications/nepal-earthquake-2015-socio-demographic-impact-study>.

³⁸ See <https://amis.mof.gov.np/TEMPLATE/ampTemplate/gisModule/dist/index.html>.

³⁹ See www.npc.gov.np/human_development_indicators_by_district/.

However, in terms of data collection, it is mainly the private sector which has started to use innovative methods to obtain data. For example, only months prior to Nepal's devastating earthquake in 2015, Ncell (Nepal's largest mobile operator) and Flowminder, a non-profit organization based in Sweden with a mission to "improve public health and welfare in low- and middle-income countries", had agreed on collaboration in the event of an earthquake. When the quake struck on 25 April 2015, the Flowminder team were able to use mobile operator data to track population movements. The team was able to produce static density maps, including age and gender distribution, which could then be used by UN OCHA and other relief agencies to provide effective humanitarian response. It was also able to track returns information.⁴⁰

Kathmandu Living Labs, a civic technology company in Nepal, is another example. It was able to create interactive maps populated through social media and crowd-sourced reports of damage following the earthquake. These were able to assist humanitarian actors to begin planning and coordination efforts.⁴¹

A variety of other private sector and civil society initiatives are working on the issue of data collection and possible benefit – direct and indirect – to migration which will potentially be of benefit to Nepal in this area.⁴²

⁴⁰ See www.flowminder.org/case-studies/nepal-earthquake-2015.

⁴¹ See www.kathmandulivinglabs.org/projects/quakemaporg.

⁴² For a list of such initiatives, see Sujhaab Chautaari, *Interested in big data in Nepal? See what's happening*. Available at <https://chautaari.com/big-data-nepal>.

PART A: MIGRATION TRENDS AND MIGRANT CHARACTERISTICS

This section of the Migration Profile is wider in scope than the other core sections and, hence, it is the longest of the document. The section starts off with an overview of global migration trends, discusses the drivers of migration and provides a brief history of Nepal's migration context. Further, the trends, patterns and migrants' characteristics are presented throughout. This section does not provide details on the impacts of migration, rather this is presented in Part B. This section of Migration Profile covers various migration categories such as labour migration which is the dominant type of migration, student migration, involuntary migration and irregular migration. It also looks at foreigners in Nepal including refugees and at displacement and internal migration.

The main sources of migration data used in this section are population censuses, household surveys and other studies. The strength of the census as a source of migrant stock data lies in that it is the most comprehensive source of internationally comparable data on international migration however the last census was conducted in 2011 so some of the figures are now presumably dated.

A.I. Global Migration and Displacement Trends

The number of international migrants in the world today is unprecedented. The International Migration Report 2017⁴³ and the Global Report on Internal Displacement (GRID) 2019⁴⁴ cover the latest global migration and displacement trends including the following highlights:

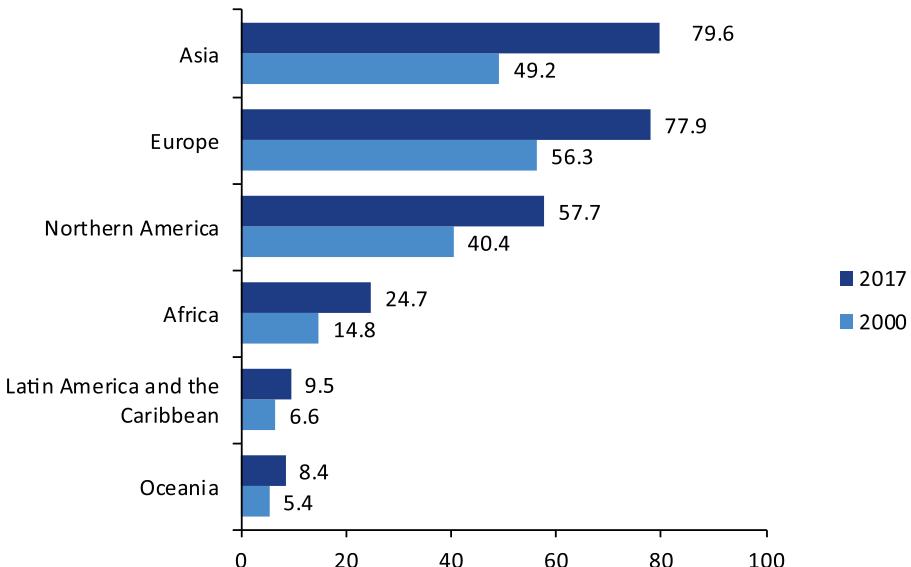
- High income countries hosted 64 per cent or nearly 165 million of the total number of international migrants worldwide which is estimated at 258 million;
- Ten per cent or 26 million of the total number are refugees or asylum seekers, and about 84 per cent or 22 million of these are hosted in low-and middle-income countries;
- There were 28 million new displacements associated with conflict and disaster across 148 countries and territories in 2018. Of these 10.8 million were caused by conflict and 17.2 million by disaster;

⁴³ United Nations, Department of Economic and Social Affairs, Population Division (2017). *International Migration Report 2017: Highlights* (ST/ESA/SER.A/404).

⁴⁴ IDMC (2019). *Global Report on Internal Displacement*. Available at www.internal-displacement.org/sites/default/files/publications/documents/2019-IDMC-GRID.pdf.

- Nearly 14 per cent of global internal displacement was recorded in South Asia, mainly triggered by a series of floods, storms and droughts;
- Around 74 per cent of all international migrants are of working age, between 20 and 64 years;
- There has been a global increase in the median age of migrants, from 38 years in 2000 to 39.2 years in 2017, however the median age has decreased in some regions such as Asia, Oceania, and particularly in Latin America and the Caribbean where the median age has decreased by approximately three years;
- In 2017, 48.8 per cent of all international migrants were women. In nearly all regions except Africa and Asia female migrants outnumber males. In some countries in Asia however the number of male migrants to female migrants is about three to one;
- More than 80 million international migrants reside in Asia, a number that has grown by 30 million since 2000;
- In 2017, Asia was the region of origin for 106 million migrants;
- Between 2000 and 2017, the relative increase in the number of international migrants who had originated in Asia and stayed in Asia was 62 per cent;
- India has the largest number of persons born in the country who are now living outside its borders, with approximately 17 million Indians living abroad in 2017. This figure is followed by Mexico, as 13 million Mexicans live outside their border. The Russian Federation, China, Bangladesh, Syrian Arab Republic, Pakistan and Ukraine have from 6 to 11 million each living outside their borders;
- In 2016, migrants from developing countries sent home approximately USD 413 billion in remittances;
- Migration occurs primarily between countries that are located within the same world region. In 2017, the majority of international migrants from Europe (67%), Asia (60%), Oceania (60%) and Africa (53%) reside in a country in the same region. However, the majority of migrants from Latin America and the Caribbean and North America reside primarily outside their region of birth (84% and 72% respectively).

Figure 3: Number of international migrants (millions) by region of destination, 2000 and 2017



Source: United Nations, 2017.

Table 4 shows where international migrants come from in relation to each region's relative share of global population.

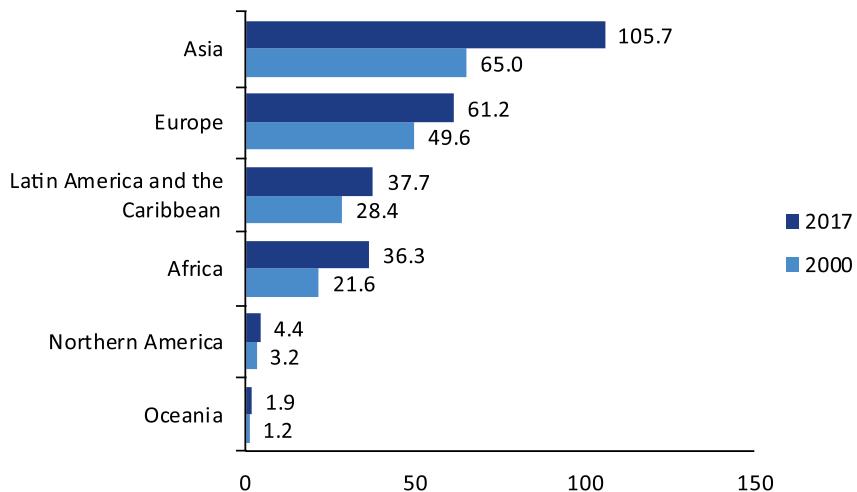
Table 4: Share of regions in world population and international migrants by origin (in thousands)

	Total population	Percentage of global population	International migrants by origin	Percentage of international migrants
World	7,550,262	100.0	257,715	100.0
Africa	1,256,268	16.6	36,266	14.1
Asia	4,504,428	59.7	105,684	41.0
Europe	742,074	9.8	61,191	23.7
Latin America and the Caribbean	645,593	8.6	37,720	14.6
Northern America	361,208	4.8	4,413	1.7
Oceania	40,691	0.5	1,880	0.7
Unknown	-	-	10,560	4.1

Source: United Nations, 2017.

Figure 4 shows the increase in the number of international migrants by region of origin. Asia recorded the largest increase of 40.7 million, this is an increase of 62.6 per cent. However, the number of migrants originating from Africa recorded the largest increase in relative terms since 2000 (+ 68 %).

Figure 4: Increase in the number of international migrants by region of origin



Source: United Nations, 2017.

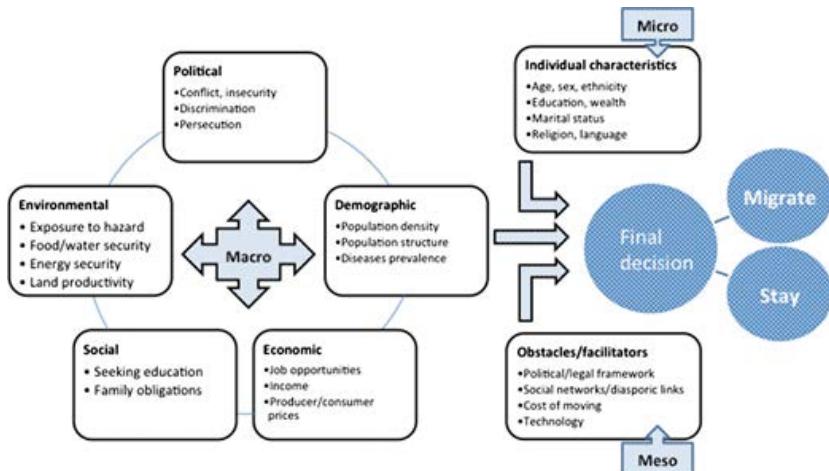
A.2. Key Drivers of Migration

The factors that lead people to migrate, either voluntarily or involuntarily, permanently or temporarily, are commonly referred to as the “drivers” of migration.⁴⁵ Evidence-based drivers of migration can be economic, demographic, environmental, social and/or political. Often people migrate to access improved economic and employment opportunities. Some migrate due to poverty, inequality or a lack of fundamental human rights at home whereas for many it also becomes the part of human tendencies. Natural and man-made crises and environmental degradation also drive migration.

The factors which interplay and determine the final decision of an individual to migrate can be conceived as: macroelements (largely independent from the individual) which include social, economic, demographic, political and environmental factors; mesoelements (more closely related to the individual but not completely under the individual’s control) such as the cost of moving, social networks or connections with the diaspora; and, microelements (personal characteristics and attitudes) including age, sex, ethnicity, education, wealth and religion, as shown in Figure 5.

⁴⁵ United Nations, Issue Brief #2, *Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution*. Available at https://refugeesmigrants.un.org/sites/default/files/final_issue_brief_2.pdf.

Figure 5: Drivers of migration



Source: Adapted from the Government Office for Science, London.⁴⁶

A.2.1. Economic Drivers

In developing countries such as Nepal, the lack of job opportunities at home and the potential for higher earning abroad propel young people away from home in search of employment and income opportunities. While many migrants choose to migrate to seek improved economic opportunities, among the poor, migration can be a necessary survival strategy.

Around 60 per cent of the total working population of Nepal, including 73.6 per cent females and 50.5 per cent males, are engaged in agriculture, forestry and fishing⁴⁷ which is a decrease by around 5 per cent (65.8%) from the population census of 2011.⁴⁸ The Nepal Labour Force Survey 2017/18 showed that 20 per cent of the population who had jobs in Nepal were employed in agriculture, the biggest employing industry.⁴⁹ There are many factors for the decline in agriculture in Nepal during that period including the fact that farming still relies primarily on manual labour and rainfall. A lack of modernized farming methods and difficulties with irrigation and transport means that Nepal has limited capacity to support the local population with current food production levels.

⁴⁶ Foresight: *Migration and Global Environmental Change Final Project Report*, The Government Office for Science, London (2011).

⁴⁷ Central Bureau of Statistics, Population Monograph, CBS Kathmandu (2014).

⁴⁸ See <https://cbs.gov.np/wp-content/uploads/2018/12/Population-Monograph-V02.pdf>.

⁴⁹ Central Bureau of Statistics Nepal Labour Force Survey 2017/18 (2019). Available at https://cbs.gov.np/wp-content/uploads/2019/04/NLFS-III_Final-Report.pdf.

Environmental degradation due to deforestation, recurrent floods and landslides and the 2015 earthquake also had a devastating impact on the agricultural sector, driving many Nepalis to look to other means of livelihood support. The United Nations Food and Agriculture Organization (FAO) has found that 7.8 million Nepalis live with severe food insecurity.⁵⁰ Further, although poverty rates in Nepal are quite briskly declining, 6 million Nepalis still live in poverty which is 18.7 per cent of Nepal's population.⁵¹ The annual growth rate of the economy averaged 4 per cent during the 45 years from 1970 to 2014.

More recently, there have been signs of a strengthening economy with Nepal's economy growing 7 per cent in 2018. According to World Bank's Nepal Development Update 2019, Gross Domestic Product (GDP) growth in Nepal is estimated at 7.1 per cent in FY 2019, driven mainly by the service and agriculture sectors. The service sector is predicted to grow by 7.5 per cent due to a boost in the retail, hotel, and restaurant subsectors, driven by an uptick in tourist arrivals and remittance-fueled private consumption. Agriculture is estimated to grow by 5 per cent in FY 2019, above its 30-year average of 3.1 per cent, due to good monsoons, increased commercialization, availability of fertilizers and seeds and improved irrigation facilities. Industrial growth is also likely to be strong at 8.1 per cent, above its 30-year average of 5 per cent, mainly due to improved power availability from increased electricity generation. Private investment and consumption are likely to be the main contributors to growth on the demand side.⁵²

Despite these positive signs and many areas of progress, including in the social sector, the Economic Survey 2017/18 showed that:

Despite the continuous efforts for development, there is high poverty rate, low economic growth rate, high economic inequality and high unemployment rate in the country. The agricultural sector, where two-thirds of the active working population is engaged, is still of subsistence nature. The situation of industrial development is also meagerly weaker.⁵³

⁵⁰ FAO, IFAD, UNICEF, WFP and WHO, *The State of Food Security and Nutrition in the World 2018* FAO Rome (2018).

⁵¹ National Planning Commission, *Approach Paper of the 15th Periodic Plan*. Available in Nepali at www.npc.gov.np/images/category/15th_Plan_Approach_Paper1.pdf.

⁵² Updated by World Bank: Recent Economic Development, available at www.worldbank.org/en/country/nepal/publication/nepaldevelopmentupdate.

⁵³ Government of Nepal, Ministry of Finance *Economic Survey 2017/18* (2018). Unofficial translation available at www.mof.gov.np/uploads/document/file/for%20web_Economic%20Survey%202075%20Full%20Final%20for%20WEB%20_20180914091500.pdf.

Limitations in tertiary education is also a driver of migration. While there are currently 11 universities in Nepal, they do not provide scholarships or research-linked post-graduate opportunities and the rates of enrolments of Nepali students in universities abroad are soaring.

A.2.2. Environmental Drivers

IOM conceptualizes the migration, climate and environment (MECC) nexus as a continuum where migration is “neither entirely forced nor entirely voluntary but in a grey zone in between”.⁵⁴ Environmental factors, including those related to climate change and natural hazards, directly and indirectly impact the resilience and vulnerability of individuals, households and communities, and may lead to migration. However, apart from displacement as a result of a sudden-onset disaster such as an earthquake, landslides or flood, it is difficult to establish a direct causal link between environmental factors and the decision to migrate. Rather, it can be a cumulative effect that impacts of climate change and environmental degradation have on the sustainability of livelihoods, for example, failure in agriculture, resulting in reduced income or poverty which drives migration.⁵⁵

Exacerbated by climate change, disasters in Nepal including floods and landslides are said to have increased in frequency and intensity. Nepal is ranked fourth in the world in terms of vulnerability to climate change, thirtieth in terms of vulnerability to climate change related flood risks and eleventh for vulnerability to earthquakes.⁵⁶ The 2017 National Disaster Report notes that more than 80 per cent of the total population of Nepal is at risk from natural hazards, including floods, landslides, windstorms, hailstorms, fires and Glacial Lake Outburst Floods. Additionally, Nepal is located in a seismically active zone with a high probability of earthquakes. The Report also notes that landslides trigger a loss of water resources, adding to water scarcity due to climate change. This has had a devastating effect on some villages and has led to internal migration.⁵⁷ In the Upper Mustang, a trans-Himalayan region receiving less than 200mm of rain annually, the households in the village of Dhey were relocated to Thangchung in 2009 due to a lack of water. Similarly, eighteen households from the village of Samjong were relocated to another village in 2016 due to acute drought.⁵⁸

⁵⁴ International Organization for Migration, *Perspectives on Migration, Environment and Climate Change*, IOM Geneva (2018).

⁵⁵ International Organization for Migration, Assessing the Climate Change Environmental Degradation and Migration Nexus in South Asia, IOM Dhaka (2016).

⁵⁶ UNDP Nepal. Available at www.np.undp.org/content/nepal/en/home/energy-environment-climate-and-disaster-risk-management/in-depth.html.

⁵⁷ Ministry of Home Affairs, *Nepal Disaster Report, 2017: The Road to Sendai*, Government of Nepal, Kathmandu (2018).

⁵⁸ Pandey Nepal: *Climate Change and Human Mobility*, Institute of Peace and Conflict Studies, (2017). http://ipcs.org/comm_select.php?articleNo=5377.

A 2016 IOM study on the nexus between climate change, environmental degradation and migration in South Asia observed that some households engaged in agriculture sent family members abroad to offset the loss of livelihoods that occurred due to shifting seasons, reduced rainfall and longer hot seasons. This migration was temporary and circular in nature, and helped households adapt to the changing weather conditions.⁵⁹

Cognizant of the vulnerability of Nepal to disasters, the Government has developed a National Policy and Strategic Action Plan for Disaster Risk Reduction and Management 2018–2030. The Ministry of Home Affairs has also developed the National Disaster Risk Reduction Portal which seeks to provide information in real time about a long list of catastrophic incidents including fire, storm, animal bite, sinkhole, drought and heatwave.

Additionally, climate change adaption plans have been a focus of the Government of Nepal in recent years. It has developed a series of adaption plans at the national, local and community levels. The Government has recognized the impact of climate change on livelihoods through its adoption of the 2011 Climate Change Policy. However, the policy does not explicitly address migration, displacement or relocation. The Ministry of Forest and Environment focuses on climate change adaptation strategies however, to date, there has not been significant cross-cutting work on the nexus between climate change and migration within the Government. The nexus is important to acknowledge and address in future development strategies and this has been recognized by the Government.

The 2016 IOM study identified that there is strong need to enhance policy, legal and institutional frameworks to address climate change-induced migration and that improving coordination among the government agencies dealing with climate change, environmental degradation and migration issues is an important part of developing an effective strategy to address the MECC nexus.

MoLESS has integrated climate change into its last Five Year National Strategic Work Plan for Safer Foreign Employment (2015–2019) calling for more research and stakeholder consultations to address labour migration as an adaptation strategy to climate change within the objective of promoting collaboration through enhanced regional cooperation.⁶⁰

⁵⁹ International Organization for Migration Assessing the Climate Change, Environmental Degradation and Migration Nexus in South Asia. IOM Dhaka (2016).

⁶⁰ Ibid.

A.2.3. Sociopolitical Drivers

Worldwide, conflict is a significant driver of both internal and international migration and displacement. There is some debate about whether the effect of violence on migration is direct or indirect, that is, the economic dislocation and restriction on livelihood options which can be the result of conflict may be the more immediate drivers.

In relation to the ten-year Maoist insurgency in Nepal, one study notes that:

Although exact figures on forced migration do not exist, evidence from many sources suggests that migration both to internal and international destinations surged dramatically as a consequence of the civil conflict, owing not only to the threat of violence but also to declining agricultural and economic production.⁶¹

The Maoist insurgency between 1996 and 2006 in Nepal resulted in the internal displacement of significant numbers of Nepalis. The Ministry of Peace and Reconstruction established a Task Force to gather data on conflict victims including people displaced due to conflict. A 2011 report of the Relief and Rehabilitation Division showed that 89,171 internally displaced persons within 22,863 families applied for relief packages provided by the Government.⁶² Some international agencies gave higher figures of between 100,000 to 200,000 people who were displaced.⁶³

There is some evidence that international migration rates rose when there was an increase in the intensity of the conflict.⁶⁴ There was also a surge of Nepalis leaving for foreign employment, as shown by the number of labour permits issued. While just over 3,000 labour permits had been issued at the beginning of the insurgency, this figure rose dramatically to 165,103 by the end of the insurgency in 2005/2006. The upward trend of foreign labour migration continued after the conflict ended.⁶⁵ Figure 6 shows the labour permits issued during and a few years after the insurgency.

⁶¹ Bohra-Mishra, P. and D. S. Massey (n.d.) "Individual decisions to migrate during civil conflict" *Demography*, 11 May 48(2), 401–424.

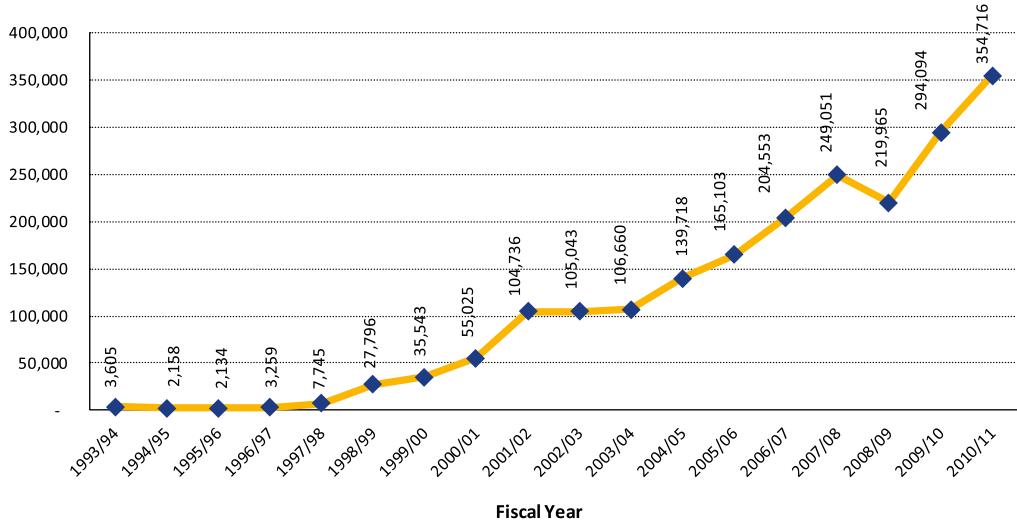
⁶² MOPR Report of IDP Registration at Relief and Reconstruction Division, 2011 unpublished.

⁶³ Internal Displacement Monitoring Centre *Sustainability of IDP returns undermined by lack of assistance. A profile of the internal displacement situation* (2008). Available at www.refworld.org/pdfid/485a63912.pdf.

⁶⁴ Shrestha, M. (*Push and Pull: A Study of International Migration from Nepal*. World Bank Group, Policy Research Working Paper, (2017).

⁶⁵ Sijapti, B. and A. Limbu ,A Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms, Centre for the Study of Labour and Mobility, Kathmandu (2012).

Figure 6: Surge in labour permits during the 10-year insurgency



Source: DoFE, 2019.

A.2.4. Individual Characteristics

The meso and microlevels are also important in driving the final choice of the individual to migrate. Factors such as ethnicity, family support both economic and societal, level of education and access to financial means influence the decision to migrate. There is some evidence that the number of extended family members that a migrant has at the destination can be positively associated with the decision to migrate.⁶⁶ One study shows how the recruitment of Nepali migrant workers in the coal mines in Meghalaya, India, is “network-based”, with groups of migrant workers originating from the same villages and social networks in Nepal.⁶⁷ Similarly, village networks have been an important factor for migration to Japan. Some 1,800 of an entire population of 6,400 have left their village Malma to work in restaurants in Japan.⁶⁸

⁶⁶ Regmi, M. K. Paudel and D. Williams, *Push and Pull Factors Associated with Migration in Nepal: An Economic Perspective*. Paper presented at the Agricultural and Applied Economics Association Annual Meeting, Minneapolis, Minnesota, July 27–29, 2014.

⁶⁷ Agergaard, J. and J. Seberg, “Nepal on the Move: Conflict, Migration and Stability”, *Policy dialogue on Migration Workshop*, 14 March 2016, Kathmandu.

⁶⁸ Kharel D, “From Lahures to global cooks: Network migration from the western hills of Nepal to Japan”, *Social Science Japan Journal*, 19(2), pp. 173–192 (2016).

Ethnicity plays a role also, with one study showing that Muslim workers are most likely to migrate to Gulf countries, whereas Hill Dalit workers are most likely to migrate to India.⁶⁹ The reasons may be multifaceted. For example, ethnicity may be an influencing factor if it is associated with household wealth, meaning that people from a certain ethnicity may have the means to cover the costs to migrate such as travel documentation.

There is also a view that migration for Nepali youth has almost become a “rite of passage” and that it is connected with status, prestige and cultural change. Sharma writes:

Although economic gains are often highlighted as the impact of migration and one of the reasons why people migrate, experiencing the wider world of consumption and ideas of modernity are often the main reasons why young adults migrate and what they bring back with them. This is self-evident when we look at the returnee migrants. Whether it is a tape-recorder brought by a far-west migrant from Mumbai, a flat-screen television brought by a Gulf returnee, a sophisticated mobile phone brought by a skilled migrant from the United Kingdom or gold ornaments brought by Nepali women workers working in Kuwait and Saudi Arabia, they all show that migrants are not just workers but also consumers. Learning new languages and skills, forming new social networks and gaining understanding of the wider world are all a part of migration experience.⁷⁰

A.3. Brief History of Nepal's Migration

Following the Anglo-Nepalese war of 1814 to 1816, the Treaty of Sugauli was signed, establishing Nepal's borders. The treaty saw some territories of Nepal being given to British India and in 1815 Britain started to recruit Nepali Gurkhas to join the East India Company. This was the start of a significant trend of Nepali Gurkhas being recruited into the British and Indian armies and, more generally, young Nepali men going abroad for work. Some 100,000 Nepali men served the British in the First World War, a sacrifice that was recognized by the signing of the British-Nepal Treaty of Friendship in 1923.⁷¹ Through that treaty, Britain also recognized Nepal as an independent country and returned

⁶⁹ Sharma, S. S. Pandey, D. Pathak and B. Sijapti-Basnett State of Migration in Nepal, Research Paper VI. Centre for the Study of Labour and Mobility, Kathmandu (2014).

⁷⁰ Sharma, J., "The impact of environmental change on labour migration from Nepal to the Gulf States". Foresight, UK Government Office for Science, London (2011).

⁷¹ Brown, L. ; "The Ranas and the Raj" *Historia*, 14 March 2012, available at www.historiamag.com/ranas-and-raj/.

some of the formerly annexed “Tarai” region. Many Indians migrated there for employment as industries began to be established in the 1930s and land was readily available.⁷²

There were also continued movements into Nepal. In addition to Indians migrating to the Tarai area from northern India, between 1959 and 1960 some 16,000 Tibetans fled political instability at home to move to that area, followed by refugees of Nepali origin coming from Burma in 1964 after the *Burmese Naturalisation Act* and about 10,000 Bihari Muslims from Bangladesh in the 1970s.⁷³

At the same time, Nepalis were migrating to India for work, in the tea plantations in Darjeeling, to lumbering opportunities in Assam and later to extract coal and oil in the northeast of India. Many Nepalis settled permanently in these regions, seeking better opportunities.

In 1950, Nepal and India signed the Treaty of Peace and Friendship, in recognition of the *ancient ties which have happily existed between the two countries*.⁷⁴ Through its Article 7, the Treaty provides reciprocal rights to the nationals of India and Nepal in the matter of residence, ownership of property, participation in trade and commerce, movement and other similar privileges. In effect, this creates full freedom of movement between the countries. After its signature, Nepalis started emigrating further into India, to the cities of Delhi, Mumbai and Bangalore in search of employment.⁷⁵

From the mid-1980s, Nepalis started also to migrate to the Gulf States and Malaysia for work. The Gulf States were experiencing rapid economic growth, while Nepal’s agricultural production and economic opportunities were declining. The growth in the number and accessibility of labour recruitment agencies and the decentralization of passport issuance in Nepal contributed to outmigration of unskilled and semi-skilled Nepalis to the Gulf States, particularly to the construction and service sectors.⁷⁶ The historic trend for Nepali youth to move abroad in search of work, and the continuation of cross-border movements with India, have become defining characteristics of Nepal’s migration context.

⁷² Subedi, B. P. International Migration in Nepal: Towards an Analytical Framework, *Contributions to Nepalese Studies*, 18(1). (1991). Available at <http://lib.icimod.org/record/9802/files/6906.pdf>.

⁷³ Ibid.

⁷⁴ Preamble, Treaty of Peace and Friendship between the Government of India and the Government of Nepal, Kathmandu, 31 July 1950.

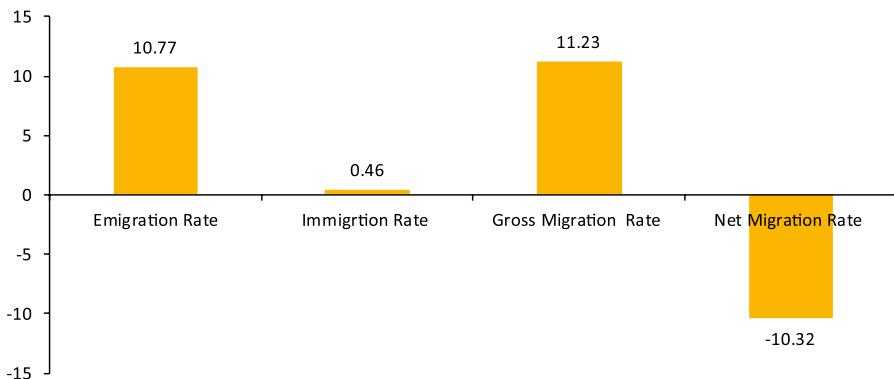
⁷⁵ Sijapti, B. and A. Limbu ,A Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms, Centre for the Study of Labour and Mobility, Kathmandu (2012).

⁷⁶ Sharma, J., “The impact of environmental change on labour migration from Nepal to the Gulf States” *Foresight*, UK Government Office for Science, London (2011).

A.4. Migration Rates

There is no universal acceptance on what sources of data should be used when calculating net migration rates. The Nepal CBS uses the recorded absent population from the census to determine the emigration rate and the recorded foreign-born population to calculate the immigration rate. Nepal's emigration rate for 2011 is estimated at 10.77 per 1,000 population. The immigration rate from NPHC 2011 data stands at 0.46 per 1,000 population. Together, these make the gross migration rate which, for Nepal is estimated at 11.23 per 1,000 population. The net migration rate is calculated by subtracting the emigration rate from the immigration rate and stands at -10.32 in Nepal.

Figure 7: Migration Rates



Source: CBS, 2014.

A.5. Absentee Population

The Nepal census gathers data on the “absentee” population. Nepal has observed a significant increase of absent population over the two most recent census periods. In the 2001 census, 762,181 persons were reported to be “absent”, meaning not residing in Nepal. The figure more than doubled to 1,921,494 in 2011 which was 7.3 per cent of the population.

Of the total absentees, 87.6 per cent were male and 12.4 per cent female. According to the census, one in every four households had a family member abroad. Table 5 shows how the absent population has increased from 1.4 per cent of the population in 1942 (when this question started to be included in the Census) to 7.3 per cent of the population in 2011.

Table 5: Absent population of Nepal, 1911–2011

Year	Total	Total absent (number)	Total absent (%)	Absent male (number)	Absent male (%)	Absent female (number)	Absent female (%)
1911	5,638,749	-	-	-	-	-	-
1920	5,573,788	-	-	-	-	-	-
1930	5,532,574	-	-	-	-	-	-
1942	6,283,649	87,722	1.4	-	-	-	-
1952/54	8,256,625	198,120	2.3	173,619	87.6	24,501	12.4
1961	9,412,996	328,470	3.4	-	-	-	-
1971	11,555,983	-	-	-	-	-	-
1981	15,022,839	402,977	2.6	328,448	81.5	74,529	18.5
1991	18,491,097	658,290	3.4	548,002	83.2	118,288	16.8
2001	23,151,423	762,181	3.2	679,489	89.2	82,712	10.8
2011	26,494,504	1,921,494	7.3	1,684,029	87.6	237,400	12.4

Source: CBS, 2014.⁷⁷

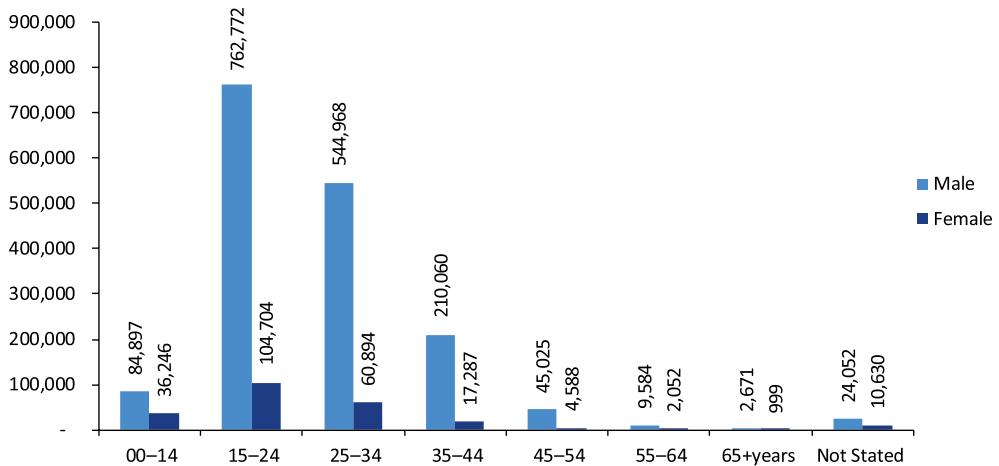
India has historically been the principal destination for Nepal's absent population, however that trend has been decreasing over time. While 93 per cent of the absent population were in India for the 1981 census, that figure decreased to 77 per cent in 2001. The 2011 census shows that figure continuing to decline, with India being the destination for 37.5 per cent of the absent population in 2011.⁷⁸ This decline is due to the increase of absentees in other countries, such as Malaysia and the Gulf countries.

The 2011 census further shows the absent population to be overwhelmingly young. More than 76 per cent are between 15 and 34 years of age. Figure 8 shows the breakdown of the absent population, by age.

⁷⁷ Central Bureau of Statistics Population Monograph of Nepal Vol. I., CBS (2014). Available at <https://cbs.gov.np/wpcontent/uploads/2018/12/Population-Monograph-of-Nepal-2014-Volume-I-FinalPrintReady1.pdf>.

⁷⁸ Ibid.

Figure 8: Total number of absent population by age, 2011



Source: Calculations based on census data 2011 using Public Use Micro-Data Set (PUMS).

The Population Census data shows where in Nepal absentees are from and their destination overseas. It is apparent from Table 6 that in 2011, the largest overall number of international migrants came from Province 5 (410,751) and the smallest number from Karnali (67,582). Province 5 and Far Western Province were significant source areas for migrants going to India. Of the destination for migrants from Karnali, India was the main destination with relatively few going to other countries. Province 3 is a significant source for migrants going further afield to North America, the EU and the Middle East.

Table 6: Number of emigrants and countries of destination by province, 2011

Countries	1	2	3	Gandaki	5	Karnali	FW Prov	Total
India	61,346	33,722	48,173	105,077	219,050	48,214	206,673	722,255
SAARC	2,747	770	3,898	2,823	1,455	144	231	12,068
ASEAN	75,402	47,614	43,201	27,689	40,894	9,473	5,616	249,889
Middle East	187,104	134,688	116,514	142,372	126,360	7,566	7,187	721,791
Other Asian	8,011	687	15,515	13,414	6,040	231	668	44,566
EU	9,527	936	26,585	15,273	5,742	286	533	58,882
Other European	712	289	1,330	678	469	50	163	3,691
North American	4,648	1,152	31,889	6,234	3,135	275	744	48,077
South American/ Caribbean	470	237	775	378	283	59	113	2,315
African	948	259	1,850	1,015	784	67	201	5,124
Pacific Ocean Region	2,594	486	17,509	4,130	2,199	99	349	27,366
Others	1,448	713	1,103	871	738	87	198	5,158
Not Stated	2,690	2,926	3,858	2,808	3,602	1,031	3,397	20,312
Total	357,647	224,479	312,200	322,762	410,751	67,582	226,073	1,921,494

Source: Public Use Micro-Data Set based on 2011 census data.

Note: Nepal has seven provinces. Out of them, Province 1, 2, 3, and 5 have yet to designate their names.

In terms of destination, it is possible to see variances between male and women migrants. India remains a top destination for women migrants. Of the 1,178,926 people who went to countries other than India, 1,062,755 (90.1%) were males and the remaining 116,171 (9.9%) were females. The destination of the remaining 20,312 (1.1%) of absentees is not known of which 4,865 (24%) are females.

The Population Census also provides information on the reasons for migration, showing that almost three quarters (71%) of the total absentee population left their place of origin in search of employment, mainly private jobs. It is shown that 75.4 per cent were destined for private jobs, and almost one-third (32.2%) of female absentees were accompanying dependents. Proportionately more females (14.2%) were found to go abroad to study than males (5.8%). The percentage of those going abroad for “business purposes” was shown to be negligible at 0.6 per cent. Although the role of armed conflict was mentioned as the reason for migration for only 0.1 per cent of the total, this figure can be assumed to represent those who left due to a direct threat, rather than those who migrated either to avoid being involved in the conflict or those affected indirectly in other ways.

The 2016 National Demographic and Health Survey showed that nearly half the households surveyed (47%) reported at least one person who had migrated from the household in the preceding 10 years. This survey includes both internal and international migration. A total of 8,836 persons, out of the 11,040 sampled households, had migrated in the preceding 10 years, of whom 57 per cent were men and 43 per cent were women. Seventy-one per cent of women and 84 per cent of men had migrated in the last 5 years, and one in three men in the past year. Approximately 8 in 10 males migrated for employment, most commonly to the Middle East (32%) and India (17%). Two-thirds of the women who migrated did so for marriage within the country. External migration was not found to be common among women respondents, with 84 per cent of women migrating within Nepal. Only about 7 per cent of women migrated to the Middle East and other countries. The survey also showed that more than two-thirds of the household members migrated at age 24 or younger. Women are likely to migrate at a younger age than men: 44 per cent of women migrated at age 15 to 19, while male migration mostly took place at age 20 to 24 (26%).

Both male and women migrants are mainly from Province 1, Province 2, and Province 3, which together account for 61 per cent of women migrants and 56 per cent of male migrants.

The National Living Standards Survey carried out in 2010/2011 shows both internal and international migrants (who have moved from another locality or from overseas to the household being surveyed) and absentees who have moved away from the household being surveyed. Its key findings reveal that 53 per cent of households in Nepal have at least one absentee living within or outside the country.

The Department of Passports keeps records on Nepalis who register with missions abroad, as shown in Table 7.

Table 7: Number of Nepalis in the foreign land as reported by Nepali missions abroad

Place	Nepalis	Place	Nepalis	Place	Nepalis	Place	Nepalis
Australia	54,763	Republic of Moldova	3	Libya	230	Iran (Islamic Republic of)	15
Belgium	8,000	Armenia	20	Morocco	20	Malaysia	500,000
Netherlands	3,000	Azerbaijan	16	Nigeria	125	United Kingdom	100,000
Luxembourg	360	South Africa	1,100	Syrian Arab Republic	600	Ireland	2,000
China	6,000	Botswana	35	Tunisia	12	Malta	1,700
Hong Kong SAR, China	25,472	Democratic Republic of the Congo	150	Jordan	12,000	Iraq	25,000

Place	Nepalis	Place	Nepalis	Place	Nepalis	Place	Nepalis
Macao SAR, China	4,205	Lesotho	8	Sudan	100	Canada	50,000
Tibet Autonomous Region of China	1,996	United Republic of Tanzania	350	Guinea	30	Kuwait	71,193
Denmark	4,800	Seychelles	1,200	Uganda	500	Brazil	76
Finland	3,400	Kenya	400	Bahrain	26,000	Chile	230
Norway	3,200	Mauritius	500	Thailand	1,500	Argentina	5
Sweden	2,200	Zimbabwe	20	Singapore	7,000	Colombia	5
Iceland	200	Gabon	15	Lao People's Democratic Republic	100	Guyana	6
Latvia	20	Mozambique	50	Cambodia	100	Peru	3
Lithuania	22	Spain	4301	Viet Nam	50	Bolivia (Plurinational State of)	4
France	5,000	United States of America	280,000	Brunei Darussalam	2,000	Bangladesh	3,600
Portugal	15,000	Austria	679	United Arab Emirates	224,905	Switzerland	457
Greece	150	Slovenia	20	Republic of Korea	38,862	Italy	15
Israel	3,599			Saudi Arab	334,451	Russian Federation	500
Cyprus	3,757	Egypt	350	Qatar	406,917	Belarus	20
Japan	87,148	Algeria	50	Pakistan	200	Kazakhstan	12
Myanmar	200	Ethiopia	110	Turkey	4,500		0
Oman	17,057	Lebanon	12,000	Uzbekistan	6		0

Source: Department of Passports (2019). *Annual Report 2018/2019*. Kathmandu: Ministry of Foreign Affairs.

A.6. Labour Migration

A.6.1. Overview

Foreign employment is the most significant motivation for international migration from Nepal in the twenty-first century.⁷⁹ Nepal is a major labour sending country with foreign labour migration a common livelihood strategy for many Nepalis people in both rural and urban areas of Nepal. The remittances that are being generated from foreign employment have become a major contributing factor to Nepal's economy, equivalent to 25.4 per cent of GDP in 2018/2019,⁸⁰ and have been responsible for improving the standards of living of the population with one in three Nepali households receiving remittances.⁸¹

⁷⁹ Ministry of Labour and Employment *Labour Migration for Employment A Status Report for Nepal: 2015/2016–2016/2017*. Ministry of Labour and Employment, Kathmandu (2018).

⁸⁰ Nepal Rastra Bank Macroeconomic Database 2019.

⁸¹ World Bank Nepal Development Update: Maximising Finance for Development, World Bank, (2018).

The working age population of Nepal is expected to exceed 20 million by 2025, which translates to an additional 5 million people entering the workforce by that date.⁸² It can be expected that labour migration will continue to be a necessary livelihood strategy for many Nepalis for the foreseeable future.

Nepal's labour migration trends can be divided into 1) internal migration, 2) migration to India and 3) migration to countries other than India, referred to in Nepal as "foreign employment". Movement within Nepal or to and from India can be done without any restrictions, however the third form of migration is highly regulated, by legislation and, in certain cases, by bilateral labour agreements.

The DoFE, under the MoLESS, is a key source of information on labour migration as it issues and records labour permits to migrants wishing to emigrate for employment. This data has significant limitations. Firstly, it comprises only the number of labour permits issued by the government; importantly therefore, the large number of Nepalis who go to India are not recorded. As mentioned above, the terms of the 1950 Friendship Treaty mean that no labour permits are required for Nepalis wishing to migrate to India for employment. Secondly, by only indicating the number of permits issued, the figures cannot show whether one individual has received multiple permits or cases where permits may have been issued but then not used.

The DoFE issued 4,099,926 labour permits between 2008/2009 and 2018/2019 that comprised 3,888,035 males and 211,891 females.⁸³ In FY 2018/2019 only, DoFE issued 236,211 labour permits, a sharp decline from FY 2017/2018 when 354,082 labour permits were issued.

The process to obtain a labour permit has been noted as being as "time-consuming and cumbersome".⁸⁴ However, recognizing this, the Government has developed a number of recent initiatives to try to address the difficulties as well as to further streamline the process and protect prospective migrants from exploitation:

- The process to apply for and obtain a labour permit moved to an online platform in 2016.
- In October 2018, the Foreign Employment Information Management System (FEIMS) and a mobile application was launched which will keep

⁸² GIZ, EU, BMZ, ILO *Analysis of Labour Market and Migration Trends in Nepal 2015*, (2015). Available at <http://un.info.np/Net/NeoDocs/View/5030>.

⁸³ The numbers from 2008/09 to 2016/17 were taken from the MoLE Annual Status Report 2014/15–2016/17, and the numbers of labour permits issued in 2017/18 and 2018/19 were taken from DoFE website www.dofe.gov.np/yearly.aspx. Both the data were combined to produce the total number.

⁸⁴ Sijapati, B. A. Bhattacharai and D. Pathak, *Analysis of Labour Market and Migration Trends in Nepal*, ILO, Giz Nepal (2015).

records of the labour permit process from application to return. It is the first time that any data is being collected on migrant workers returning back to Nepal, meaning that the number of labour permits issued will no longer be the sole data source for tracking labour migration from Nepal.

- At the end of 2018, the Labour and Employment Offices in select provinces started to be able to renew labour permits, handle grievances related to foreign employment and other services for labour migrants which previously had been centralized in Kathmandu. This means that prospective labour migrants can avoid the time and expense of having to travel to Kathmandu for these services.
- The Government launched a Foreign Employment Welfare Fund as well as an insurance scheme. Each migrant contributes the equivalent of USD 15 (NPR 1,500) and is insured for injury or death.
- The Government has sought to reflect increased protections for Nepali labour migrants into certain revised bilateral agreements and in new agreements.
- The Ministry has also established a call centre with the aim to provide prompt assistance to migrant workers in Nepal or in destination countries, addressing queries or complaints. The call centre operates 13 hours per day and can be contacted through various means such as email, Messenger or Viber. Planning is underway to extend its hours of operation to 24 hours a day, 7 days per week.
- In March 2019, the Government has made further changes to the legislation to increase the amount of the security deposit required for recruiting companies to be able to operate. There are also new provisions regarding the cancellation of licenses where recruitment companies falsify documents or details in order to obtain a labour permit for a worker. Nepali missions in destination countries will also be required to certify documents as genuine. DoFE will be authorized to refuse permission for the issuance of a labour permit where it is found that the employment is dangerous or risky for the worker. Recently, DoFE has introduced electronic labour permit issuing system and automated messaging system for notifying the approval to better manage the recruitment process.

The Government has instituted a “free visa free ticket” scheme whereby employers are to bear the visa and air travel expenses for workers going for employment in Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Oman, Bahrain and Malaysia. Its intent is to ease the financial burden of migrants and to make migration for employment more readily accessible to aspiring labor migrants. The worker would only pay for medical tests, orientation training and a service fee to the recruitment agency. However, the 56th Annual Report of the Auditor

General has raised concerns that the scheme's implementation and monitoring has not been successful and that migrant workers are still paying significant amounts to recruiting agencies.⁸⁵ In August 2017, public interest litigation was brought in the Supreme Court of Nepal demanding effective implementation of the scheme. In January 2019 the Court issued a directive to the government to take measures to be able to effectively implement the scheme. To date however, the scheme is still not being effectively implemented.

A.6.2. Labour Migration to India

Cross-border movements along the 1,870 km-long open border with India are common. The countries have long had social, cultural, ethnic and religious ties and historically, India was the main destination for Nepalis migrating abroad.

The 2011 census showed that of the total absentee population, 37.6 per cent had left for India. In terms of actual numbers, it is still a more popular destination for Nepalis than any other single country. As stated above, migration of Nepalis to India is not restricted or regulated, making it cheaper and administratively and logically easier than travelling further afield. The census showed that Nepali households with the least financial resources were more likely to have a migrant family member in India than elsewhere. In other words:

India as a destination choice declines as the wealth status of the household improves, with households from the higher wealth quintiles likely to have migrants in countries other than India.⁸⁶

The 2011 NDHS showed that while men largely migrate to India for employment (87% of those who had gone to India) the reason for the migration was different for women who mostly migrated to India as dependents or for marriage. Women were more likely to travel to other destinations for work. As mentioned above, the NDHS defines migration to be for a period of more than 6 months.

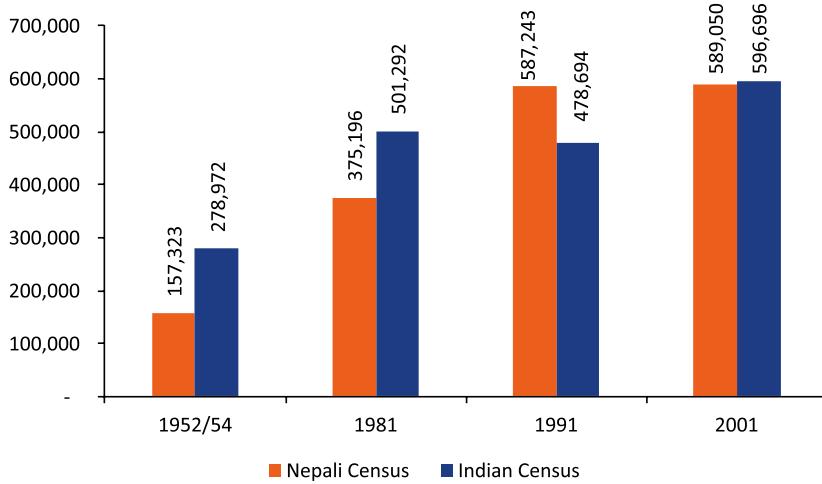
Apart from this data on absentees from past surveys, there is very little recorded data which shows how many Nepalis migrate to India. The border is long and porous, and without border data it is difficult to track movements, including seasonal migration. There are also no records kept on how many Nepalis work in India or where they are. Further, census data of Nepal on absentees and from

⁸⁵ The report is available at <https://oagnep.gov.np/annual-reports/>.

⁸⁶ Sharma, S. S. Pandey, D. Pathak and B. Sijapti-Basnett, State of Migration in Nepal, Research Paper VI, Centre for the Study of Labour and Mobility, Kathmandu (2014).

India on Nepali migrants living in India is widely variant, with little convergence as to the numbers, as shown in Figure 9. It is however generally accepted that there are frequent movements across the border, long-term, short-term, seasonal and even more frequent with some workers living near the border crossing for work on a daily or weekly basis.⁸⁷

Figure 9: Nepalis in India as per Indian and Nepali censuses



Source: CESLAM.⁸⁸

As can be seen in Figure 9, there is variation in the official figures. The censuses in 2001 in India and Nepal were the most similar as to numbers, but widely divergent as to gender. Nepal's census put the proportion of women migrants at 12 per cent in 2001, whereas the Indian census indicated that it was 55 per cent. This wide divergence indicates that the figures cannot be relied upon. Unofficial estimates also vary widely, from 3 to 4 million at one end of the scale, to under one million at the other. The variations may be attributable to the large number of Nepalis working in the informal sector or who have been trafficked, or who migrate seasonally or even more frequently. It is also worth noting that if whole families migrate to India, they will not be shown at all on the Nepali population census. Additionally, if people leave on a seasonal basis for only a few months at a time, they will not be counted as absentees.

⁸⁷ Sharma, S. and D. Thapa Taken for Granted Nepali Migration to India, Working Paper III, Centre for the Study of Labour and Mobility, Kathmandu (2013).

⁸⁸ Ibid.

Nepalis still migrate to India to join the Indian Army. Again, the number is not agreed, however a 2017 Indian Ministry of External Affairs document puts the figure at 32,000.⁸⁹ Other migrants go for permanent work, or seasonal work. Although unable to be quantified, seasonal migration to India is an important aspect of the livelihood for many rural Nepalis, particularly those from the hills, but from the Tarai also. Nepalis leave for India during the off-season, usually during January to June, and may return to Nepal for planting and then harvesting. This is a means to bridge the off-season with some, albeit meager, income. Other Nepali migrants going to India for contract work may be able to return to Nepal with small savings in cash and/or clothes or cooking utensils. As there is no official Nepali survey which tracks absentees who are away from home for less than six months, there is little reliable data on the extent of seasonal migration. Some researchers have however conducted studies.⁹⁰

India has also become a route for labour migrants from Nepal going to other destinations. Until recently, there was no need for Nepalis to show labour permit documentation when travelling to a third country via India. However, given a rise in Nepalis going abroad without proper documentation and the risk of human trafficking, the Nepali Government has put in place a procedure whereby Nepalis wishing to depart India need to obtain a No Objection Certificate from the Nepali Embassy in New Delhi.⁹¹ This will need to be shown to Indian airport authorities to obtain clearance to leave.

Many Nepali migrants work in the informal sector in India, in restaurants, as domestic workers, as guards or porters, and in brothels, meaning that they are potentially exposed to exploitation with no legal recourse. Trafficking of women and girls into prostitution, of children into circuses, and of men for body part harvesting is all known to exist but the lack of data means that the extent and volume of these crimes, while presumed to be significant, is largely unknown.⁹²

Not having data or records about the scale and characteristics of Nepali migration to India makes it impossible for the Government of Nepal to effectively harness its benefits into its development planning nor to address its risks. As the number of Nepalis who work in India is known to be significant, this means that a huge portion of the labour migration sector is “outside” the sphere of

⁸⁹ Ministry of External Affairs, India (2017). *India-Nepal Relations*, February 2017. Available at http://mea.gov.in/Portal/ForeignRelation/India_Nepal_Relations_11_04_2017.pdf.

⁹⁰ See Gill (2003) and Gautum (2007).

⁹¹ The notice was issued in 14 May 2019 and has been uploaded in the website of the Department of Immigration, the Government of Nepal. It is available at www.nepalimmigration.gov.np/post/notice-regarding-noc-from-embassy-of-nepal-at-new-delhi.

⁹² National Human Rights Commission Trafficking in Persons in Nepal: A National Report. Kathmandu (2018).

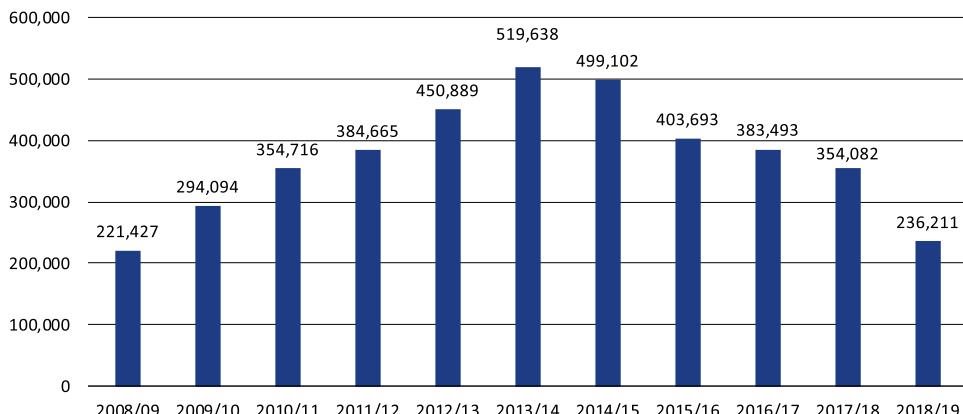
Government influence, policymaking and protection. This is an issue in Nepal's migration landscape which deserves careful review.

A.6.3. Labour Migration to Other Countries

The change in migration patterns to destinations beyond India clearly coincides with the formulation of the first Foreign Employment Act in 1985. It is apparent that the Act made possible the mobility of Nepalis for employment to destinations beyond India by, among other things, setting out procedures to obtain employment overseas.⁹³

Over the nine fiscal years from 2008/2009 to 2016/2017, Nepali labour migrants obtained permits to work in 153 different countries.⁹⁴ Figure 10 shows the total number of labour permits issued every fiscal year from 2008/2009 to 2018/2019.

Figure 10: The Issuance of Labour Permits since 2008



Source: DoFE website.⁹⁵

The DoFE data show that a total of 236,211 labour permits were issued in the FY 2018/2019, with overwhelming majority of them (91.3%) being issued to males and the remaining (8.7%) to females. Table 8 shows the number of permits issued during this period by country and the sex of the migrant worker.

⁹³ Sijapati, B. and A. Limbu, A Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms, Centre for the Study of Labour and Mobility, Kathmandu (2012).

⁹⁴ MoLE (2018). *Labour Migration for Employment: A Status Report for Nepal 2014/15–2016/17*. Ministry of Labour and Employment, Kathmandu. Available at www.dofe.gov.np/report.aspx.

⁹⁵ Available at www.dofe.gov.np/yearly.aspx.

Data confirm that Qatar, United Arab Emirates, Saudi Arabia, Kuwait and Malaysia are the popular destinations for Nepali migrant workers, though the order may be different over the period of time. As shown in Table 5.3, nearly one-third (31.8%) of all permits are issued to labour migrants going to Qatar, followed by the United Arab Emirates (26.6%), Saudi Arabia (19.6%), Kuwait (6.8%) and Malaysia (4.2%). Qatar and the United Arab Emirates are the most popular destinations in 2019, together comprising 58 per cent of the total number of permits issued.

Table 8: Labour permits issued by place of destination and sex, 2018/2019

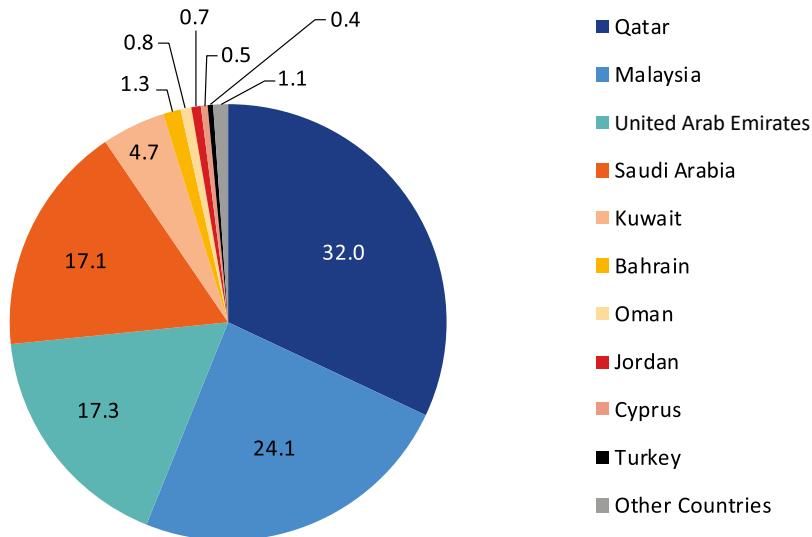
Place of destination	Male		Female		Total	
	No.	%	No.	%	No.	%
Qatar	71,322	30.2	3,702	1.6	75,024	31.76
United Arab Emirates	55,444	23.5	7,332	3.1	62,776	26.58
Saudi Arabia	44,493	18.8	1,587	0.7	46,080	19.51
Kuwait	14,417	6.1	1,578	0.7	15,995	6.77
Malaysia	9,828	4.2	171	0.1	9,999	4.23
Bahrain	4,198	1.8	435	0.2	4,633	1.96
Oman	2,401	1.0	321	0.1	2,722	1.15
Japan	870	0.4	89	0.0	959	0.41
Maldives	1,484	0.6	490	0.2	1,974	0.84
Cyprus	194	0.1	1,536	0.7	1,730	0.73
Afghanistan	1,824	0.8	6	0.0	1,830	0.77
Malta	1,060	0.4	657	0.3	1,717	0.73
Jordan	85	0.0	1,373	0.6	1,458	0.62
Turkey	1,143	0.5	438	0.2	1,581	0.67
Romania	1,084	0.5	94	0.0	1,178	0.50
Poland	981	0.4	127	0.1	1,108	0.47
Seychelles	330	0.1	35	0.0	365	0.15
Israel	14	0.0	44	0.0	58	0.02
Brunei Darussalam	139	0.1	4	0.0	143	0.06
China	371	0.2	77	0.0	448	0.19
Macao SAR, China	699	0.3	40	0.0	739	0.31
Portugal	453	0.2	8	0.0	461	0.20
Czechia	359	0.2	41	0.0	400	0.17
United States of America	262	0.1	69	0.0	331	0.14
New Zealand	175	0.1	76	0.0	251	0.11

Place of destination	Male		Female		Total	
	No.	%	No.	%	No.	%
Russian Federation	160	0.1	1	0.0	161	0.07
Sri Lanka	207	0.1	25	0.0	232	0.10
Singapore	196	0.1	10	0.0	206	0.09
Republic of Korea	83	0.0	1	0.0	84	0.04
Australia	94	0.0	11	0.0	105	0.04
Canada	82	0.0	18	0.0	100	0.04
Other	1,181	0.5	182	0.1	1,363	0.58
Total	21,5633	91.3	20,578	8.7	236,211	100.00

Source: DoFE website.⁹⁶

Further analysis of the labour permit data is shown in Figure 11.

Figure 11: Top destination countries for foreign employment 17 July 2015 to 13 April 2019

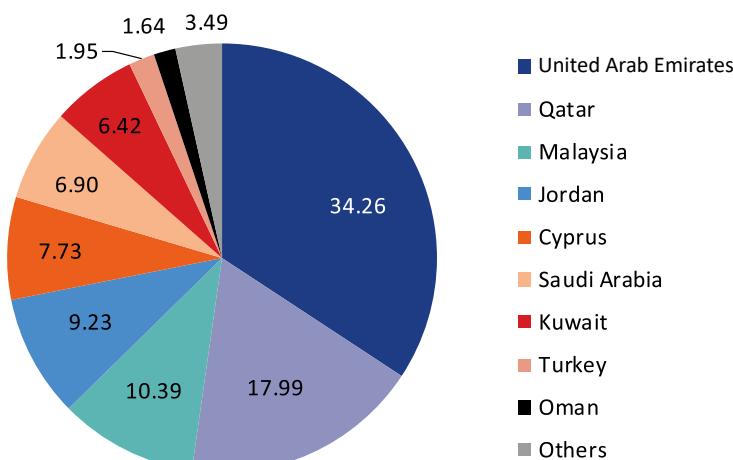


Source: From DoFE figures, 2019.

The top destination countries for foreign employment are however different for males and females. Figure 12 shows the top destination countries for foreign employment for women migrant workers and Figure 13. shows the same information for male migrant workers.

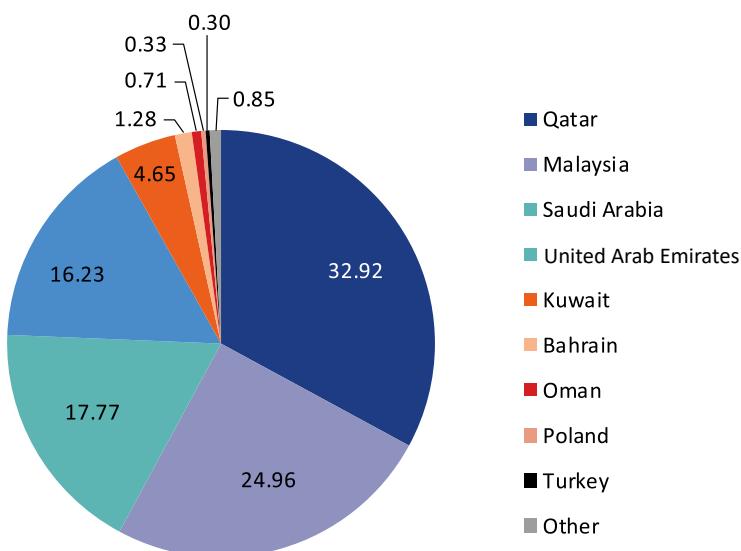
⁹⁶ Available at www.dofe.gov.np/yearly.aspx.

Figure 12: Top destination places for foreign employment for women migrant workers 17 July 2015 to 13 April 2019



Source: DoFE, 2019.

Figure 13: Top destination countries for foreign employment for male migrant workers 17 July 2015 to 13 April 2019



Source: DoFE, 2019.

Despite the number of laws, policies and directives aimed at regulating foreign employment, and seeking to minimize the risk of exploitation and protect the rights of migrant workers, there is a huge scope for betterment of recruitment system. There are numerous instances of exploitation and abuse of migrant workers as well as concern that the Government's capacity to implement the laws needs to be further strengthened.

Complaints made by either against an individual such as an agent or the recruitment agency can be made to the Complaint Registration and Investigation Section of the DoFE. Data from DoFE shows that during FY2014/2015 to FY 2016/2017, 75.23 per cent of all complaints were from migrants who had departed for Malaysia, Saudi Arabia, Qatar and the United Arab Emirates.

As well as the number of complaints filed, the situation of migrant workers can also be gleaned by the number of requests for assistance to embassies in destination countries. Requests for assistance can be made online. In 2016/2017, 227 rescue requests were made, mainly from Saudi Arabia (72 rescue requests), Malaysia (65), Kuwait (25) and United Arab Emirates (19). Further, the Foreign Employment Welfare Fund provides compensation to the family members of migrant workers and can be another source of information. In the five years from 2014/2015 to 2018/2019, there were 4,143 cases of financial compensation paid to family members due to death of a migrant and 1,348 cases where financial assistance was provided to an injured worker. Figure 5.10 shows that there was a total of 6,708 deaths of migrant workers abroad in the years 2008/2009 to 2017/2018.

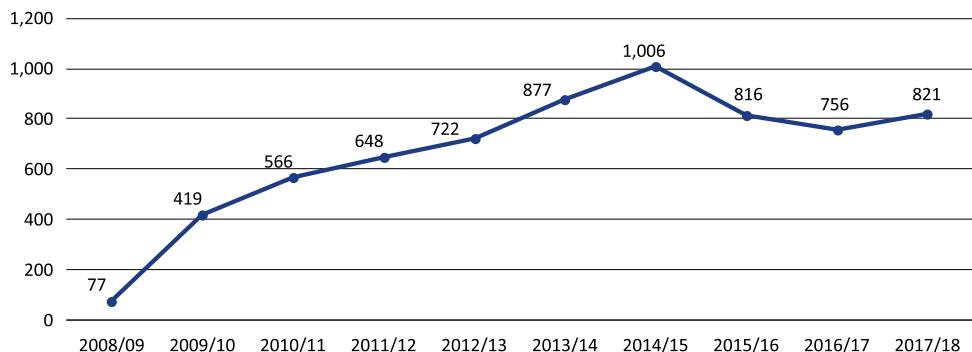
Table 9: Assistance Provided by the Foreign Employment Welfare Fund

Year	2018/19	2017/18	2016/17	2015/16	2014/15	Five year total
Financial compensation to family due to death of worker abroad	755	760	668	984	976	4,143
Financial assistance for injured worker abroad	588	679	81	0	0	1,348
Rescue of worker abroad	46	80	11	0	0	137
Financial assistance to repatriate body to Nepal	94	134	20	0	0	248
Financial assistance for health treatment of family members	31	43	0	0	0	74
Financial assistance for repatriation body to home town from Kathmandu airport	220	360	204	117	185	1,086
Assistance for orientation programmes	892	2,318	180	1	2	3,393

Source: Foreign Employment Board.⁹⁷

⁹⁷ Available at www.fepb.gov.np.

Figure 14: Trend of death of migrant workers , 2008/09 to 2017/18



Source: Foreign Employment Board.⁹⁸

The highest number of deaths (1,006) is recorded in 2014/2015 compared to the lowest (77) in 2008/2009. The rate of deaths of Nepali migrants is generally increasing over time. The crude death rate was 0.4 per thousand migrants in 2008/2009 which increased to 1.5 per thousand in 2009/2010 and has continued to rise to 2.8 per thousand migrants working abroad.

A.6.4. Female Labour Migration

The number of women seeking foreign employment is increasing. Historically, women have migrated for marriage or as dependents, however this now appears to be changing and many more are migrating independently for employment overseas. In 2016/2017, the number of labour permits issued to women increased by 8.8 per cent, while for men seeking labour permits the number dropped by 5.83 percentage points, continuing an existing trend.⁹⁹

The numbers are no doubt higher, as many Nepali women migrate without applying for, or being able to access labour permits. Between 2015 and 2017, some 4,832 undocumented women migrant workers applied to regularize their status by obtaining formal permits.¹⁰⁰

⁹⁸ Available at www.fepb.gov.np.

⁹⁹ www.dofe.gov.np/report.aspx.

¹⁰⁰ Ministry of Labour and Employment *Labour Migration for Employment A Status Report for Nepal: 2015/2016–2016/2017*, Ministry of Labour and Employment, Kathmandu (2018).

Female labour migrants from Nepal have overwhelmingly chosen Malaysia, the United Arab Emirates and Kuwait as destinations. Figures showing the top ten destinations for women migrant workers are contained in Figure 13 in the section above, which show that the United Arab Emirates, Qatar and Malaysia are the most popular destinations for women migrant workers.

The risk of exploitation and abuse of women migrant workers is high, particularly in largely unregulated sectors such as domestic work. Evidently, this is not a situation that is unique to Nepal. Globally, it is recognized that women migrants suffer a disproportionate share of exploitation¹⁰¹ and make up over half of the victims of forced labour worldwide.

In response to the disturbing number of instances of abuse, violence and even death among female labour migrants, the Government of Nepal has initiated a series of conditional restrictions on women domestic migrant workers going to Gulf countries.¹⁰² Before 2010, all female migration to the Gulf for low skilled work was restricted. In August 2012, there was a new restriction on women under the age of 30 migrating to Arab States for domestic work. Then, in 2014, this restriction was expanded to women of all ages. In 2015, a new directive was issued, reopening migration for female domestic workers above the age of 24 years.¹⁰³ Domestic workers are permitted to work in countries which have a bilateral agreement signed with Nepal.

The restrictions imposed on women domestic migrant workers has affected with some evidence that they have pushed women to migrate through irregular channels with no protections or safeguards in place, thus increasing their potential vulnerability. The UN Special Rapporteur on the human rights of migrants has stated that: “These bans are ineffective and create the consequence that women migrate through irregular channels and become victims of trafficking”.

A study undertaken by the ILO in 2015 showed that, of the women who participated in the study, the bans had little effect on their decision making. They considered that the “push factors” to migrate outweighed the restrictions in place. These push factors included economic necessity, a lack of opportunities

¹⁰¹ UN-Women, *Managing Labour Migration in ASEAN: Concerns for Women Migrant Workers*. UN-Women (Asia Pacific Regional Office), Bangkok (2013).

¹⁰² Domestic Sector comprises such as sector such as house maids.

¹⁰³ International Labour Organization, *No easy exit – Migration bans affecting women from Nepal, Fundamental Principles and Rights at Work*. Labour Migration Branch, ILO Geneva (2015).

in Nepal or family violence.¹⁰⁴ There is indeed widespread recognition that the restrictions can have the effect of more women migrating without labour permits. Government policy should not be an unwitting “push factor” for irregular migration and further review of the most effective way to protect women migrants is recommended. In order to resolve this issue, the MoLESS has initiated discussion with respective Parliamentary Committee. As an output of the discussion, re-entry permit of domestic workers has been opened by the decision of the Parliamentary Committee.

Table 10 shows the many provisions which have been adopted by the Government of Nepal in an effort to minimize Nepali women being exposed to exploitation and danger in foreign employment.

Table 10: Provisions adopted by the government of Nepal on women migrant workers

Date	Provision adopted
Up to 1985	No restrictions on the movement of women migrant workers.
1985–1998	With the adoption of the Foreign Employment Law 1985, women are required to obtain consent of a “guardian” (parent, husband or other relative) to go abroad for employment.
16 May 1997	A decision is adopted to permit women to work in certain organized sectors abroad.
5 March 1998	A ban on international labour migration for women is introduced.
16 November 2000	The ban was lifted with the condition that women must obtain a guarantee for her security from the Nepali mission in the destination countries. This provision was not applicable in the Gulf Countries, which meant women could not lawfully seek work in the Gulf.
21 January 2003	The provision requiring a guarantee for security from the Mission is extended to the Gulf countries.
27 March 2003	Additional conditions are imposed on women migrants, such as getting re-approval from the government after temporarily visiting Nepal.
8 May 2003	A requirement for women migrants to obtain approval from the local government and family members before departing for foreign employment is introduced.
31 May 2005	Migration for foreign employment to Malaysia for women migrants is opened in the organized sector.
17 January 2007	The various restrictions in place are lifted to permit female workers to migrate for foreign employment in the organized sector.
5 September 2007	All additional conditions for female migration (i.e. age, working conditions in the destination etc.) are withdrawn.
5 September 2008	Women migrant workers are permitted to work to in the Gulf countries and Malaysia except for domestic work.

¹⁰⁴ International Labour Organization, *No easy exit – Migration bans affecting women from Nepal*, *Fundamental Principles and Rights at Work*. Labour Migration Branch, ILO Geneva (2015).

Date	Provision adopted
January–May 2009	Female domestic workers are no longer permitted to go to Lebanon.
December 2010	The Government allows women to go to Saudi Arabia, Kuwait, United Arab Emirates and Qatar for work, and new protection measures are put in place.
October 2011	The ban on women migrant workers going to work in the domestic sector to the Gulf Countries is lifted and Nepal aims to send about 150,000 female workers to the region.
9 August 2012	Women under the age of 30 years are barred from migrating as domestic workers to Saudi Arabia, Qatar, Kuwait and United Arab Emirates.
July 2014	Nepal imposes a temporary ban on sending housemaids citing the need for stronger “regulation to protect them from widespread abuse and exploitation”, except for those who have already obtained a permit.
April 2015	Women migrant workers under the age of 25 years are prohibited from migrating to the Gulf as domestic workers, and new protection measures are put in place.
13 May 2016	Women migrant workers above the age of 24 years are permitted to migrate for domestic work to the Gulf countries and Malaysia with the assistances of selected recruitment agencies on the basis of signing a separate labor agreement with the host countries.
August 2017	Women (domestic) migrant workers are once again prohibited from working in the domestic sector in Gulf Countries, following a parliamentary committee field visit report.

Source: Pyakural, 2018.¹⁰⁵

A.6.5. Role of Recruitment Agencies

Recruitment agencies are an important part of the labour permit process in Nepal. Recruitment agencies are licensed to conduct services to facilitate foreign employment, including exploring job opportunities and arranging the recruitment process. They often operate through third party agents. Table 11 shows the number of registered recruitment agencies.

¹⁰⁵ Pyakurel, U, Restrictive Labour Migration Policy on Nepalese Women and Consequences, (n.d.) (n.d.) (2018).

Table 11: Number of private institutions providing services to migrant workers

Institutions	Total number
Recruitment agencies currently operating (Active)	847
Recruitment agencies currently not operating (Inactive)	387
Recruitment agencies currently Blocked	206
Branch offices of registered recruitment agencies	26
Orientation institutions currently operating (Active)	156
Orientation institutions currently not operating (Inactive)	4
Medical Centres	258
Insurance Companies	4
Banks Involved	6

Source: DoFE, 2019.¹⁰⁶

The main activities of recruitment agencies are as follows:

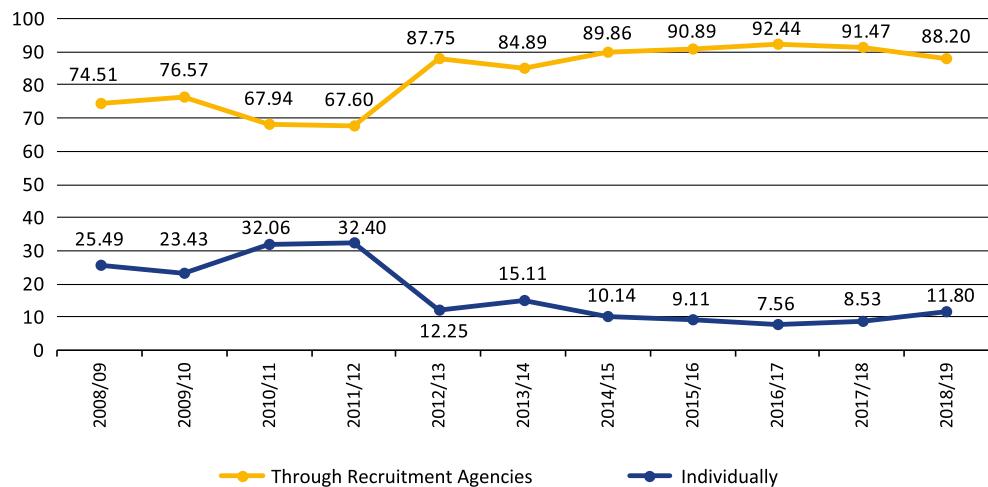
- *Finding recruits*: Recruiters may use (unlicensed) brokers to find new recruits in return for a fee;
- *Selecting and screening candidates*: this is usually done through a “bio-data” form on which basic demographic data is recorded;
- *Preparing recruits for emigration*: including assistance with passport applications, arranging medical texts and pre-departure training;
- *Liaising with Nepal Government to process emigration clearances*;
- *Liaising with employers in destination countries to obtain entry visas and work permits*;
- *Facilitating the signing of the employment contract*: this is not always done and can depend on the job and employer. Recruitment firms are also meant to sign a “recruitment agreement” with their clients, setting out the terms and conditions of their relationship;
- *Organizing the travel*;
- *Providing advice*: for example, on the employment culture or language;
- *Providing loans*: this is not an official part of a recruiter’s tasks but anecdotally it often happens.¹⁰⁷

Prospective migrants do not have to use recruitment agents to find employment. However, in 2018/2019, 88.20 per cent of the total labour permits were issued through recruiting agencies. Figure 15 shows the percentage of labour permits issued through recruitment agencies compared with those issued directly.

¹⁰⁶ The data was taken from DoFE website www.dofe.gov.np/Agencies.aspx (accessed on 25 October, 2019).

¹⁰⁷ This list is taken and adapted from an 2017 ILO study *The Migrant Recruitment Industry: Profitability and Unethical Business Practices in Nepal, Paraguay and Kenya*, International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS) – Geneva.

Figure 15: Proportion of labour permits issued by channel, 2008/09 to 2018/19



Source: DoFE, 2019.¹⁰⁸

During the period 2008/2009 to 2018/2019, the proportion of women migrant workers receiving a permit who used a recruitment agency was 55.6 per cent while the number was 83.9 per cent for male migrant workers. This may be explained as domestic work was not handled by recruitment agents in earlier years and had to be arranged on an individual basis. The high use of recruitment agencies may be attributed to the fact that the recruitment process requires a number of official documents and applications. The ILO notes that:

Achieving this alone without the services of a recruitment firm is well beyond what most migrants can cope with. Indeed, recruiters are often viewed as the only way to find an overseas job, especially for those who may lack formal education or access to the internet to gather information about how to migrate. Similarly, for employers in the destination countries, it is easier to manage often complex bureaucracy through a specialist firm.¹⁰⁹

Employers in destination countries also prefer to use recruitment agencies to find and screen candidates, as it is easier and much more cost effective to do this through a local agency.

¹⁰⁸ The consultants' percentage calculation of the number of data from different years. Available at DoFE, 2019.

¹⁰⁹ Ministry of Labour and Employment, Labour Migration for Employment: A Status Report for Nepal 2015/16–2016/17, MoLE , Kathmandu. (2018).

There allegations that recruitment agencies often act unethically and provide misleading or fraudulent information to the prospective migrant worker. For example, the conditions and salaries of work are frequently not what had been promised to them by the agent.¹¹⁰ According to the DoFE, in the FY 2017/2018, a total of 2,129 complaints were registered of which 1,020 were against recruitment agencies and 1,109 against individuals.¹¹¹ The majority of the complaints seek prosecution of recruitment agencies and agents, reimbursement and compensation.¹¹²

The ILO suggests that unethical recruitment practices in Nepal are the norm rather than the exception, in other words, such practices are systemic, and suggests that this exists in part:

because recruiters' profitability is generated from the volume of workers placed; the more workers they place, the more money they make. With volume driving the business, recruiters lack an incentive to invest in ethical recruitment practices which would make the rights of migrant workers central to their business.¹¹³

The Special Rapporteur on the human rights of migrants, in the report on his visit to Nepal in 2018 notes that:

The practice of charging fees to migrant workers for recruitment services renders them more vulnerable to human trafficking and forced labour. Deceptive and coercive recruitment practices increase the vulnerability of migrant workers, as they pay recruitment fees up front. As a result, they are less likely to report violations of the Foreign Employment Act, abuse or exploitation. In many cases, the situation of migrant workers amounts to debt bondage, forced labour or human trafficking.¹¹⁴

Recruitment agencies are not involved in sending migrant workers to two destination countries, the Republic of Korea and, as of 2019, Japan. Under the agreements between the Government and these countries, an employment scheme is operated by a special section of the DoFE and prospective workers must pass a test set by the destination Government.

¹¹⁰ Amnesty International Turning People into Profits Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers, AI London, (2017).

¹¹¹ Available at www.dofe.gov.np/yearly.aspx.

¹¹² Ministry of Labour and Employment, Labour Migration for Employment: A Status Report for Nepal 2015/16–2016/17, MoLE , Kathmandu. (2018).

¹¹³ Ibid.

¹¹⁴ A/HRC/38/41/Add.1 Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal, United Nations, 30 April 2018.

A.6.6. Fees and Costs of Labour Migration

Despite the Government's efforts to regulate the amount of fees that can be charged by recruitment agencies, there is evidence to suggest that migrant workers are frequently being exploited. A survey conducted of 414 migrant workers by Amnesty International in 2017 revealed that two thirds had paid excessive fees and 90 per cent did not receive a proper receipt for fees paid. The recruiters interviewed for a 2017 ILO study admitted falsifying receipts which they submit to the Government to hide the amount they actually charge workers.¹¹⁵ This means that there is little evidence on which to prosecute or issue a fine for non-compliance with regulations.¹¹⁶

Additionally, the “free visa free ticket” scheme is not working in practice, meaning that more often than not, migrants need to pay for travel and visa costs, recruitment fees and any other charges associated with the recruitment and the migration. These may include obtaining a passport, language courses, logistical costs of getting to and from Kathmandu and other expenses. A 2016 study by IOM and KOICA shows that the costs to migrate to developed countries such as Australia, Japan and the United States of America for employment were the highest and could exceed USD 8,000, while the cost to India was the lowest, around USD 56. Less than 1 per cent of migrant workers in the study went to the developed countries with high costs. Higher migration costs were directly associated with higher earnings in the country of destination, with the exception of the Republic of Korea which had the average cost of migration as USD 1,141 which was less than most of the GCC countries and Malaysia, while earnings from the Republic of Korea far exceeded other destination countries. It is interesting to note that recruitment agencies are not involved in migration to the Republic of Korea for employment which is a government-to-government arrangement.

Table 12 shows the cost of migration in relation to the average earnings by destination country. Based on these 2015 figures, the average cost can be calculated as USD 1,651 which is a substantial amount given that gross national income in Nepal was USD 730 at that time.

¹¹⁵ International Labour Organization, *The Migrant Recruitment Industry: Profitability and Unethical Business Practices in Nepal, Paraguay and Kenya*. International Labour Office, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Geneva (2017).

¹¹⁶ Ibid.

Table 12: Cost of migration versus average earnings by destination country

Country	Average cost (USD)	Average monthly earnings (USD)
Australia	10,849	1,589
Bahrain	1,404	418
India	56	157
Iraq	1,809	328
Japan	10,756	1,379
Kuwait	1,106	346
Malaysia	1,388	294
Oman	1,172	310
Qatar	1,083	313
Saudi Arabia	1,122	294
Republic of Korea	1,141	1,197
United Arab Emirates	1,277	352
United States of America	8,256	3,249

Source: IOM KOICA, 2016.

In 2018, Nepal Rastra Bank issued an analyzed chart of the cost borne by labour migrants in the process of foreign employment. Table 13 shows the costs for migrant workers going to GCC countries and Malaysia.

Table 13: Costs borne by labour migrants in the process of foreign employment

Migration costs	For Malaysia-bound workers	For Gulf country-bound workers
Item	Cost in USD	Cost in USD
Passport	From 43.80 (regular processing) to 1131.39 (one day processing)	From 43.80 (regular processing) to 1131.39 (one day processing)
Migram	27.15	
Health Check	39.42	39.42 (56.94 for Saudi Arabia)
ISC	28.03	Varies depending on country (24.53 for Saudi Arabia)
One-Stop Centre	52.56	
Visa Stamping	6.13	
Welfare Fund	13.14	13.14
Insurance	Varies depending on age	Varies depending on age
Pre-departure Orientation	6.13	6.13
Recruitment Service Charge	87.60	87.60
Minimum Total	216 (NPR 24,700)	103 (NPR 11,700)
Maximum Total	400 (NPR 45,700) plus insurance	304 (NPR 34,700) plus visa stamping and insurance

Source: NRB (2018).¹¹⁷

Note: 1 USD = NPR 114.16, 12 August 2019.

¹¹⁷ Nepal Rastra Bank, The Impact of the Free Visa Free Ticket Provision on Foreign Employment. Nepal Rastra Bank, Kathmandu (2018).

Table 13 further shows that Malaysia-bound migrant workers are entitled to pay additional costs as compared to others going to the Gulf countries. Migrant workers going to Malaysia used to pay additional USD 27, USD 28 and USD 53 for Migran, ISC and One-Stop Centre, respectively. Most recent MoU with Malaysia has provisions that cost and fees related to recruitment has to be borne by the Employers.

Migrants use household income or savings to cover the cost of migrating for foreign employment or, as is usually the case, they obtain loans. Loans may be from local money lenders, friends or relatives or through formal institutions such as banks. The 2016 IOM/KOICA study mentioned above showed that 72 per cent of migrant workers obtained a loan to cover their costs. Of these, 37 per cent obtained it from a local money lender, 28 per cent from friends/relatives and only 7 per cent through a bank or formal institution.

The cost of the migration and the amount of the loan and its interest rate clearly has a direct bearing on the amount of income which can be saved or remitted as a result of the foreign employment. Where the repayment of debts takes a significant portion of the earnings, this limits the potential developmental impact of the earnings for migrants and their families as well as for Nepal.

A.6.7. Internal Labour Migration

The 2015 Constitution of Nepal guarantees the freedom for Nepalis to move and reside in any part of Nepal. The Population Monograph defines internal migration as 'the movement of people within a country for the purpose of establishing a new usual residence'. It points out that internal migration is an important aspect of Nepali demography and includes "horizontal" internal migration (Hill to Hill district) as well as 'vertical' internal migration (Mountain and Hill to Tarai). In 2011, some 2.6 million Nepalis were reported to be lifetime migrants,¹¹⁸ and about 1.5 million of those had moved to the Tarai.

Internal migration in Nepal, like international migration, has increasingly become a livelihood strategy with the majority of internal migrants originating from the hills and mountain regions and moving to the Tarai, with some districts seeing an exodus of more than 50 per cent of their population.¹¹⁹ The Tarai now

¹¹⁸ Lifetime migrant is defined as a person whose current area of residence is different from his or her area of birth. A subcategory of lifetime migrant is "current migrant" defined as a person who moved in the 12 months preceding the census.

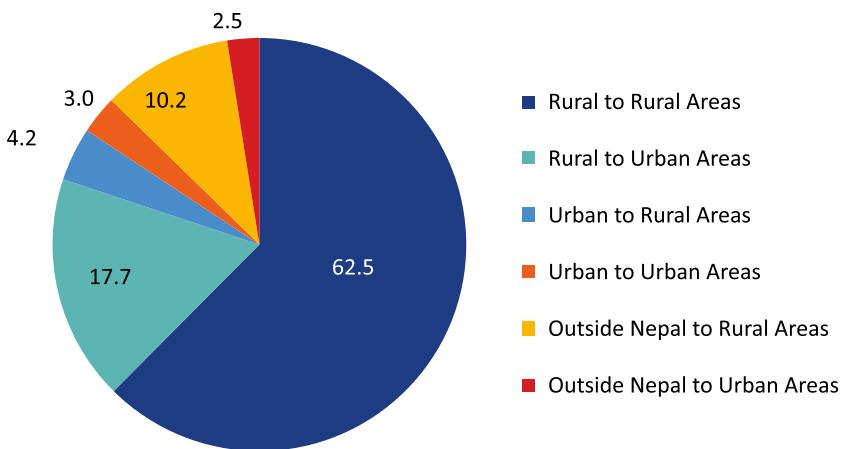
¹¹⁹ Clewett, P. *Redefining Nepal: Internal Migration in a Post-conflict, Post-disaster Society*, Migration Policy Institute (2015). Available at www.migrationpolicy.org/article/redefining-nepal-internal-migration-post-conflict-post-disaster-society.

has Nepal's fastest-growing population, despite fertility rates that are lower than districts in the hills and mountains. While Nepal's urban population is relatively low for South Asia, it is rapidly increasing, with cities growing between 4 per cent and 7 per cent per year.¹²⁰ Until recently, Nepal's internal migration was not leading to the urbanization seen in other areas of the world, migration was predominantly rural-to-rural or seasonal, with famers moving to find employment in towns in the agricultural off-season.¹²¹ This has changed in recent years, with rural-to-urban migration increasing significantly.

More specifically, in the 2001 census, rural-to-rural migration was the major type of internal migration at 68.2 per cent, rural-to-urban was 25.5 per cent, urban-to-urban was 2.8 per cent and urban-to-rural was 3.5 per cent.¹²² The 2011 census showed at that time that while rural-to-rural migration was the predominate type, it has been declining at 59 per cent and rural-to-urban migration increasing at 33.5 per cent.

Figure 17 is based on statistics from the 2008 Nepal Labour Force Survey. While the numbers are slightly different to the 2011 Census, it also reflects that rural-to-rural migration was at that time the most common type of internal migration, followed by rural-to-urban.

Figure 16: Trends in internal migration by origin and current location from NLFS, 2008



Source: Nepal Labour Force Survey, 2008.

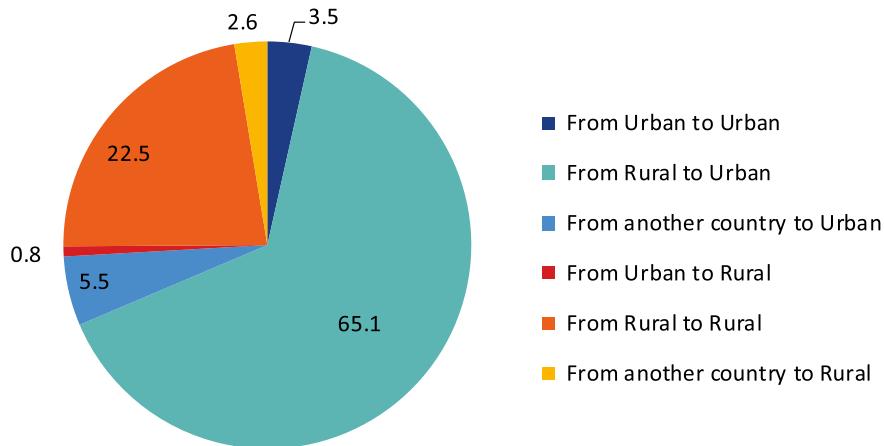
¹²⁰ www.worldbank.org/en/news/feature/2013/04/01/managing-nepals-urban-transition.

¹²¹ Ibid.

¹²² KC, B. K. Internal migration in Nepal. *Population Monograph of Nepal Vol. II*. Central Bureau of Statistics, Kathmandu (2003).

However, some 10 years later, the trends are notably different. The 2017/18 NLFS-III shows that the percentage of rural-urban migration is significantly higher than rural-to-rural. Since the 2008 survey rural-to-rural migration has dropped from 62.5 per cent to 22.5 per cent. By contrast, rural-to-urban migration has increased from 17.7 per cent in the 2008 Survey to 65.1 per cent in 2017/2018.

Figure 17: Trends in internal migration by origin and current location from NLFS 2017–2018



Source: CBS (2019). Nepal Labour Force Survey-2017/18.

The numbers of internal migrants have also increased significantly in recent years. The National Living Standards Survey of 2010/2011 (NLSS III) showed that one fifth of Nepal's population consists of internal migrants and half of all urban residents are internal migrants. However, NLFS-III, 2017/2018 shows that some 10 million, or 36.2 per cent of Nepal's population were "lifetime migrants", that is, they were not born in their current location. These people moved to their current location either from another VDC or municipality, or from another country.¹²³

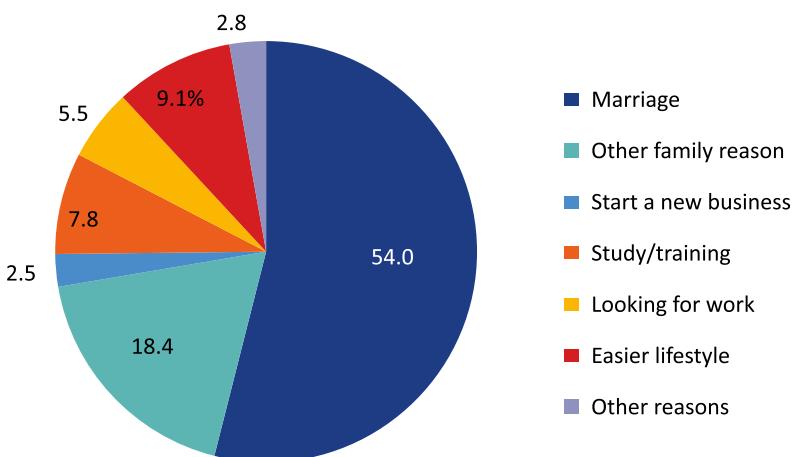
The survey report further shows that the majority of internal migrants have some secondary education and nearly 40 per cent have completed secondary school. However, females had lower education levels than male internal migrants. The economic status of internal migrants is also shown in the NLSS-III and reveals that internal migration declines sharply with decrease in economic status. Or, in other words, the richer the household the higher the likelihood of its members having migrated internally.

¹²³ Central Bureau of Statistics, *Report on the National Labour Force Survey, 2017/18*. CBS Kathmandu (2019).

Females were more likely to internally migrate than males. Around 47 per cent of females migrated from their current location, compared to 23.4 per cent of males. This may explain the fact that, overall, marriage is the predominant reasons given for migration as shown in Figure 18. Over 90 per cent of women migrants currently residing in rural areas indicated that the main reason for moving was marriage, while 69.9 per cent of women migrants residing in urban areas cited this reason as their main reason for moving.

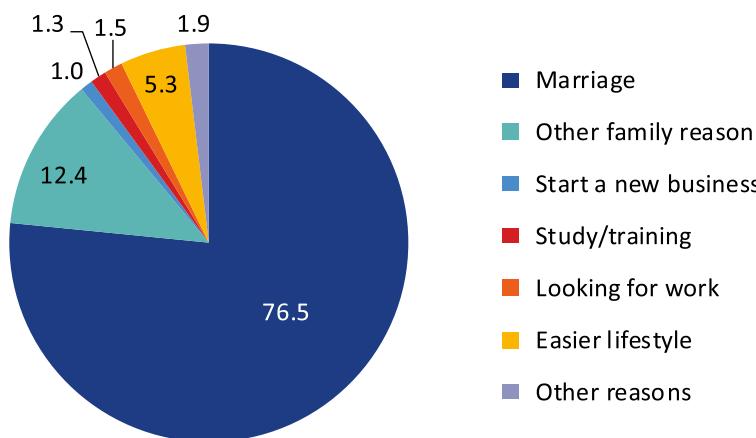
Figures 18, 19 and 20 show the reasons for migrating, overall, to urban areas and to rural areas.

Figure 18: Reasons for internal migration overall



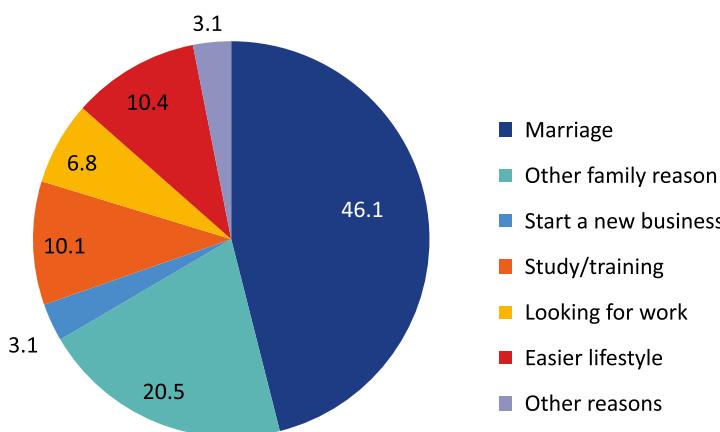
Source: CBS (2019). Nepal Labour Force Survey-2017/18.

Figure 19: Reasons for internal migration to rural areas



Source: CBS (2019), Nepal Labour Force Survey-2017/18.

Figure 20: Reasons for internal migration to urban areas

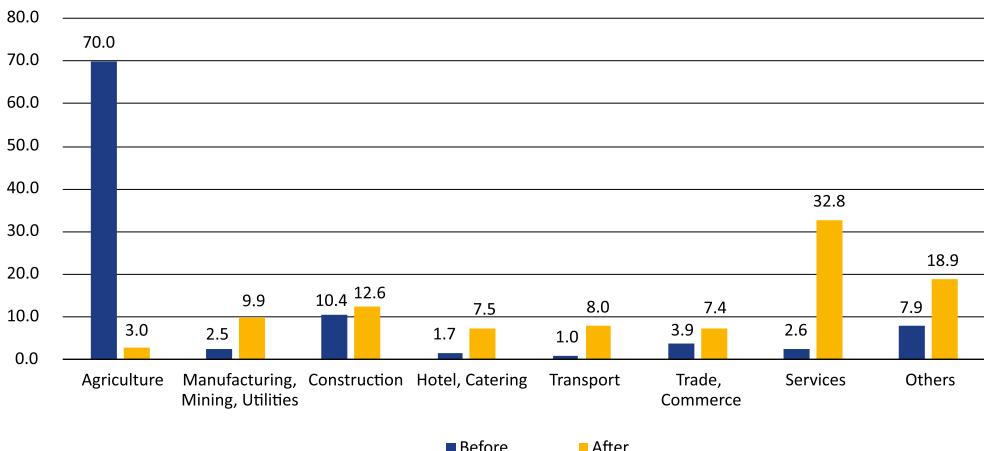


Source: CBS (2019). Nepal Labour Force Survey-2017/18.

The NLSS-III also provides evidence that migrants are leaving agricultural livelihoods in search of other employment. This may be connected to the increased difficulty of being able to subsist on agriculture due to climate change and natural hazards, as described above under “Environmental Drivers”.

Figures from 2007 show that while 70 per cent of all internal migrants listed “agriculture” as their occupation prior to migration, this dropped to 3 per cent after migration. The “services” industry was named as the post-migration occupation for 32.8 per cent. This is shown in Figure 21.

Figure 21: Distribution of internal migrants by their occupation before migration



Source: Nepal Migrants' Survey 2009.

A.7. Student Migration

International student mobility is predominantly outbound, driven by limited educational and employment opportunities in Nepal.¹²⁴ Additionally, about 21 per cent of Nepal's citizens are between the ages of 15 and 24 years,¹²⁵ creating significant and growing demand for tertiary places. It is estimated that student migration is likely to increase in the coming years. Households are benefitting from remittances and becoming more affluent and Nepal is reported by the World Bank to be experiencing a demographic "youth bulge" meaning that the share of the population that is working age is greater than the share that is not.¹²⁶ This demographic window is not expected to last however, given the decreasing total fertility rate of Nepal which is currently at 2.3 per cent.¹²⁷

The 2011 Census shows that a total of 76,886 males and 33,678 females went abroad for studies. At that time, India was the destination for 21,670 males and 8,612 females. A 2016 study by IOM found that a total of 84,700 Nepalis were studying abroad, of which 76 per cent originated from urban areas in Nepal. India and Australia were the most popular destinations.

¹²⁴ Dilas, D. B., Cui, J., and Trines, S. *Education in Nepal*, World Education News and Reviews, (2018). Available at <https://wenr.wes.org/2018/04/education-in-nepal>.

¹²⁵ United Nations, Department of Economic and Social Affairs, Population Division). *World Population Prospects: The 2017 Revision, Key Findings and Advance Tables*. Working Paper No. ESA/P/WP/248.(2017)

¹²⁶ Cosic, D., Dahal, S., and M. Kitzmuller , "Climbing Higher: Toward a Middle-Income Nepal". *Country Economic Memorandum*. World Bank , Washington, DC. (2017).

¹²⁷ Ministry of Health, New ERA and ICF. *Nepal Demographic and Health Survey 2016*. Ministry of Health, Kathmandu(2017). Available at <https://dhsprogram.com/pubs/pdf/FR336/FR336.pdf>.

Of the total number, over three-quarters were between 18 and 29 years and the remaining 19 per cent were between 33 and 44 years old, suggesting that this group are undertaking a masters or PhD qualification or improving their qualifications.

Figures from the Ministry of Education, Science and Technology (MOEST) show that in 2018/19, it issued 63,259 “certificates of no objection”. This type of certificate is required for a prospective student to access foreign currency from a Nepali Bank to pay their tuition fees. To obtain such a certificate, it is necessary for the student to show Nepali citizenship, a transcript or copy of the degree awarded and a letter of offer from the international educational institution.

In 2016/2017, the number of Nepali students in the United States increased by 20 per cent, the highest growth rate among the top 25 sending countries¹²⁸ and by 60 per cent between 2016 and 2017 to Australia.¹²⁹ The Australian Department of Home Affairs figures¹³⁰ show that in the first four months of the 2018/2019 financial year there were 13,478 new student visa applications lodged by Nepali students. This is over 6000 more than the same period in the preceding year. A total of 31,157 Nepali nationals were granted student visas in Australia in the 2017/2018 financial year.

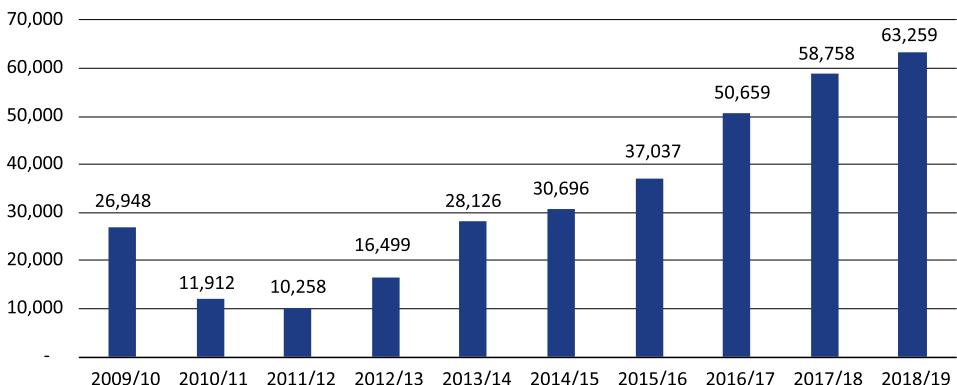
The student migration rate is sharply increasing with a nearly a six-fold increase in the FY 2018/2019. Figure 22 shows the outward migration of Nepali students in the past 10 years.

¹²⁸ Dilas, D. B., Cui, J., and Trines, S. Education in Nepal, World Education News and Reviews (2018). Available at <https://wenr.wes.org/2018/04/education-in-nepal>.

¹²⁹ Australian Trade and Investment Commission, Education market-profile Nepal. Available at www.austrade.gov.au/Australian/Education/Countries/nepal.

¹³⁰ Department of Home Affairs, Australia Student Visa and Temporary Graduate Visa Program Report (2018).

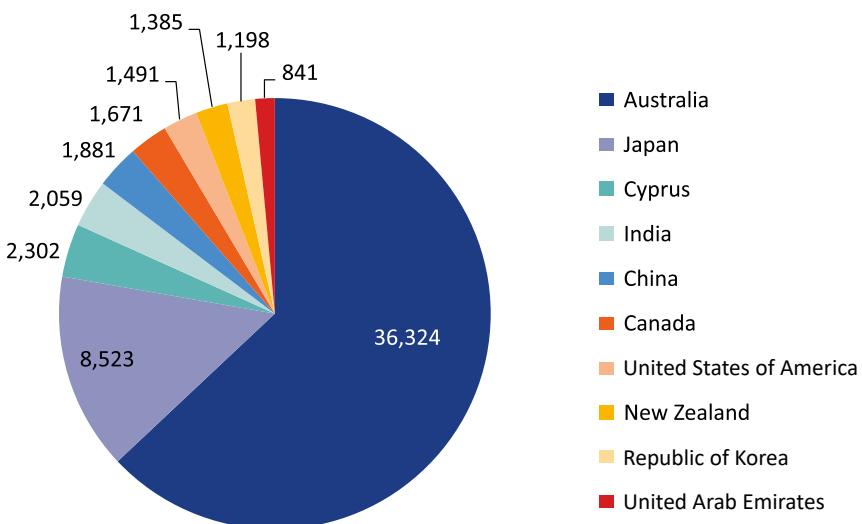
Figure 22: Nepali student migration, 2009/2010 to 2018/2019



Source: MoEST, August 2019.

In FY 2018/2019, Nepali students went to 69 countries for the study purpose. Figure 23 shows the top 10 countries of Nepali student migrants.

Figure 23: Top 10 destination countries of Nepali students, 2018/2019

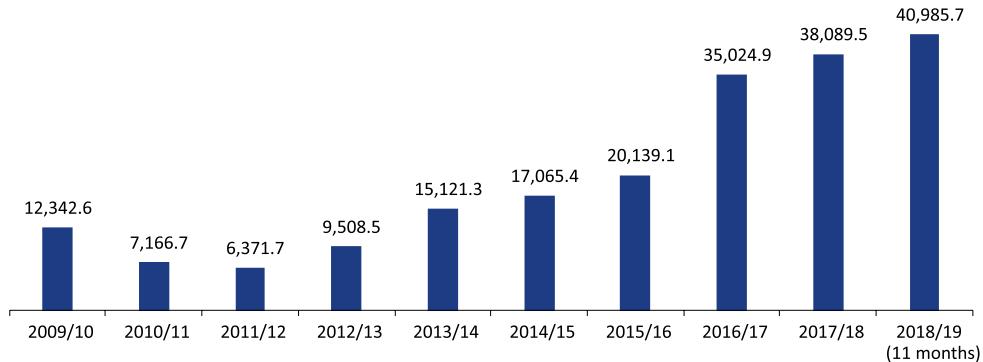


Source: MoEST August, 2019.

As shown, Australia was the first choice of the students with about half of the total of migrant students going to Australia (36,324), followed by Japan (8,523) and then Cyprus (2,302).

The outflow of funds due to student migration is significant for Nepal. It has been identified that over NPR 40 billion has left Nepal's economy through student migration during the past 11 months of 2018/19, an NPR 300 million more than the previous year.

Figure 24: Funds outflow due to student migration (NPR, in million)



Source: Nepal Rastra Bank, 2019.

Note: *refers to 11 months.

While many countries are tightening immigration laws, entering these countries on a student visa and then applying for permanent migration is a potential way to emigrate. In other words, a student visa can be converted to a resident or employment visa at the completion of the studies. With the rise in the number of Nepalis seeking to study abroad, a new industry of private "education consultants" has sprung up, both in Nepal and in countries of destination. Education consultancies in Nepal should be registered with the Educational Consultancy and Verification Section of the Ministry of Education. There is also a professional association: the Educational Consultancy Association of Nepal (ECAN). The ECAN is registered with the District Administration Office in Kathmandu and aims to provide reliable information, guidance, and counselling to students and parents. It has a code of conduct for its member organizations. Despite these efforts, there have still been reports of illegally operating educational consultancies which have promised students jobs abroad. There have also been instances where the educational institutions in destination countries have not been properly accredited.¹³¹

¹³¹ See for example the case in Australia where the national regulator for Australia's vocational education and training sector canceled the registration of an organization where 90 per cent of the 1000 students were Nepali. See www.sbs.com.au/yourlanguage/nepali/en/article/2019/02/19/international-students-face-uncertainty-after-regulator-cancels-aibts.

There are no records kept of returning student migrants, meaning that this potentially skilled sector is not being tracked and there are currently no policies in place to ensure that their skills are being used effectively to contribute to Nepal's development.

A.8. Irregular Migration

A.8.1. Trafficking and Smuggling

Trafficking Overview

As is the case all over the world, it is not possible to know with certainty the true extent of the crime and estimates need to be made, using figures from police, NGOs and international organizations. One key source of data is the number of trafficking cases registered by the Nepal Police. This number increased from 185 in 2013/2014 to 305 in 2017/2018. Nepal Police records that 78 per cent of the victims in Nepal were female and 22 per cent male, and at least a quarter of victims were children.¹³²

Undocumented migrants are particularly vulnerable to trafficking. They may then be forced to work in brothels, children are forced to work in circuses and coal mines, and men are being trafficked for their body parts.¹³³

There is also some evidence that many migrant workers use irregular channels to access foreign employment, not going through the process of obtaining a labour permit, increasing their risk to trafficking. There is some suggestion that government requirements such as the mandatory orientation training are onerous and may deter migrants from seeking a labour permit. Other reasons may be to circumvent government restrictions on the type of work permitted for women (domestic work).¹³⁴

¹³² National Human Rights Commission *Trafficking in Persons in Nepal National Report*. National Human Rights Commission, Kathmandu (2018).

¹³³ US Department of State *Trafficking in Persons Report* (2018).

¹³⁴ Liu, S. "Exploitation of overseas migrant labour: Analysis of migration policy in Nepal and the Philippines". Social Impact Research Experience (SIRE) 36. (2015).

Trafficking of Women and Girls

Based on police reports, the number of girls trafficked to India between 2012 and 2017 increased markedly from 72 in 2012 to 607 in 2017.¹³⁵ The National Report on Trafficking in Person published by the National Human Rights Commission (NHRC) of Nepal in 2019 has revealed that at least 174 complaints of human trafficking were reported in the Nepal Police in 2018.¹³⁶ However, these are only cases registered with the police. The NHRC report has estimated that nearly 35,000 Nepali citizens (15,000 men, 15,000 women and 5,000 children) were trafficked in 2018 while 1,500,000 people are vulnerable to human trafficking.¹³⁷ It is estimated that around 15,000 Nepali women, girls and children are trafficked to India every year with false promises of steady employment.¹³⁸

While the process of trafficking varies, it frequently occurs through the promise of false jobs, arranged through unethical recruitment agencies. Approximately 65 per cent of the recorded cases in 2016/2017 were lured by false promises of good jobs and salaries. Over 400 agencies had their licences revoked by the Government in 2017.¹³⁹ The NHRC reports that aspiring women migrants have a poor knowledge of the process of foreign employment and the need for permits, medical clearance and pre-departure orientation training. Further, while 7 in 10 prospective women migrants proposed to use an agent or broker, only 26 per cent of them knew about agent licensing requirements. This lack of knowledge would make these women vulnerable to trafficking. In one study in the Kailali district, only 15 per cent of migrant women obtained a labour permit, the rest are believed to have gone via India.

Women are also subjected to false promises of marriage. The 2013–2015 Nepal National TIP Report produced by the NHRC estimated that there were over 1,200 Nepali young women in the Republic of Korea for “marriage migration”. The more recent 2018 report does not have updated data on this phenomenon however it can be assumed that it is a continuing trend.

Routes and destinations of trafficking constantly evolve. Trafficking of Nepali women can be traced to several districts in Nepal and also from New Delhi to Bangkok to different cities in Africa and to Latin America and the US.

¹³⁵ National Human Rights Commission *Trafficking in Persons in Nepal National Report* (2018) which cites the Report of Armed police Force (*Sasatra Sima*).

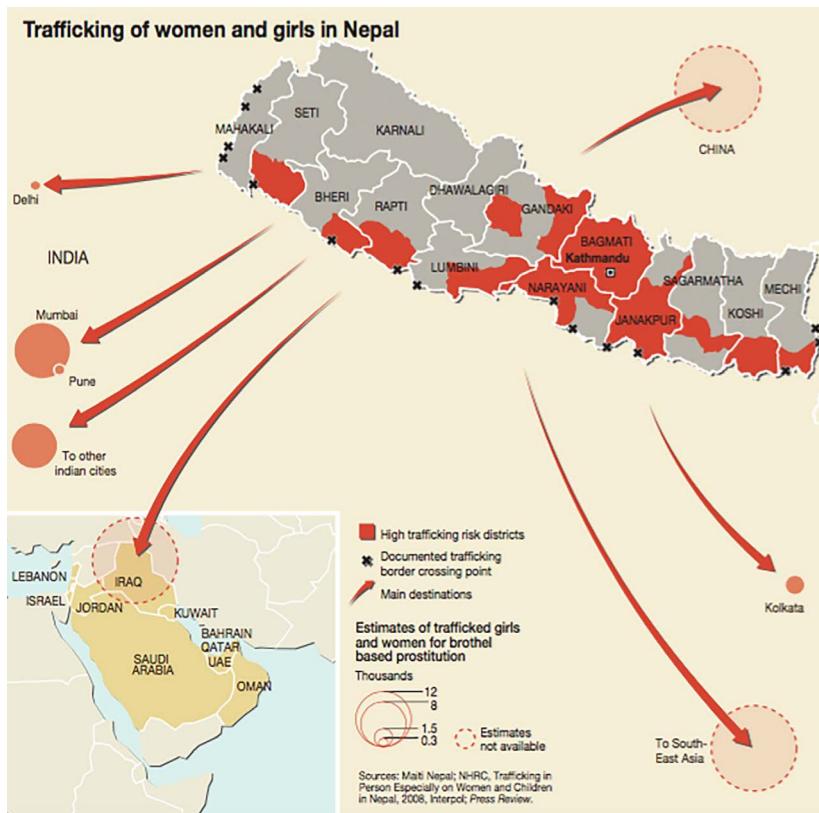
¹³⁶ The NHRC report is available at www.nhrcnepal.org/nhrc_new/doc/newsletter/TIP_Report_2019_compressed.pdf.

¹³⁷ Sijapati, B. and A. Limbu, A Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms, Centre for the Study of Labour and Mobility, Kathmandu (2012).

¹³⁸ Ibid.

¹³⁹ National Human Rights Commission, Trafficking in Persons in Nepal National Report (2018).

Figure 25: Flows of trafficked women and girls



Source: Riccardo Pravettoni, "Trafficking of Women and Girls in Nepal", UNEP/GRID-Arendal¹⁴⁰

Note: This map is for illustration purposes only. The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the International Organization for Migration.

Trafficking of Children

Nepali and Indian children have been found subjected to forced labour, including in domestic work, brick kilns and textile industries. Nepali parents are duped by promises of education and work opportunities and told that this will make their children's future 'bright'. However, traffickers involve these children in hazardous activities such as begging. Following the 2015 earthquake, many Nepalis who had lost their homes, including children, were particularly vulnerable to trafficking.¹⁴¹

¹⁴⁰ Available at www.grida.no/resources/8301.

¹⁴¹ US Department of State *Trafficking in Persons Report* (2018).

The number of missing children in Nepal is on the rise. Annually, over 1,750 children are reported missing in Nepal, of these 55 per cent are girls and 45 per cent are boys. Almost 55 per cent are untraced. In 2016/2017, 53 per cent were aged 17 or 18 years.¹⁴²

It is assumed that many of these children are trafficked, however there is little evidence available to clearly understand the phenomenon of missing children and possible links with trafficking.

The Government of Nepal has made a number of advances in tackling the problem of trafficking. Under the Ministry of Women, Children and Senior Citizens (MoWCSC) it has established an Inter-agency National Committee on Combating Human Trafficking. It has opened a number of emergency shelters and community service centres for female victims of trafficking and has established 312 Local Committees for Controlling Human Trafficking. According to the US Department of State, it has also demonstrated efforts to increase investigations and prosecutions of traffickers.¹⁴³

Smuggling Overview

The internationally agreed definition of migrant smuggling is derived from the Protocol against the Smuggling of Migrants by Land, Sea and Air, which supplements the United Nations Convention against Transnational Organized Crime. The Protocol defines the crime of migrant smuggling as:

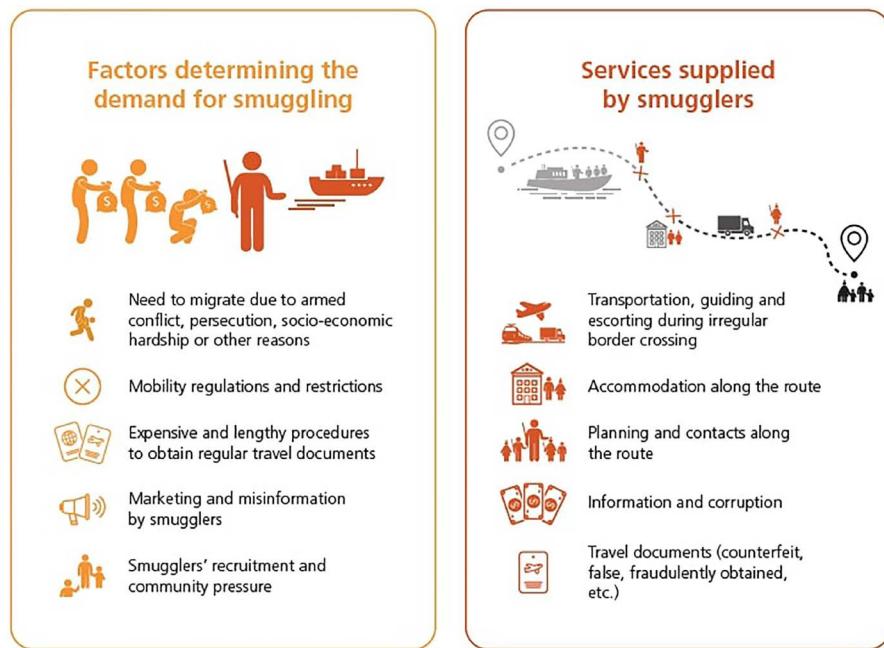
the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

The usual drivers of migration, namely political instability, economic hardship, environmental factors leading to loss of land or hardship are also the factors that can prompt Nepalis to seek opportunities through smugglers who may falsely promise lucrative jobs or permanent residence abroad

¹⁴² Ibid.

¹⁴³ Ibid.

Figure 26: Factors determining demand for smuggling and services provided by smugglers



Source: UNODC.¹⁴⁴

As shown in Figure 26 the factor of mobility regulations and restrictions as well as lengthy procedures are arguably relevant in the Nepal context. As mentioned above, the ban on young Nepali women from being able to obtain labour permits to working in the Gulf countries prompts many women to turn to smugglers. If there is exploitation or deception along the way, which frequently occurs, the smuggling becomes trafficking.

Irregular migration, including migrant smuggling from Nepal involves a range of routes, transit points and destination countries, which are diverse and frequently evolving. Available evidence suggests that India is the primary transit country for smuggled migrants from Nepal. A UNODC study reports that once in India, they join Indian migrants on the land and air routes heading to destinations such as Europe, the US and the Gulf Countries, at times using a forged documents provided by smugglers, for their onward journey to third countries.¹⁴⁵ Chennai, New Delhi, Mumbai and Jalandhar are reported to be important transit cities in India.¹⁴⁶

¹⁴⁴ UNODC, *Global Study on Smuggling of Migrants 2018*. United Nations publication (2018).

¹⁴⁵ Sonal Singh et al. "Conflict induced internal displacement in Nepal" *Medicine, Conflict and Survival*, 23(2), 103–104 (2007).

¹⁴⁶ UNODC *Global Study on Smuggling of Migrants 2018*. United Nations publication (2018).

Japan and the Republic of Korea are reported as destinations, and Portugal, as a gateway into the European Union.¹⁴⁷ South Asians are reported to be smuggled from New Delhi to Central Asian capital cities or Moscow to enter Europe through Ukraine. In 2016, some 565 South Asians, including Nepalis, were apprehended at the UK border, 250 at the Italian border and about 200 at the French border. The profile of smuggled migrants seeking entry to Europe is often young men, who are seeking to join relatives who have previously migrated or to earn money to support their families. However, many women are smuggled via sham marriages. In 2018, Europol reported that 5 people had been arrested in Romania and Poland for smuggling Indian and Nepali nationals into the European Union via sham marriages. Each migrant had paid the smugglers approximately EUR 12,000 for the journey to Europe, entry to Germany, application for a residence permit and arrangement of the wedding ceremony.¹⁴⁸

The use of Central America by Nepali smugglers to gain access to the United States is a growing trend. Smuggled migrants have been apprehended in transit in Malaysia and Singapore on their way to Central America and the United States or even Canada. Others may be apprehended while in Central America or at the United States border. A Nepali smuggling ring was dismantled in 2013 in Ecuador¹⁴⁹ and in 2014 a vessel was apprehended in the Pacific, carrying individuals from India and Nepal who had paid smugglers for passage to the United States.¹⁵⁰ The UNODC reports that the cost for a Nepali to be smuggled to the United States by air is from USD 27,000 to 47,000. Many do not arrive at the United States, one media report describing the case of a group of Nepali in Chile who were taken directly to a fruit farm from the airport and paid USD 400 per month for a 10 hour work day picking fruit. Their salaries for the first three years went to repay the loans owed to the smugglers.¹⁵¹

A.9. Internal Displacement

At the international level, internally displaced persons (IDPs) are defined as:

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations

¹⁴⁷ The EC has funded a project entitled *Immigration and Labour Exploitation, Nepalese in agriculture in Portugal*, see further www.unodc.org/unodc/en/human-trafficking/glo-act/nepalese-migration-and-labour-exploitation-in-portugal.html.

¹⁴⁸ Europol Press Release “Migrant Smuggling and Sham Marriages: Organized Crime Group Dismantled”, 24 August 2018. Available at www.europol.europa.eu/newsroom/news/migrant-smuggling-and-sham-marriages-organize-d-crime-group-dismantled.

¹⁴⁹ Wells, M. “Ecuador Breaks Up Nepalese Human Smuggling Ring”. *Insight Crime*, 11 October 2013.

¹⁵⁰ Ibid.

¹⁵¹ Meers, J., “UN underestimates central American smuggling profits”. *Dallas News*, 8 November 2018.

of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.¹⁵²

The internal displacement which has been seen in Nepal has been the result of both natural disasters and situations of armed conflict and generalized violence. One of the most devastating natural disasters in Nepal's history occurred on 25th April 2015, when an earthquake with a magnitude of 7.8 struck. This was followed by hundreds of aftershocks, including one which reached 7.3 on 12 May 2015. It triggered landslides as well as avalanches. Nearly 9,000 people were killed and over 16,000 injured. Some 202,000 buildings were full destroyed and another approximately 215,000 buildings were partially destroyed. It is estimated that over 10 per cent of Nepal's housing was affected.¹⁵³ It was the largest disaster displacement event in the world in 2015, with estimates that 2,623,000 people were internally displaced.¹⁵⁴

Initially, most people whose houses had been destroyed remained near their homes, in makeshift shelters. Some who had gone to temporary camps, returned within a few days. After the second earthquake many people fled to live in camps. By the beginning of June in that year, there were some 409 camps housing 117,000 people.¹⁵⁵ The Government of Nepal has provided assistance schemes for internally displaced persons (IDPs) to support their return back home. However, these often rely on the IDP being able to prove his or her land ownership at the time of the disaster, and this proves difficult for many of whom who do not have documentation. This particularly affects women and minority groups.

As of 2017, the National Reconstruction Authority (NRA) had identified 136 settlements which needed to be relocated following the earthquake. Among them 58 needed to be totally relocated and the others partially relocated. This equates to 2,619 households. Most settlements had fewer than 100 households.

Some displacement occurs annually due to monsoonal flooding. In 2017 however, devastatingly severe floods in the Tarai region caused some 461,000 people to be displaced from their homes, according to the Office of the Resident Coordinator.¹⁵⁶ According to the Internal Displacement Monitoring Centre (IDMC),

¹⁵² United Nations Guiding Principles on Internal Displacement.

¹⁵³ Ministry of Home Affairs *Nepal Earthquake 2072: Situation Update as of 11 May, 2015*. Available at <http://drrportal.gov.np/uploads/document/14.pdf>.

¹⁵⁴ Alexandre et al., *Global Report on Internal Displacement*, Norwegian Refugee Council, Geneva (2016).

¹⁵⁵ Displacement Tracking Matrix –Nepal Earthquake 2015, DTM Round II: Published 15 June 2015.

¹⁵⁶ Reliefweb, Nepal Flood 2017, Office of the Resident Coordinator Situation Report No. 5, as of August 2017.

in 2018, Nepal had 12,000 new displacements due to disasters.¹⁵⁷ According to the Relief and Data Management Section of MoHA, 109,616 individuals have been recorded as IDPs.

Conflict is the other cause of significant displacement in Nepal. As mentioned above, estimates of the number of people displaced by the Maoist insurgency between the years 1996 and 2006 are significant. However, according to IDMC, there have been no significant displacements due to conflict since 2009.¹⁵⁸ Table 14 shows displacement figures for Nepal.

Table 14: Number of displacements in four years period from 2015 to 2018

Year	Total number of IDPs at end of the year	New displacements due to conflict during the year	New displacements due to disasters during the year
2015	50,000	-	2,623,000
2016	50,000	-	31,000
2017	2	2	384,000
2018	-	-	12,000

Source: IDMC, 2019.

A.10. Nepali Diaspora

Originating from a Greek word meaning “to scatter about”, IOM’s Glossary on Migration defines “diaspora” as “people or ethnic population that leave their traditional ethnic homelands, being dispersed throughout other parts of the world.”¹⁵⁹ It is broader than the term “migrants” as it also includes people who have Nepali origins but may have been born abroad, have foreign citizenship or who have migrated permanently. Diaspora communities generally maintain personal, professional, cultural and/or economic ties with their country of origin and therefore are able to make potentially important contributions to its development. One example is the significant increase of remittances which were sent to Nepal following the 2015 earthquake from the diaspora communities around the world.

The *Non-Resident Nepali Act 2008* has as its objective motivating non-resident Nepalis to contribute to Nepal’s development. It defines “non-resident Nepali” broadly, including foreign citizens of Nepali origin (with the exception of those in SAARC countries), Nepali citizens residing abroad for work (again with

¹⁵⁷ IDMC, Global Report on Internal Displacement, 2019.

¹⁵⁸ See IDMC Annual Conflict and Displacement Figures at www.internal-displacement.org/countries/nepal.

¹⁵⁹ International Organization for Migration, International Migration Law, “Glossary on Migration”, Geneva (2011).

the SAARC exception) for study or on diplomatic mission. Non-resident Nepalis under the Act are eligible for NRN Identification cards for 10 years, with the possibility of renewal. The cards grant benefits such as the waiver of a visa for entry into Nepal and eligibility for certain rights in Nepal on the same basis as nationals including on investment and purchase of land.

The Act gives the Non-Resident Nepali Association (NRNA) which was established in 2003, a statutory basis. Its aim is to unite the Nepali Diaspora and it now has a network of Coordination Councils in 80 different countries. Part of its strategic objective includes harnessing the knowledge, skills, capital and other resources of the diaspora to improve the socioeconomic development of Nepal. The NRNA has established the Nepal Policy Institute (NPI) a think-tank dedicated to ensuring the sustainable development of Nepal and Nepali people, including diaspora Nepali. It provides input to Government policy and in 2019 has issued *Foreign Investment Bill 2019* to ensure that investment by diaspora is facilitated as much as possible.¹⁶⁰

The 2017–2018 Report on Nepal’s Foreign Affairs,¹⁶¹ an annual report issued by the Ministry of Foreign Affairs, states that the Ministry and its Missions abroad have been collaborating “with the ever-growing Nepali diaspora for promoting Nepal and its interests abroad”. It partners with non-resident Nepali communities in promoting the image of the country and its tourism, trade and investment potential. It has also been encouraging the diaspora directly to invest their resources, both financial and intellectual, in the country’s development. The diaspora has assisted Missions to organize “economic diplomacy activities” to promote interest and investment in Nepal.

In 2018, the first NRN “Global Knowledge Convention” was held in Kathmandu and included a plenary session on the “Role of Nepali diaspora for development policies”. In his speech at the event, the Minister for Foreign Affairs outlined priority areas where Nepal hopes to attract the support and investment of resources of the diaspora. These were:

- Technology for high-yielding agro-varieties and agro-mechanization;
- Commercial, educational and governance digitalization;
- Education and human resource development strategies;
- Development of alternative energy sources and other best practices in environmental protection.¹⁶²

¹⁶⁰ See www.npi-nrna.org/proposal/.

¹⁶¹ See <https://mofa.gov.np/wp-content/uploads/2018/12/Annual-Report-2017-18.pdf>.

¹⁶² Speech by Hon. Pradeep Kumar Gyawali, Minister for Foreign Affairs on the theme: “Role of Nepali Diaspora for Development Policies”, Press release, Ministry of Foreign Affairs, 13 October 2018, Available at <https://mofa.gov.np/speech-by-hon-pradeep-kumar-gyawali-minister-for-foreign-affairs-on-the-theme-role-of-nepali-diaspora-for-development-policies/>.

There is also interest among diasporas to contribute to the quality of education in Nepal. In July 2018, a conference was held in Canada, organized by a number of North American Nepali diaspora associations on “The role of Nepali diaspora in higher education in Nepal”.¹⁶³ The conference considered models for diaspora to assist in enhancing education in Nepal, including through collaborations, technology and knowledge transfer, among other ideas.

The Government of Nepal has also set up a “Brain Gain Centre” as a unit of the Ministry of Foreign Affairs, to recognize and foster contribution to Nepal’s social and economic progress by the many diaspora Nepali experts and professionals around the world.

According to the Ministry,¹⁶⁴ the Centre’s main mission is as follows:

- *Recognize*: Maintain up-to-date information about diaspora Nepali experts and their expertise, thereby creating access to the vast amount of intellectual resource that they are willing to contribute to the nation;
- *Promote*: Make visible the work done by individual diaspora experts and groups, promoting their contribution among government and non-government agencies. Also foster greater respect for diaspora experts among the public at home;
- *Connect*: Encourage ministries, government agencies, and academic and social institutions to use the database for reaching out to diaspora experts and expand/enhance connections and opportunities;
- *Mobilize*: Create initiatives to mobilize the expertise of diaspora experts, helping them network and learn about one another’s contribution to Nepal, find/create opportunities for collaborating with experts at home, and create new initiatives for the greatest impact possible;
- *Reward*: Officially recognize the most impactful work done by diaspora experts, providing moral and social support and allocating resources for them.

The Centre has started gathering information about the number of Nepali diaspora experts, their expertise, current engagements and their interests. The Ministry’s data shows that 632 experts have registered their names in the Centre as of the first week of September 2019.¹⁶⁵

¹⁶³ The conference proceedings is Available at www.nrna.org/Portals/0/Toronto%20Conf%20Summary%20FINAL%2001-15-19.pdf.

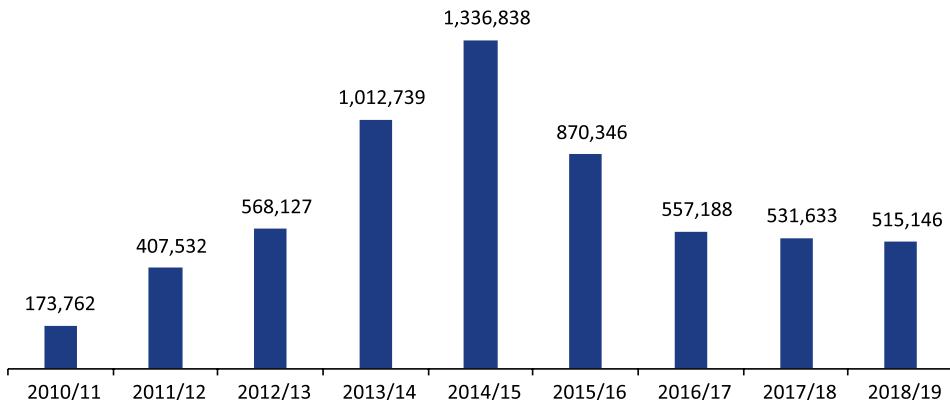
¹⁶⁴ Ministry of Foreign Affairs (2018). *Welcome to the Brain Gain Centre*. Available at <https://mofa.gov.np/bgc/about>.

¹⁶⁵ Available at <https://mofa.gov.np/bgc/explore>.Accessed on 26 August 2019.

A.II. Passports

The Department of Passports under the Ministry of Foreign Affairs issues passports to the Nepali citizens through its own collection and distribution counters both in Kathmandu and through District Administration Offices located in 77 Districts, 19 Area Administration Offices and through 38 Nepali Missions abroad.¹⁶⁶

Figure 27: Numbers of passports issued, 2010/11–2018/19



Source: Department of Passport, Ministry of Foreign Affairs, 2019.

As of 15 July 2019, a total of 5,973,311 machine readable travel documents (MRTDs) which are popularly known as machine readable passports (MRPs) in Nepal have been issued since their commencement December 2010. According to the Department of Passports, in the FY 2018/2019, the Department personalized a total of 515,146 MRTDs. The total number includes 513,038 ordinary passports, 1,235 official passports, 741 diplomatic passports and 132 travel documents. Of them, 171,267 clients had applied directly at the Department, whereas 333,062 had applied through Districts and 10,817 through Nepali Missions abroad respectively. Similarly, 81,693 passports have been rendered unusable.¹⁶⁷

A.I2. Foreigners in Nepal

The 2011 Census shows that approximately 1.8 per cent of the total population in Nepal were born in other countries. Of the total foreign-born

¹⁶⁶ Department of Passports Annual Report 2018/19. Kathmandu: Ministry of Foreign Affairs (2019).

¹⁶⁷ Ibid.

population, 93.6 per cent were born in India. In terms of the length of stay in Nepal, 54 per cent had been living in Nepal for more than 10 years, 15 per cent for 6 to 10 years and 20 per cent for 5 years or less. Of the foreign-born population, only 29 per cent were foreign citizens. The main reason for staying in Nepal was marriage (45.8%), followed by dependents (17%) and business (7.3%).

Of the foreign citizens, 87 per cent were from India, followed by 2.1 per cent from China and 11.1 per cent from other countries. The majority were residing in the Tarai (56.5%), followed by the Hills (42.2%) and then the Mountains (1.3%). Table 15 shows the change in foreign born population since the 1961 Census.

Table 15: Foreign born population and foreign citizens in Nepal

Year	Total population	Foreign-born population	% of total population	Foreign citizens	% of total population	Foreign citizen as % of foreign-born
1961	9,412,996	337,620	3.6	110,061	1.2	32.6
1971	11,555,983	337,448	2.9	136,477	1.8	40.4
1981	15,022,839	234,039	1.6	483,019	3.2	206.4
1991	18,491,097	439,488	2.4	90,427	0.5	20.6
2001	23,151,423	608,092	2.7	116,571	0.6	19.2
2011	26,253,828*	479,625	1.8	138,910	0.5	29.0

Source: Population Monograph Vol. III.

Note: *Figures derived from National Population and Housing Census 2011, CBS.

Table 16 shows the foreign-born population in 2011 with a break down showing males and females.

Table 16: Foreign born population in 2011 by sex

Sexes	Foreign born population		
	Number	Identified %	Not stated %
Both sexes	479,625	65.8	34.2
Male	141,165	29.4	48.7
Female	338,460	70.6	51.3

Source: National Population and Housing Census 2011, CBS.

Statistics from the Department of Labour shows that in the 12 months from July 2017 to June 2018, a total of 1,696 new labour permits were issued to foreigners to work in Nepal. Of that figure, 1,184 were issued to Chinese nationals.¹⁶⁸

¹⁶⁸ Department of Labour website, see <http://dol.gov.np/site/monthlyreport>.

Table 17: Trends of foreign-born population in Nepal by countries of birth, 1961–2011

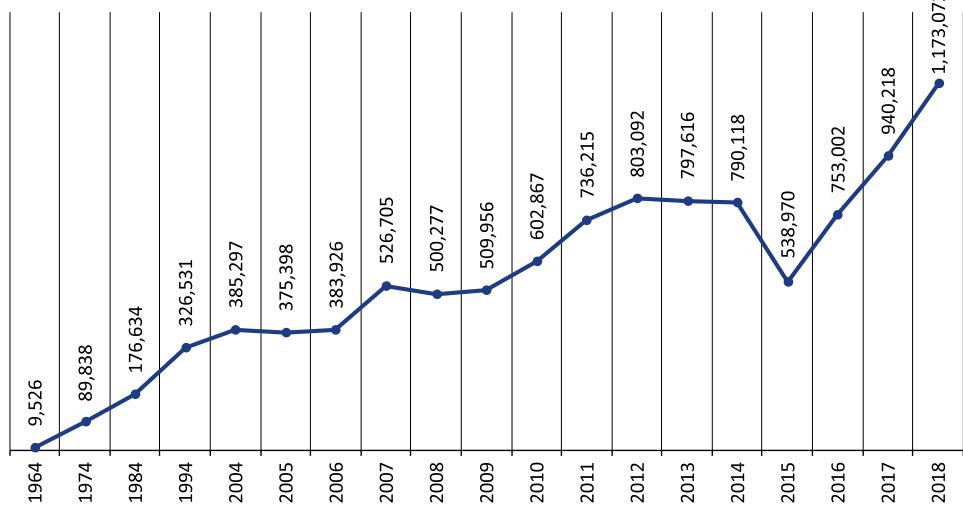
Year	Sex		1961	1971	1981	1991	2001	2011
Total foreign born population	Both	No.	337,620	337,448	234,039	439,488	608,092	479,625
		%	100.0	100.0	100.0	100.0	100.0	100.0
	Male	No.	-	123,480	71,555	123,560	183,037	141,165
		%	-	36.6	30.6	28.1	30.1	29.4
	Female	No.	-	213,968	162,484	315,828	425,055	338,460
		%	-	63.4	69.4	71.9	69.9	70.6
	Both	No.	324,159	322,718	222,278	418,982	583,599	449,149
		%	96	95.6	95	95.3	96	93.6
India	Male	No.	-	115,606	65,285	113,405	171,224	129,057
		%	-	35.8	29.4	27.1	29.3	28.7
	Female	No.	-	207,112	156,993	305,577	412,375	320,092
		%	-	64.2	70.6	72.9	70.7	71.3
Other countries	Both	No.	13,231	14,236	10,308	20,506	24,493	20,430
		%	3.9	4.2	4.4	4.7	4	4.3
	Male	No.	0	7,613	5,555	10,155	11,813	9,006
		%	-	53.5	53.9	49.5	48.2	44.1
Not stated	Female	No.	0	6,623	4,753	10,251	12,680	11,423
		%	-	46.5	46.1	50	51.8	55.9
	Both	No.	230	494	1,453	-	-	10,046
		%	0.07	0.15	0.62	-	-	2.09
	Male	No.	-	261	715	-	-	3,102
		%	-	52.8	49.2	-	-	30.9
	Female	No.	-	233	738	-	-	6,945
		%	-	47.2	50.8	-	-	69.1

Source: Individual Table 21, and 25, District Report, CBS, 2014.

Figures from the Nepal Ministry of Culture, Tourism and Aviation show that in 2018 there were a total of 1,173,072 tourist arrivals in Nepal, a 25 per cent increase from the year before.¹⁶⁹ Among them, there were more male tourists (53.3%) than females (46.7%) (See Figure 6.2). In 2017, that over 50 per cent of tourist arrivals were from five countries, namely India (17.1%), China (11.1%), United States of America (8.4%), United Kingdom (5.4%) and Sri Lanka (4.8%). Indian tourists are only able to be tracked if they arrive by air, as they must carry an identity document to do so. Of all tourist arrivals, 70 per cent visited for holidays, 15 per cent for pilgrimage, 8 per cent for trekking/mountaineering and 7 per cent for other purposes.

¹⁶⁹ Ministry of Culture, Tourism and Civil Aviation, Planning and Evaluation Division, Research and Statistical Section Nepal Tourism Statistics 2017, Kathmandu (2018).

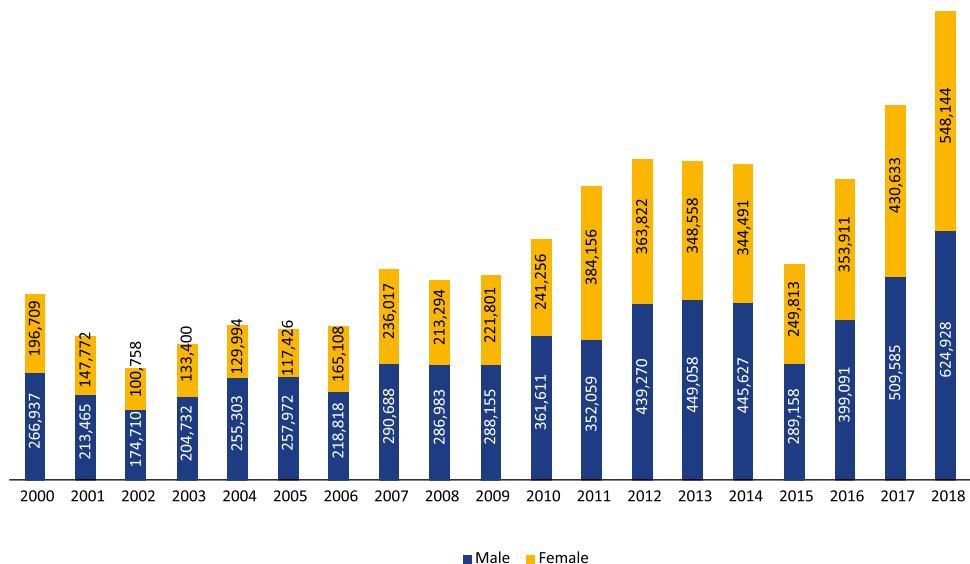
Figure 28: Tourist arrivals in Nepal



Source: Ministry of Culture, Tourism and Civil Aviation.¹⁷⁰

Figure 29 shows the tourist arrivals by sex in the past 19 years.

Figure 29: Total tourist arrivals by sex 2000–2018



Source: Ministry of Culture, Tourism and Civil Aviation.¹⁷¹

¹⁷⁰ Ministry of Culture, Tourism and Civil Aviation Nepal Tourism Statistics 2018. Kathmandu (2019).

¹⁷¹ Ibid.

There are few reliable statistics on the number of Indians in Nepal since the 2011 census. The Indian Ministry of External Affairs puts the population of Indians in Nepal as 600,000 as of December 2018.¹⁷² As stated above, that census revealed that 87 per cent of the foreign-born population were from India. Migration of Indians is mainly to the Tarai region, the southern section of Nepal. It is home to the “Madhesi” people who are Hindus and comprise about 20 per cent of Nepal’s population.¹⁷³

The Government of Nepal is also looking at regulating the situation of foreign citizens and has issued *Foreign Nationals Monitoring Guidelines 2018* to monitor the activities of foreign nationals visiting Nepal.

The objectives of the Guidelines¹⁷⁴ are as follows:

- To regulate, manage, facilitate and control the foreign nationals' entry into, stay in and exit from Nepal;
- To prevent foreign nationals staying in Nepal illegally;
- To ensure that visas are being used for the same purpose for which they were granted;
- To prosecute foreign nationals if they act against the immigration law; and
- To make foreign nationals more responsible and accountable to existing laws and rules during their stay in Nepal.

According to the officials of the Immigration Department,¹⁷⁵ implementation of the guidelines will assist in identifying who enters Nepal and for what purpose such as tourism, business, pilgrimages, and so forth.

A.13. Refugees

The Government of Nepal is not a signatory to the UN Refugee Convention and does not have a national asylum law. However, it permits UNHCR to operate in Nepal.

Following an exodus of Tibetans to Nepal in 1959, the Nepali Government recognized Tibetans as refugees and issued them with a refugee certificate which grants them certain limited rights in Nepal. UNHCR estimates that there are currently around 12,000 Tibetans in Nepal, many of whom are

¹⁷² Available at the website of the Ministry of External Affairs http://mea.gov.in/images/attach/NRIs-and-PIOs_1.pdf.

¹⁷³ Australian Government, DFAT Country Information Report, March 2019.

¹⁷⁴ Department of Immigration *Foreign Nationals Monitoring Guidelines 2018*. Kathmandu: (2018).

¹⁷⁵ Expressed during the TWG meeting.

undocumented. According to the Special Rapporteur on the Human Rights of Migrants, this places them at risk of financial penalties, detention, deportation or refoulement.¹⁷⁶ UNHCR promotes their registration and documentation. However, the Government ceased issuing refugee certificates to new arrivals in mid-1990s and now only permits UNHCR to facilitate their “safe passage” through Nepal into India.

Over 100,000 Nepali-speaking Bhutanese fled to Nepal in the early 1990s. Currently, 113,399 of them have now been resettled in third countries, mainly the US. However, two refugee camps remain in Damak as of July 2018 which is down from seven in 2007. There is a remaining population of 6,491 refugees in these camps who either wish to be resettled, remain in Nepal or return to Bhutan. UNHCR no longer refers them for resettlement.

According to October 2019 figures,¹⁷⁷ UNHCR records 42 asylum seekers in Nepal and 18,633 refugees. This figure covers the groups known as “urban refugees” which includes people from Afghanistan, Pakistan, Myanmar, Bangladesh, the Islamic Republic of Iran, Sri Lanka and Somalia. They are not supported by UNHCR except for an annual fund for their children’s education and the Government of Nepal considers them to be illegal immigrants.

A.14. Overstayers

Data on visa overstayers is not publicly available, and while it could be calculated by the Department of Immigration on the basis of visas issued and border data showing entries and exits, there is no correlation of record systems or centralized technology system to facilitate this. The Department of Immigration is responsible for tracking visa holders and non-tourist visa overstayers through their employers and sponsors. The Immigration Act 1992 stipulates that tourists must report to the nearest police station within three days of visa expiration. During 2018/2019, a total of 540 foreigners were deported for overstaying their visa.¹⁷⁸

To detect overstayers, the immigration authorities work with the Ministry of Culture, Tourism and Civil Aviation, district administrative offices, police and tourism business to be able to track foreigners visiting Nepal. The Foreign Nationals Monitoring Directive has been issued by the government to establish

¹⁷⁶ A/HRC/38/41/Add.1 Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal, United Nations, 30 April 2018.

¹⁷⁷ UNHCR Factsheet October 2019.

¹⁷⁸ Data Available from the Department of Immigration. Accessed on 8 September 2019.

a monitoring and regulation committee at the national level, to be led by the Director General of central level monitoring in the Department of Immigration, as well as district level committees led by the Chief District Officer, to be able to track any illegal activities of foreigners (for example, working or setting up a business while on a tourist visa, or proselytizing).

PART B: IMPACT OF MIGRATION

B.I. Levels of impact

The impact of migration can be conceptualized at the following levels:

- Macrol level impact which is the impact of migration on society, the economy and development as a whole;
- Mesolevel impact which is the impact on the local community;
- Microlevel impact, which is the impact on the individual migrant and his or her household and family.

As shown above in Part A, the defining migration characteristic of Nepal is its outward migration for employment and the remittances which that generates. The Asian Development Bank describes remittances as the “bedrock” of Nepal’s economy, indispensable for Nepal at its present stage of development.¹⁷⁹ Evidently, they increase household income and therefore have positive impacts on the amounts available to spend on education, healthcare and other goods and services. However, there are also negative impacts to migration including on the health and welfare of those who work abroad, the effect on families left behind and on national productively, to name a few.

Significant policy work is being done both internationally and within Nepal to maximize the development impact of remittances. This is a key principle in the 2015 Constitution of Nepal. Nepal is aiming to move from “least developed country” to “developing country” status by 2030, as well as to fulfill the targets in the Sustainable Development Goals by 2030. The National Planning Commission’s Roadmap to achieve the SDGs¹⁸⁰ recognizes that:

The challenges going forward will be to find ways to pool and capitalize on private remittance flows streaming in small amounts, to create a strategy to attract back and to utilize the skills of returning migrants, and to discourage others from leaving by generating attractive opportunities within the country.

¹⁷⁹ Ozaki, M, “Making the most of remittances: Vision and strategies”, *Op-ed*, 20 October (2016). Available at www.adb.org/news/op-ed/making-most-remittances-vision-and-strategies.

¹⁸⁰ National Planning Commission, Sustainable Development Goals: Status and Roadmap 2016–2030, Kathmandu (2017).

The Roadmap also notes the significant progress that Nepal has made in reducing poverty and improving a range of human development indicators

B.2. Impact on Economic Development (Remittances)

Figures from 2015 show that migrants around the world represent slightly more than 3 per cent of the global population, yet their remittances contribute to 9 per cent of global GDP. Of the total migrants, over 200 million sent money home to an estimated value of USD 480 billion. In the Asia-Pacific region, remittances totaled USD 256 billion in 2017, which is 10 times the net official development assistance going to the region.¹⁸¹

In 2018, Nepal ranked fifth highest remittance recipient as a share of GDP amongst all countries in the world.¹⁸² It was the highest recipient in the SAARC countries. The Nepal Development Update, issued by the World Bank in November 2018 states that remittances grew by 10 per cent in FY 2018 to USD 7.2 billion, but as a share of GDP declined from 26.3 per cent in FY 2017 to 25.1 per cent in FY 2018.¹⁸³ In the FY 2018/19, the remittance inflow grew by 7.8 per cent to USD 7.8 billion and the contribution of remittance to GDP stood 25.4 per cent.¹⁸⁴

Given the slight downturn in the number of labour permits issued during the same period, the increased remittance amounts may be due to the depreciation of the Nepali currency against the US dollar. Additionally, migrants are increasingly going to, and remitting money from, Japan and the Republic of Korea where wage rates are much higher than in traditional destination countries. Figure 30 shows the continued rise of remittances and Figure 31 shows its recent declining share of GDP.

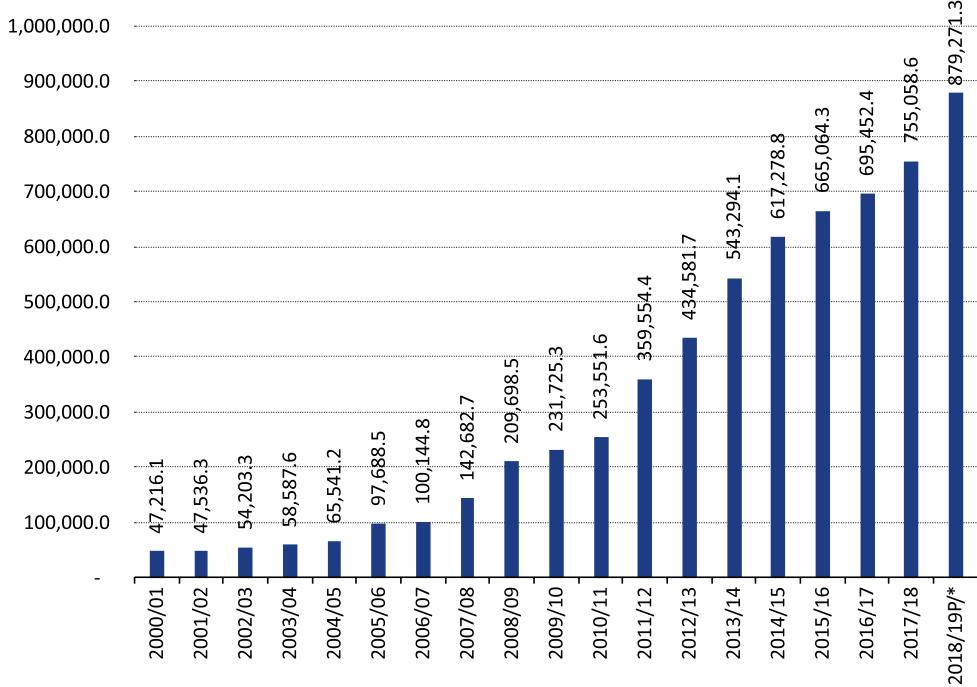
¹⁸¹ UN DESA News, *Remittances: an untapped engine for sustainable development*, 8 May 2018. Available at www.un.org/development/desa/en/news/population/remittances-engine-for-sustdev.html.

¹⁸² World Bank Group, "Migration and Remittances", *Migration and Development Brief No. 31*. KNOMAD.

¹⁸³ World Bank, *Nepal Development Update*, November 2018.

¹⁸⁴ Nepal Rastra Bank *Current Macroeconomic and Financial Situation — Tables (Based on Annual Data of 2018/19)*. Available at www.nrb.org.np/ (Accessed on 3 September, 2019). The indicated 25.4 per cent figure is preliminary.

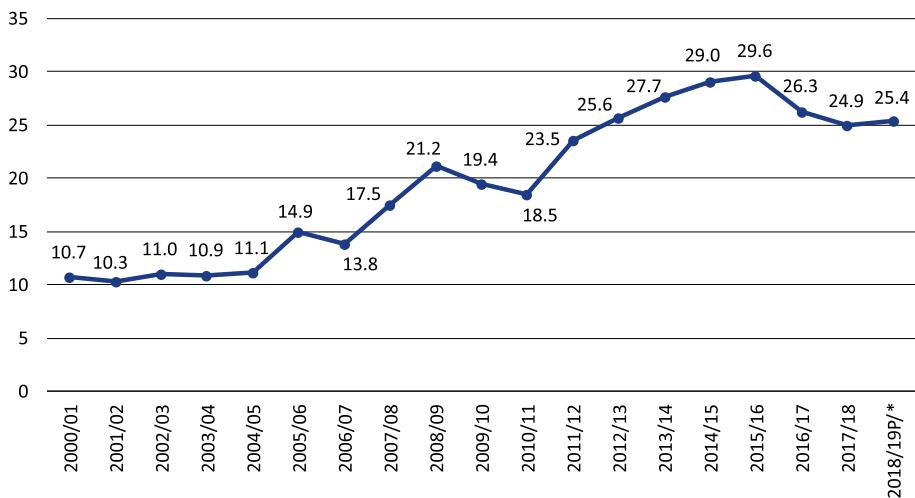
Figure 30: Remittance inflow continues to rise 2000/2001 to 2018/2019



Source: Nepal Rastra Bank, 2019. Available at www.nrb.org.np/.

Note: P/* refers to preliminary.

Figure 31: Remittance as share of GDP

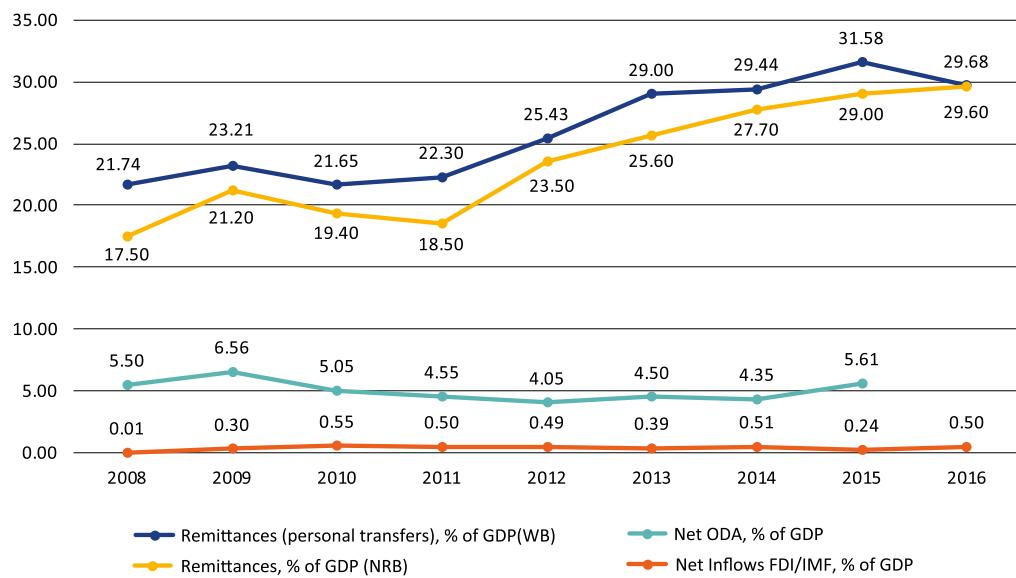


Source: Nepal Rastra Bank, 2019. Available at www.nrb.org.np/.

Note: P/* refers to preliminary.

The volume of incoming remittances is significantly larger than the total value of both foreign direct investment (FDI) and official development assistance (ODA) as seen in Figure 32. This strengthens the importance of remittances as a stabilizing economic factor.¹⁸⁵

Figure 32: Share of remittances compared to net FDI and Net ODI



Source: IOM-IASCI, 2017 and NRB, 2018.

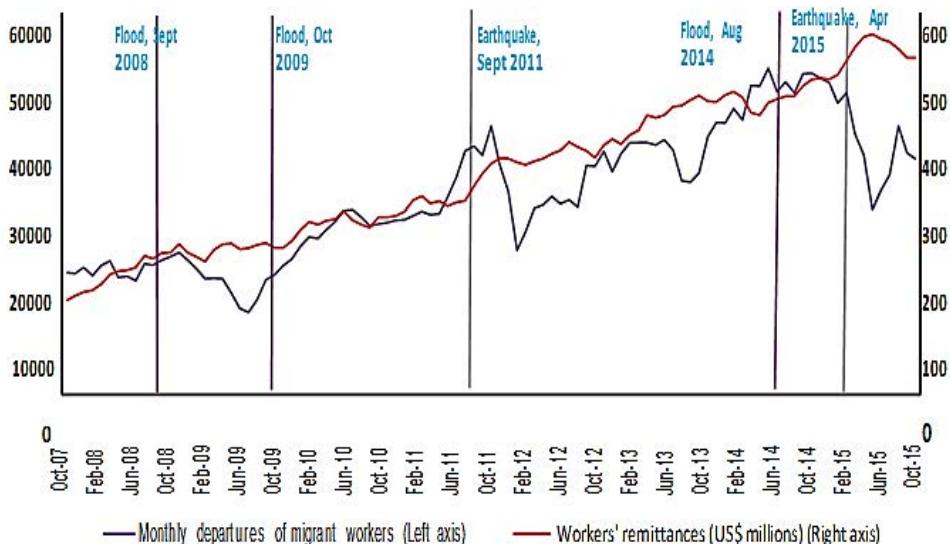
Migration enables Nepali households to save, which is important for Nepal's development. However, the 2017 IOM-IASCI study showed the longer migrants stay away from the Nepal the more likely it is that they will change their savings and migration objectives. Return intentions will reduce if there is a lack of progress in socioeconomic conditions in Nepal and a corresponding lack of employment opportunities upon return. The same study revealed that migrant workers were interested in investing in a business enterprise in Nepal, and that even those who do not intend to return to Nepal have an interest in investing in their local community in Nepal. However, some investment constraints were noted, including lack of access to affordable loans and the need for business counselling and training.¹⁸⁶

¹⁸⁵ De Zwager, N. and R. Sintov, Maximising the Development Impact of Migration in Nepal. Comprehensive Market Study, IOM and IASCI, Kathmandu (2017).

¹⁸⁶ Ibid.

There is also a correlation between remittance levels and disasters. Following the 2015 earthquake, remittances rose dramatically by 20.9 per cent in 2015 versus 3.2 per cent in 2014 as shown below in Figure 33. Remittances therefore play a critical role in a disaster-prone country such as Nepal as they provide to be less pro-cyclical and a more reliable source of income than foreign direct investment or official development assistance. The increase in remittances after the 2015 earthquake protected many families from crisis.¹⁸⁷

Figure 33: Remittances, migration trends and natural disasters



Source: World Bank Group, Migration and Development Brief 26 Migration and Remittances Recent Developments and Outlook.

Sustainable Development Goal 10 sets a target for the cost of sending remittances to be 3 per cent. Currently, the average cost for sending remittances back to Nepal is 4.7 per cent, which is below the global average of 7.1 per cent but still higher than the SDG target.¹⁸⁸ Migrant workers frequently use informal channels to send remittances. A World Bank Study describes three informal transfer systems commonly used in South Asia:

In South Asia, a variety of simple as well as quite sophisticated informal methods to transfer funds exists. The main three methods are: courier services, in-kind remittances, and the use of *hawala/hundi* transactions. Courier services are the simplest way of moving funds. People physically

¹⁸⁷ Maher, B., *Remittances and Migration: The Case of Nepal*, DevPolicyBlog, 29 November 2018. Available at www.devpolicy.org/remittances-migration-the-case-of-nepal-20181129/.

¹⁸⁸ See World Bank, *Remittances Prices Worldwide*, Issue 28, December 2018. Available at https://remittanceprices.worldbank.org/sites/default/files/rpw_report_december_2018.pdf.

carry cash or ask friends or relatives to carry them. However, courier services are risky and inefficient due to the nature of physical cash transfer. In-kind remittances take place through the provision of goods or services in one country, while the payment is made in another country. Finally, atypical *hawala/hundi* transaction involves the remitter, the recipient, and two intermediaries (*hawaladars*). The remitter makes payment in local currency in a sending country to the service provider. The service provider contacts a partner service provider in a receiving country, who arranges payment in local currency to the recipient in exchange for reference code that was given to the remitter by the provider in the sending country.¹⁸⁹

Concerned by the rise in informal transfers, MoLESS established a task force in 2018 to provide recommendations for increasing remittances through formal channels to utilize them in the productive sector. The task force found that remitting money through informal channels was less costly and had additional benefits such as a high exchange rate and delivery of funds to the door. The task force made some practical recommendations such as establishing an integrated remittance management information system and providing rewards to migrant workers. It also recommended the mandatory opening of bank accounts by migrant workers. The DoFE has made it mandatory for all aspiring migrant workers to open their bank accounts to get labour permits.

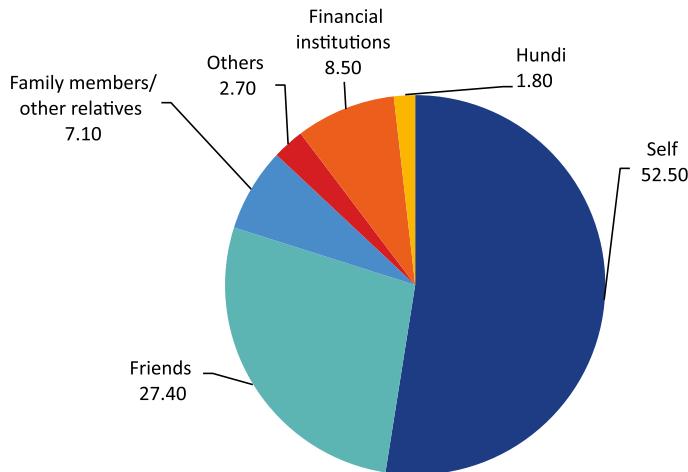
Bringing money into Nepal informally not only reduces its impact on the productive sector, it can be dangerous to the migrant worker. This can be seen along the Nepal–India border. Migrant workers carrying cash are targeted by robbers, potentially risking their earnings as well as their physical safety.¹⁹⁰ The NLSS of 2010/2011 estimated that over 54 per cent of remittances from India were brought into the country by workers on their person and only 8.5 per cent sent through formal channels, as shown in Figure 34. This also has macroeconomic consequences, with funds entering in Indian currency having implications for government statistics on remittances and on Indian currency reserves.¹⁹¹

¹⁸⁹ Endo, I. and Afram G., The Qatar-Nepal remittance corridor: enhancing the impact and integrity of remittance flows through reducing inefficiencies in the migration process, World Bank Study (2011).

¹⁹⁰ See, for example, Mainali, S., “Labour permit will be beneficial for India-bound Nepali workers”, 14 February 2017. southasiacheck.org, available at <http://southasiacheck.org/in-public-interest/labor-permit-will-be-beneficial-for-india-bound-nepali-workers/>.

¹⁹¹ Sharma, S. and Thapa D., “Taken for Granted Nepali Migration to India”, *Working Paper III*, Centre for the Study of Labour and Mobility, Kathmandu (2013).

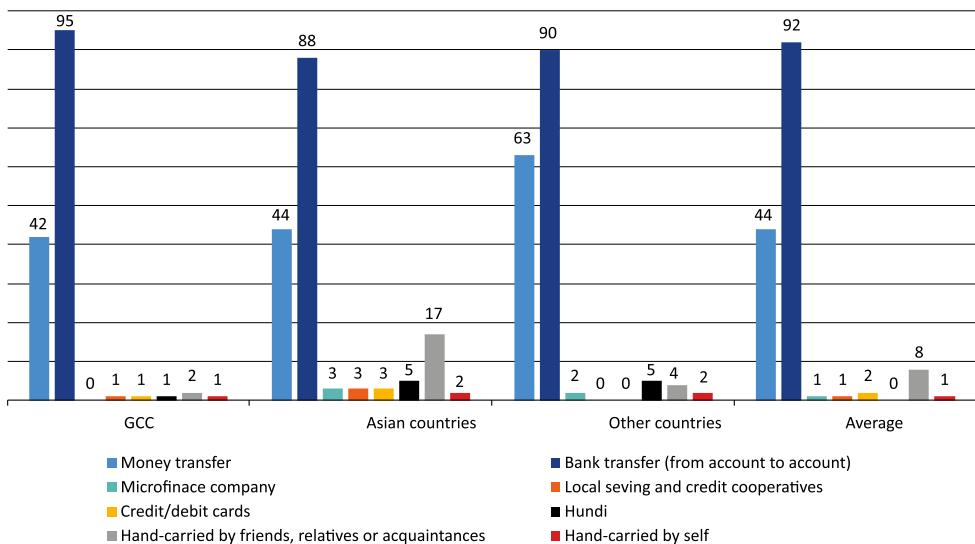
Figure 34: Channels of remittance transfers from India in 2010



Source: Nepal Living Standard Survey, 2010/11.

A more recent study however has different findings, showing that 88 per cent of remitting households prefer to use formal channels, mainly money transfer services or bank transfers.¹⁹² Figure 35 shows the preferred means of money transferred to Nepal by countries of destination.

Figure 35: Channels of remittance transfers from India in 2010 by country of destination



Source: IOM-IASCI, 2017.

¹⁹² De Zwager, N. and R. Sintov, Maximising the Development Impact of Migration in Nepal. Comprehensive Market Study, IOM and IASCI, Kathmandu (2017).

These figures are similar to the findings of the Nepal Rastra Bank, which found that of migrants working abroad 90.9 per cent of remittances were sent through banking and financial channels whereas 5.9 per cent used the Hundi system. Remittances have had a positive impact on the macroeconomic stability of Nepal and have contributed to financing the trade deficit and support the value of the currency.

Notwithstanding the importance of the remittances to the national economy, its contribution to the household economy is even more significant. According to the Nepal Living Standards Survey (NLSS) 2010/11, 56 per cent of Nepali households receive remittances. This positively impacts on living standards, correlating to increased education spending, years of schooling and greater educational opportunities for girls.¹⁹³ For health, it has been found in studies that remittances directly lead to higher spending on better quality medical care.¹⁹⁴ The World Bank suggests that remittances are likely to be the primary driver behind the improvements of living standards seen in Nepal and that socioeconomic progress, or ‘escape from poverty’ between 2000 and 2009 was almost twice as fast for households with migrants than those without.

The 11 per cent decline in poverty incidence in Nepal between 1996 and 2004 has been attributed to an increase in remittances by Nepal’s CBS in its analysis of the NLSS of 1996 and 2004. It concluded that poverty would have declined by 5 per cent instead of 11 per cent if remittances had remained unchanged between the two surveys.¹⁹⁵ The results from the NLSS III (2010) show that there was an 18 per cent decline in poverty between 2003 and 2010.

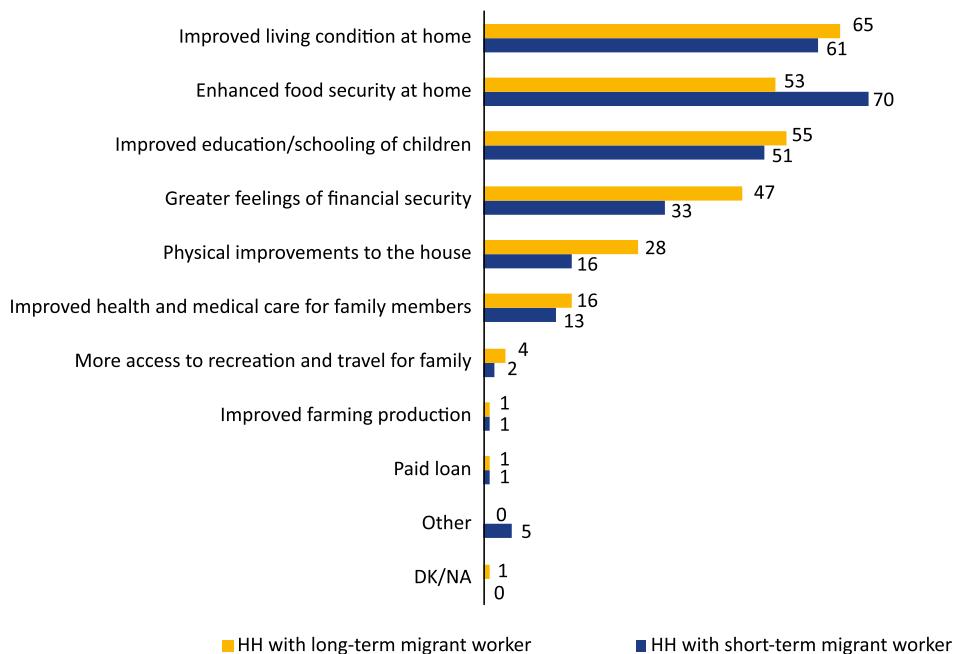
The value of remittances sent home depends on the destination country of the foreign worker. The 2009 Migration Survey showed that the highest annual remittances were sent from developed countries in the “other” category, followed by the Gulf countries, then Malaysia, then India. Internal migrants had the lowest amounts of remittances per annum, but these still added up to 2 per cent of GDP. The 2016 IOM-IASCI study asked its survey participants to self-assess their household economic benefits from remittances, with the majority citing improved living conditions, enhanced food security and improved education for children as the top three benefits, as shown in Figure 36.

¹⁹³ Acharya, C. P. and Leon-Gonzalez R., “The quest for quality education: international remittances and rural-urban migration in Nepal”, *Migration and Development*, (2018).

¹⁹⁴ Bansak, C., Chezum .B. and Giri, A., “Remittances, school quality, and household education expenditures in Nepal”, *IZA Journal of Migration*, 27 August 2015.

¹⁹⁵ Sharma, J. *The impact of environmental change on labour migration from Nepal to the Gulf States. Foresight*, UK Government Office for Science, London (2011).

Figure 36: Positive changes perceived in remittance-receiving households



Source: IOM-IASCI, 2017.

Despite these positive economic benefits to remittances, the United Nations Committee for Development Policy has warned that having such a significant reliance on remittances from overseas countries arguably adds a specific dimension to Nepal's economic vulnerability. In other words, economic and labour market changes in destination countries for foreign workers present a significant risk to Nepal's remitted income, over which it has no control.¹⁹⁶

B.3. Impact of Migration on Human Development

The United Nations Human Development Index is a measure for assessing long-term progress in three basic dimensions of human development. These are:

- A long and healthy life, measured by life expectancy;
- Access to knowledge, measured by mean years of education for adults and expected years of schooling for a child of school-entry age;
- A decent standard of living, measured by Gross National Income (GNI) per capita.

¹⁹⁶ United Nations Committee for Development Policy 20th Plenary Session, Vulnerability Profile of Nepal, UN March 2016 CDP2018/PLEN/6.c.

According to the United Nations Human Development Index (HDI) Nepal's HDI value is 0.574 which ranks it 149th out of 189 countries. It has increased by 51.9 per cent between 1990 and 2017.

Migration can be driven by poor human development, as migrants look abroad in search of better opportunities and the desire to improve their lives and opportunities. In the case of a labour sending country such as Nepal, the effect of remittances in increasing household wealth can have a positive effect on human development, increasing food security, allowing access to education and improving the general standard of living. There can also be negative effects such as demographic imbalances with a large proportion of working-age males away for long periods, as well as negative impacts on health.

Khoudour (2015) writes about the benefit of remittances on human development, explaining that:

This stable source of financing can help reduce poverty, spur consumption, foster entrepreneurship, and increase households' investments in education and health. Diasporas can also send collective remittances to finance local development projects or help rebuild countries after natural disasters, which is what happened after the April 2015 earthquake in Nepal. Migrants send not only money, but also social remittances. When they travel home or communicate with their families in their countries of origin, migrants often transfer the values and behaviours observed in host countries, precipitating a decline in fertility rates, increased women empowerment or a growing demand for accountable institutions. Finally, the emigration of tertiary-educated individuals can have a brain-gain effect by encouraging those left behind to study longer, hence increasing the stock of human capital.¹⁹⁷

As noted in the section above, remittances have had a dramatic impact on poverty levels in Nepal. Nepal Living Standard Surveys showed significant and consistent reduction in poverty levels. According to the World Bank, most poverty reduction has occurred because of labour migration, with a correlation to remittance receipts.¹⁹⁸ The 2014 Human Development Report, produced by the National Planning Commission, recognizes that raising household incomes is important to human development. It suggests training potential migrants in areas of overseas labour demand so that "earnings from safe and well-monitored

¹⁹⁷ Available at www.oecd.org/development/development-posts-migration-development.html.

¹⁹⁸ World Bank, *Poverty and Equity Brief, Nepal*, October 2018, based on data from Nepal CBS.

foreign labour migration can be substantially enhanced".¹⁹⁹ Others warn that it is important that Nepal does not rely on labour migration as a development strategy. The World Bank Group Country Economic Memorandum notes that while there has been a successful and rapid reduction in poverty, the current development path is "not aiding Nepal's escape from the low-growth trap it is in". It considers that while remittances are boosting household expenditure, they are not directly improving public service delivery including the quality of education, health care and infrastructure.²⁰⁰

The latest Gini coefficient which measures equality of income distribution for Nepal was reported by the World Bank Estimate data in 2010 as 32.8 per cent. This is a decrease from the previous report in 2003 of 43.8 per cent, that is, the level of inequality has decreased, although is still significant. This score places Nepal in the middle rank among Asian least developed countries (LDCs).

Other human development indicators show Nepal's progress. From 1991 to 2000, there was a 45 per cent decrease in the relevant ratio for child mortality, and the gross enrolment in secondary school increased by 53 per cent over the same period. From 1990 to 2015, the life expectancy at birth increased by almost 30 per cent from 55.1 to 71 years.²⁰¹ Compared to other Asian LDCs, Nepali children suffer less from undernourishment and child mortality. One study undertaken through interviews of 200 individuals in Far-West Nepal considered the impact of remittances on food security and concluded that migration:

is not sustainably or substantially improving food insecurity through the traditionally examined domains, namely quantity and quality of foods. However, it provides much – albeit short-lived – relief to households' worry and anxiety about having enough to eat and balancing the demands for food with other basic needs.²⁰²

¹⁹⁹ National Planning Commission, *Nepal Human Development Report 2014: Beyond Geography, Unlocking Human Potential*. National Planning Commission, Kathmandu (2014).

²⁰⁰ Cosic, D. S. Dahal and M. Kitzmuller, *Climbing higher: Toward a Middle-income Nepal* (English). World Bank Group, Washington, D.C. (2017).

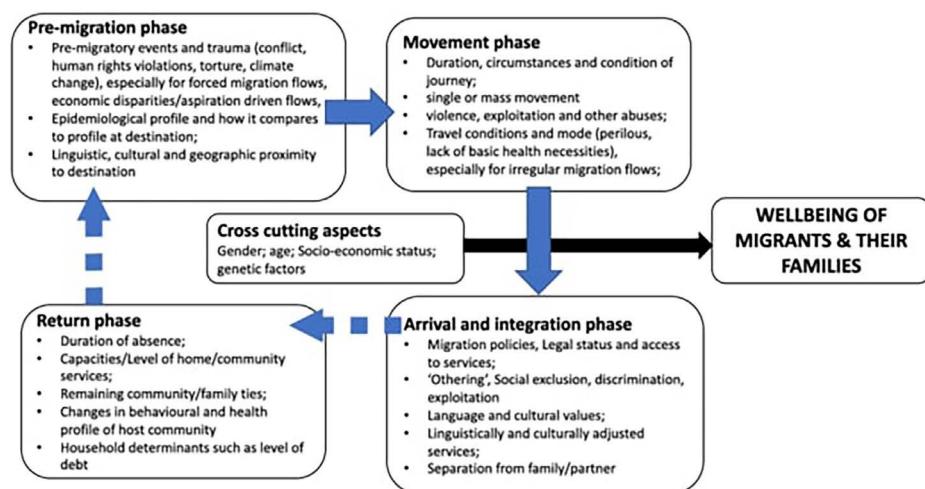
²⁰¹ Government of Nepal, Nepal and the Millennium Development Goals, Final Status Report 2000-2015, Kathmandu, (2016).

²⁰² Jeeyon J.K., "Is migration improving household food security? Evidence from Far-West Nepal", *Research Program on Agriculture for Nutrition and Health*, 5 February 2018. Available at <http://a4nh.cgiar.org/2018/02/05/is-migration-improving-household-food-security-evidence-from-far-west-nepal/>.

B.3.1. Impact on Health

There are several dimensions to the impact of migration on health. Firstly, migration can impact the health of the individuals involved. There are many health-related risks throughout the migration cycle, including lack of access to health services in the countries of destination. The migration process can also exacerbate health vulnerabilities, both physical and mental. Figure 37 shows factors that influence health during the migration process.

Figure 37: Factors influencing the health and well-being of migrants in the migration cycle



Source: IOM Migration Data Portal.²⁰³

Data from the Foreign Employment Board's Secretariat (FEB) shows that between 2008/2009 and 2016/17, there were 818 migrant workers who received compensation for an injury of which 788 were male and 30 were female. During the same period there were 5,892 deaths during foreign employment, 5,765 males and 127 females as recorded by the FEPB. In 2018/2019, there were 753 deaths of Nepali labour migrants during the contract period in the destination countries. More than 70 per cent of the deaths are due to workplace related accidents.²⁰⁴ However, data from embassies in destination countries showed more deaths than FEPB records show. It is assumed that embassies would also record the deaths of irregular migrant workers whereas the FEPB only records those with labour permits. Causes of death are recorded in broad

²⁰³ Available at <https://migrationdataportal.org/themes/migration-and-health>.

²⁰⁴ www.dofe.gov.np/report.aspx.

categories: “heart attack”, “cardiac arrest”, “workplace accidents”, “natural causes”, “murder”, “suicide”, “other” or “unknown”. There is scant information on underlying causes such as heat stress or exhaustion. More than one-third of South Asian migrants in the Middle East are reported to work more than 50 hours per week, often continuously without days off.²⁰⁵

There are numerous cases of Nepali migrants self-harming or committing suicide in destination countries. For example, of the 5,892 deaths between 2008/2009 and 2015/2016, 127 were women and of these women, 33 per cent had committed suicide.²⁰⁶ However there is limited reliable evidence to determine what factors have led to these situations and whether risk factors for mental disorder were developed during the migration or before. In one study conducted in Nepal among migrants and returnees, 29 to 30 per cent of all migrants reported experiencing occupational hazards and mental health problems during their migration.²⁰⁷ Similarly, nearly 30 per cent of the deaths in the different destination countries were either due to cardiac arrest or heart attack.²⁰⁸ Although migrants are screened for non-communicable diseases during pre-departure health assessment, this seems inadequate for early identification of probable risk factors. In relation to the conditions experienced during the migration process, WHO writes that:

These conditions include those experienced during transit and travel, and those in the destination country. They include the hazards associated with the mode and duration of travel, as well as the legal status of the individual, the policies which grant or deny access to migrant-friendly health and social services, and the working and living conditions to which migrants are subject. Social and cultural barriers to integration, acculturation stress, exclusion and discrimination, changes in lifestyle and loss of family and friendship networks are examples of additional factors impacting the health of migrants.²⁰⁹

Nepal’s low-skilled migrant workers are also subject to dangerous working conditions and poor living and working conditions, increasing their risk of work-place accidents. Poor living and working conditions can also lead to the spread of infectious diseases. Women migrant workers are particularly at risk

²⁰⁵ See www.fepb.gov.np.

²⁰⁶ www.dofe.gov.np/report.aspx.

²⁰⁷ International Organization for Migration, *Health Vulnerabilities of Migrants from Nepal*, Baseline Assessment, IOM (2015).

²⁰⁸ www.dofe.gov.np/report.aspx.

²⁰⁹ World Health Organization, European Region: Health of refugees and migrants. Regional situation analysis, practices, experiences, lessons learned and ways forward. WHO (2018).

of physical and sexual abuse, particularly those who have been trafficked. An IOM study in 2015 showed that 33 per cent of respondents said that health care in the destination country was unaffordable and a quarter said that they had faced difficulties accessing health care often due to language barriers or discrimination.²¹⁰

Another dimension is the effect of migration on the population who remain in Nepal. IOM writes that:

Despite the political discourse on migration becoming an important issue in the global development agenda, the health consequences/implications on children left behind by migrant worker parents have received limited attention. The current evidence base on the health impacts of labour migration, both for migrants and their families, remains weak. The health impact on families left behind is especially salient for the majority of labour-sending nations, which are mostly low- and middle-income countries that lack adequate resources to respond to broad public health outcomes linked to increased migration and its cascading reverse impact.²¹¹

A systematic review and meta-analysis of low and middle-income countries in 2014 found that: "compared with children of non-migrants, left-behind children and adolescents had a 52 per cent increased risk of depression, 70 per cent increased risk of suicidal ideation and 85 per cent increased risk of anxiety".²¹² The negative health and mental health effects of family separation are beginning to be acknowledged in Nepal and a National Mental Health Policy has been revised in 2017 and is under the process for approval. *Inter alia*, it seeks to ensure provision of community-level mental health services.

There is some evidence to show that some returning migrants can bring diseases and ill-health. Studies have been done which show that seasonal migrants who work in India have an increased risk of HIV, from risk-taking behaviour when in India.²¹³ The Nepal National HIV Strategic Plan 2016–2021 considers male labour migrants destined for India as one of the key risk groups

²¹⁰ Simkhada, P. P., Regmivan Teijlingen P. R., and Aryal N., "Identifying the gaps in Nepalese migrant workers' health and well-being: a review of the literature", *Journal of Travel Medicine*, 24(4). July-August 2017.

²¹¹ www.iom.int/health-families-left-behind.

²¹² Fellmeth G, Rose-Clarke K, Zhao C, Busert LK, Zheng Y, Massazza A et al., "Health impacts of parental migration on left-behind children and adolescents: a systematic review and meta-analysis". *Lancet*. 2018; See also Aryal N, Regmi PR, van Teijlingen E, Simkhada P, Mahat Pashupati, "Adolescents left behind by migrant workers: a call for community-based mental health interventions in Nepal" in WHO, *South-East Asia Journal of Public Health*, 8(1):38–41, 2019.

²¹³ See, for example, Yadav, S N, "Risk of HIV among the seasonal Labour Migrants of Nepal", *Online Journal of Public Health Informatics*, 2018; 10(1):e167.

for HIV. The 2018 Ministry of Labour's Country Progress Report to contribute to the Global AIDS Monitoring Report states that the majority of new infections in Nepal are occurring among "low risk" women infected by their spouses who are male labour migrants and/or men who have sex with men. Nepal's "Rio+20" Status Paper confirms this, stating that high levels of male migration, especially in Nepal's far and mid-western regions where men seasonally migrate for work in India, has made women vulnerable to HIV infections.²¹⁴ The Nepal HIV Strategic Plan 2016–2021 recognizes that:

Due to the significant number of infections occurring among migrants, it is important to assess and improve the current programmes to better prevent HIV transmission related to migrants and other mobile populations. It is also important to promote testing of intimate sexual partners of people at high risk and to consider whether, and in which settings, pre-exposure prophylaxis may be a beneficial option.²¹⁵

Women and girls who have been trafficked into the sex industry are also highly vulnerable to HIV and other sexually transmitted diseases. A 2007 study found that 38 per cent of repatriated Nepalese sex-trafficked girls were HIV positive. However, the social stigma attached with the returning victims means that health-seeking behaviour was low.²¹⁶

Tuberculosis (TB) is another significant disease in Nepal and one which crosses borders with migrants. IOM found that migrants are particularly vulnerable to TB due to their lower socioeconomic status and poor living and working conditions. Their mobility also makes access to diagnosis and treatment, as well as their adherence to the TB control strategy.

A further dimension of the impact of migration on health is its potential depletion of health sector workers, who seek jobs abroad. Nepal has experienced a surge of out-migration of health personnel, especially doctors and nurses. This has led to a critical shortage of health workers in most parts of the country. According to an ILO study, Nepal currently has a health worker-to-population ratio at 0.67 doctors and nurses per 1,000 individuals, which is significantly lower than the WHO's recommendation of 2.3 doctors, nurses and midwives per 1,000

²¹⁴ National Planning Commission, Nepal Status Paper – United Nations Conference on Sustainable Development 2012 (Rio+20) Synopsis. Kathmandu, 2011.

²¹⁵ Ministry of Health, *National HIV Strategic Plan 2016–2021*, 2nd edition, 2017.

²¹⁶ See Silverman J.G, Decker M.R, Gupta J, et al. "HIV Prevalence and Predictors of Infection in Sex-Trafficked Nepalese Girls and Women" *JAMA* 2007;298(5):536–542 referred to in the 2009 *Nepal Country Profile on HIV and Migration*, available at www.aidsdatahub.org/sites/default/files/documents/HIV_and_Migration_-_Nepal.pdf.

individuals. It also revealed that 50 per cent of the undergraduate medical and nursing students which it interviewed planned to migrate abroad to work citing quality of education and opportunities.²¹⁷ Migration of skilled health workers affects the provision of health care both quantitatively and qualitatively.

It should also be noted that many Nepali, especially those living in border regions, cross into India in order to access health services. It is known that Nepali patients receive cancer treatment at the hospital in Bharatpur or the Rajiv Ghandi Hospital in New Delhi and eye treatment at the hospital at Lahan for example, as well as seeking other health services in border cities.²¹⁸ The 1950 Treaty of Friendship between the two countries means that national treatment is extended to nationals of the other country, that is, border inhabitants pay the same amount for health services as local Indians. There is also evidence that Indians living near the border are increasingly crossing into the Tarai for medical treatment, as the quality of hospital services improve in Nepal.²¹⁹

Nevertheless, the 1950 Nepal-India Treaty between Peace and Friendship is the fundamental basis of relationship between these two countries which has a greater implication on immigration in Nepal.²²⁰ Meanwhile, the governments of India and Nepal formed an Eminent Persons Group (EPG) on Nepal-India Relations in 2016. The EPG meeting sat in nine rounds and the final meeting was held in Kathmandu on 29 June 2018.²²¹ The EPG has prepared its report and is much awaited to regulate the immigration status of both India and Nepal.

B.3.3. Impact on Education

Nepal has made significant progress in terms of access to education in the past decades. Net primary school enrolment increased from 64 per cent in 1990 to 96.6 per cent in 2015/2016.²²² The desire to obtain a better education and opportunities for their children is a key motivator for labour migrants and has been shown by one study to rank as the third most important objective for

²¹⁷ Sijapati, Baniya. J., Choudhary N. and Bhattacharai A, *Migration of Health Workers from Nepal*, ILO (2017).

²¹⁸ Jha, H.B. "Nepal's border relations with India and China", *Eurasia Border Review*, 4(1), 63–75, Hokkaido University Collection of Scholarly and Academic Papers (2013).

²¹⁹ Pyakurel, U. and Lok R. B. *Nepal-India Open Borders Problems and Prospects*, Vij Books India Pvt Ltd. (2015).

²²⁰ Khatiwada, P.P. "International migration and citizenship in Nepal", Population Monograph of Nepal, Vol. I, Chapter Nine (2014). Available at <https://cbs.gov.np/wp-content/uploads/2018/12/Population-Monograph-of-Nepal-2014-Volume-I-FinalPrintReady1.pdf>.

²²¹ Meeting note of the ninth meeting of EPG is Available at <https://myrepublica.nagariknetwork.com/news/9th-epg-meeting-begins/>.

²²² National Planning Commission *Nepal's Sustainable Development Goals, Baseline Report*, Government of Nepal, Kathmandu (2017).

sending remittances among Nepali foreign workers.²²³ The same study reveals however that this aspiration is not being met, and that in actual fact the majority of remittances are being spent on daily consumption expenses, repayment of loans, renovation of house, purchase of assets and then only on education.²²⁴ Nevertheless, the overall spending on education of remittance-receiving households was shown to be higher than non-remittance-receiving households, and some 51 per cent of migrant workers reported that improved access to education of children was a positive impact of the migration.

There are some studies showing that remittance spending in Nepal correlates with a positive effect on education spending, more years of schooling and improved educational opportunities for girls.²²⁵ A 2007 survey reported that 66 per cent of returnee migrant respondents said that their children could not have been educated without the remitted money. Some respondents said that they could have educated the boys but not the girls due to inadequate household wealth without remittances.²²⁶ One 2018 study looked particularly at rural to urban migration in Nepal and its impact on education, exploring how rural households receiving international remittances migrated to urban areas in search of better educational opportunities.²²⁷

This pattern of expenditure of remittances appears to be fairly typical for remittance-receiving countries. The United Nations Expert Meeting on Maximizing the Development Impact of Remittances finds that there are similarities among countries in the order of priorities that recipient families and sending migrants give to the use of remittances, with at least 70 per cent of amounts transferred going to household consumption. It suggests that to avoid remittance-dependence, investment in education becomes particularly relevant for long-term human development, “as professional prospects of the next generation improve, generating less dependency on remittances in the future”.²²⁸

²²³ De Zwager, N. and R. Sintov, Maximising the Development Impact of Migration in Nepal. Comprehensive Market Study, IOM and IASCI, Kathmandu (2017).

²²⁴ Similarly, according to the Statistical Report of the NLSS 2010/2011 only 4 per cent of remittances is spent on education, compared to 79 per cent for household consumption.

²²⁵ Thieme, S. and Wyss, S., “Migration Patterns and Remittance Transfer in Nepal: A Case Study of Sainik Basti in Western Nepal” *International Migration*, 43:59–98, (2005).

²²⁶ Bhadra, C., International Labour Migration of Nepalese Women: The Impact of their Remittances on Poverty Reduction, Asia Pacific Research and Training Network on Trade, Working Paper Series, No 44, September 2007.

²²⁷ Acharya, P. A. and R. Leon-Gonzalez “The Quest for Quality Education: International Remittances and Rural-Urban Migration in Nepal” *GRIPS Discussion Paper* 17–13, which sampled 288 households across 12 wards, (2018).

²²⁸ TD/b/C.I/EM.4/2 United Nations Conference on Trade and Development, Trade and Development Board, “Maximizing the development impact of remittances” Expert Meeting on Maximising the Development Impact of Remittances, Geneva 14–15 February 2011.

B.3.3. Impact on Skills

Most migration for foreign employment is tied to a contract for a specific duration and the worker returns to Nepal either temporarily between contracts or permanently. However, there is very little data on how long migrants are generally away and when and if they return to Nepal. Recognizing this important data gap, the authority for preparatory work for the 2021 census is planning to ensure that the census questions can capture this information.

Nearly 75 per cent of Nepal's migrant workers are "unskilled".²²⁹ The Government of Nepal is aware of the risks being faced by unskilled workers, who generally find only low-paying jobs, often with unsafe working conditions. It is directing attention to the provision of skills training and pre-departure orientation. For example, the National Youth Policy 2015 and the Technical and Vocational Education and Training Policy 2012 state that formal and technical training along with skills certificates should be made mandatory over time for aspiring migrant workers.²³⁰

Foreign labour migration can have an impact on the education levels and skills of the migrants. It is considered that in addition to financial remittances, they obtain "social remittances" from migration such as skills, ideas and languages that also contribute to development. This can be considered to be a "brain gain" and a positive impact of foreign labour migration.²³¹ It has also been shown that while 60 per cent of migrant workers have either no education or low level of education, only 31 per cent engaged in low-skilled work, implying that many Nepali migrants improve their qualifications while working abroad.²³²

The Government recognizes that returnees potentially have skills and resources which can be utilized for Nepal's development, and there are some initiatives which seek to effectively harness the skills of returning migrants. For example, the FEB is providing loans to returned workers in order for them to be able to start their own enterprises in Nepal. Further, the National Skill Testing Board, under the aegis of Council for Technical Education and Vocational Training (CTVET), has an open testing scheme. This allows any individual, including returnee migrant workers to take a skills test and then to get certified in their area of expertise.

²²⁹ DoFE data on skill classification 2013/14.

²³⁰ Ministry of Labour and Employment, *Labour Migration for Employment A Status Report for Nepal: 2015/2016–2016/2017*. Ministry of Labour and Employment, Kathmandu (2018).

²³¹ IOM and KOICA, *The Role of Remittances as Effective Development Finance for Sustainable Development in Nepal*, IOM (2016).

²³² Ibid.

However, these efforts are not being done in any consistent framework and are in their infancy. There is evidence that reinforces that returnees are having difficulty finding employment once back in Nepal. According to data gathered by a 2016 IOM-KOICA survey, some 60 per cent of returnee migrants who participated were unemployed.²³³ For those who were employed, their monthly income was lower than during foreign employment. This does not encourage reintegration in Nepal, meaning that there is a perpetual cycle of foreign employment and remittance dependence.

B.3.4. Impact on Gender

Migration of the family members has both positive and negative impacts on the left behind population, especially on women, children and elderly ones.

Impact on Women Left Behind

The impact of migration on the women left behind is one of the microeconomic pathways for the growth and development of the household, society, and the nation. Thus, the gender consequences of international migration for households and communities are vital for any successful development policy in Nepal.²³⁴

Foreign labour migration from Nepal is overwhelmingly a male phenomenon. This means that usually, in a household, it is the males who goes abroad in search of work, leaving wives and other females at home. The World Bank reports that in 2016, female-headed households in Nepal comprised 31.3 per cent of total households, compared to 12.4 per cent in 1996.²³⁵

While the impact on women left behind can have significant implications for the development, as well as more generally on gender relations within a community and country, there is little consensus in international studies about whether male outward migration has a positive or negative impact on the women left behind. Clearly, a number of factors related to the individual may affect this, including the number of children, landholding, type of household, extended family and amount of remittances. Further, the “impact” is not one fixed event, rather it is an evolving process that may swing between positive and

²³³ IOM and KOICA, The Role of Remittances as Effective Development Finance for Sustainable Development in Nepal, IOM (2016).

²³⁴ Maharajan, A., Bauer S, and Knerr “Do Rural Women Who Stay Behind Benefit from Male Out-migration? A Case Study in the Hills of Nepal”, *Gender Technology and Development* 16(1) (2011).

²³⁵ World Bank's Demographic and Health Surveys. Available at <https://data.worldbank.org/indicator/sp.hou.fema.zs>.

negative effects. For these reasons, even within Nepal, results of studies on the impact of women of male outward migration have been inclusive or have had mixed results.²³⁶

Several studies that have examined the impact have noted both greater autonomy of women, but also greater stress and incidences of depression.²³⁷ A World Bank study has shown that male outward migration is associated with significant changes in women's roles in agriculture, however the linkages are complex. In the farming sector, the spouse of an international migrant will move from contributing family member to primary farmer. With this change, they increase decision-making on the farm, get more actively involved in local groups (thus building social capital) and are more likely to have access to a bank account. These effects are stronger when migration is accompanied by remittances. Nevertheless, the study also reveals that despite these gains in empowerment, women continue to be disempowered in other domains. Relative to men, women continue to experience higher time burdens which are linked to their domestic and care work demands. Relative to men, women also have lower access to inputs and assets, including ownership of land.²³⁸ An FAO assessment finds that:

There is concrete evidence that feminization of agriculture has impacts in both the social and economic spheres. In the social sphere, it is creating social injustice to women due to family stress, family breakdown and children growing up with single mothers or other female relatives. Economically, there is under-utilization of the agriculture sector due to lack of available labour and input, which leads to abandonment of productive land, and results in food insecurity and nutrition scarcity as well as chronic malnutrition of both mothers and children.²³⁹

While this can have impacts on gender roles and social aspects of Nepali community, it also has an impact on the agricultural and economic sector. The same report suggests that the shortage of labour in agriculture has led to the abandonment of agricultural land across the country and/or on women focusing on less labour-intensive crops such as vegetable production. One study noted

²³⁶ Maharajan, A., Bauer S., and Knerr "Do Rural Women Who Stay Behind Benefit from Male Out-migration? A Case Study in the Hills of Nepal", *Gender Technology and Development* 16(1) (2011).

²³⁷ See, for example, Bhurtyal, Y. M. (2015). *Effects of male international migration on wives left behind in Nepal*. PhD thesis, University of Sheffield.

²³⁸ Kar, Anuja; Slavchevska, Vanya; Kaaria, Susan; Taivalmaa, Sanna Lisa; Mane, Erdgin; Ciacci, Riccardo; Hoberg, Yurie Tanimichi; Townsend, Robert; Stanley, Victoria. 2018 "Male outmigration and women's work and empowerment in agriculture: the case of Nepal and Senegal" Washington D.C., World Bank Group (English).

²³⁹ FAO, *Country gender assessment of agriculture and the rural sector in Nepal*, Kathmandu (2019).

that in the Harpan watershed area in Western Nepal, local Hindu traditions forbid women to plow and roof, and they become dependent on male wage labour for plowing, turning agriculture into a “low-return activity with high costs”.²⁴⁰

In terms of decision-making power, the 2016 NDHS found that married women in Nepal are most likely to have sole or joint decision making power about their own health care (58%) and visits to her family or friends (56 %) and less likely to make decisions about major household purchases (53%). Overall, 38% of married women participate in all three decisions. While women's participation in decision making has improved since 2001, decision making has declined between 2011 and 2016.

There is some evidence to suggest that major household and financial decisions are still taken by men, even if they are overseas for work²⁴¹ with one study suggesting that women call their husbands abroad for some decisions.²⁴²

Anecdotally, women can also become more vulnerable when their husband is away, prey to exploitation or corruption.²⁴³ A study conducted by Nepal Institute for Social and Environmental Research in 2019 found that migrants' wives are more prone to sexual harassment, rape and indecent comments and are also often blamed for misusing the remittances, engaging in extramarital affairs and eloping with other men.²⁴⁴

The same study found that the migration of the father has mixed impacts on children. Remittances have potentially positive effects on children's education and health. Children of migrants get opportunities to study in good schools with access on educational materials. After the migration, children are provided with better diet and better health facilities and there is easier access to loans for health emergencies. However, the father's absence may also have negative impacts on children and this may manifest in behavioural changes, drug abuse and a higher probability of suffering from depression. Children of migrant fathers have faced emotional violence in the form of intimidation, humiliation, derogative statements and mocking.

²⁴⁰ Jacquet, S., Kohler, T. and Gudrun, S., “Labour Migration in the Middle Hills of Nepal: Consequences on Land Management Strategies”, *Sustainability* 2019, 11, 1349.

²⁴¹ See, Sherp, D., Labour Migration and Remittances in Nepal: Case Study Report, ICIMOD (2010).

²⁴² Jacquet, S., Kohler T. and Gudrun S. “Labour migration in the middle hills of Nepal: Consequences on land management strategies”. *Sustainability*, 11, 1349 (2019).

²⁴³ www.theguardian.com/global-development/2016/may/03/nepal-bhramarpura-streets-have-no-men-women-hold-sway, 3 May 2016.

²⁴⁴ Nepal Institute for Social and Environmental Research, *A Study on the Social Implications of Men's Migration on Women and Children in Sarlahi, Saptari and Dhanusha District*. Nepal Institute for Social and Environmental Research, Kathmandu (2019).

Female Migration

Although the vast majority of foreign labour migrants from Nepal are men, the number of women who are migrating to work abroad is also steadily increasing. Between 2008/2009 to 2017/2018, the number of permits issued to women labour migrants increased by 160 per cent, compared to an increase of only 56 per cent for men.²⁴⁵

This is transforming the image of women in Nepal from “dependents” to “economic actors”.²⁴⁶ That is, the fact of bringing in a wage or sending remittances is recognized as contributing to a household’s wealth, whereas the contribution of child rearing, domestic activities and other unpaid work are often not recognized in this way. Traditional social and familial perceptions of women’s capabilities are being challenged, however whether this has long-term impacts on gender roles remains to be seen. A UN-Women study conducted with 1,201 returning women migrant workers (RWMWs) shows that once women migrants return to Nepal, they are unable to improve their economic status due to traditional restrictions on their mobility and their disproportionate share of household responsibilities. It found that while men and other family members may be willing to modify their work roles at home when women migrate, “they expect traditional gendered division of labour to be reinstated after women return home”.

Its main conclusions were that:

- RWMWs exhibit increased levels of entrepreneurship after migration, creating new enterprises;
- Many RWMWs acquire impressive human capital while abroad in terms of skills, confidence, and experiential learning. However, it does not provide sufficient advantage for RWMWs to secure a job in the current domestic labour market;
- The current Nepali domestic labour market does not offer sufficient quality of opportunities to RWMWs who had acquired skills as a domestic worker abroad; and

²⁴⁵ This data is calculated using figures in Table 10.1.

²⁴⁶ See summarized and edited version of the report ‘Returning Home Challenges and Opportunities for Women Migrant Workers in the Nepali Labour Market’ prepared by a team at the Centre for the Study of Labour and Mobility, Social Science Baha, Kathmandu, consisting of Dr. Bandita Sijapati, Ang Sanu Lama, Dr Jeevan Baniya, Pawan Sen, Dr Sambriddhi Kharel, Suvekshya Gautam, Mohd Ayub, Rajita Dhungana, Anisha Bhattacharai, Nilima Rai, Manoj Suji, Swarna Jha and Kishor Bikram Shah. The report on returnee women migrant workers (RWMWs) draws from insights shared by 1,210 women to understand the influences, conditions, and challenges that characterize women’s migration from and reintegration to Nepal. UN-Women, 2018.

- RWMWs' migration experience abroad does not easily translate into positive changes in terms of their gendered roles and responsibilities at home and access to productive resources after their return. Overall, the study finds that RWMWs' potentials cannot be realised without addressing the enduring gendered division of household responsibilities, gendered access to productive inputs (e.g., land and credit), and gender discrimination in the labour markets.²⁴⁷

When women migrate, particularly those who are married and/or have children, someone else needs to continue the child rearing and household work. Where this falls to daughters, this can affect the ability of the daughter to go to school and obtain an education. Migration of men or women causes stress on families, on parent-children relationships and on marriages. However, these effects are most commonly reported in literature about migration of women, underscoring the narrative that domestic work is essentially a woman's responsibility.

The UN-Women study cited above importantly showed that while 84 per cent of respondents considered that migration had improved their skills, they had no comparative advantage in attaining employment back home. This is an area for further policy development for the Government of Nepal

B.3.5. Impact on Social Relations

As is the case in many traditionally agrarian societies, land ownership has a significant effect on social, economic and political relations in Nepal throughout its history. The landless, ethnic and religious minorities and Dalits have historically been marginalized and power has been held by those with landholdings.²⁴⁸ There are a variety of factors which have brought about a shift in power relations in Nepal. Democratization and liberalization in the 1990s brought significant changes to traditional structures. Migration too has a role in bringing about economic independence, meaning that traditional relations of dependency between landowners and the landless have weakened.

As shown in Table 18, the 2009 Nepal Migration Survey showed that minority groups such as Muslims and Hill Dalits show the highest probability of having a labour migrant in their household. While this may be a result of exclusion of these groups from domestic labour market opportunities, it also

²⁴⁷ Ibid.

²⁴⁸ <https://asiafoundation.org/wp-content/uploads/2017/03/Labour-Migration-and-the-Remittance-Economy.pdf>.

points to potential for migration and remittances to enhance their future social and economic opportunities.²⁴⁹

Table 18: Labour migration and caste

Caste/Ethnicity	Households with at least one migrant abroad	India	Gulf countries	Malaysia	Others
Brahmin/Chhetri	33.1	13.6	12.5	4.2	3.7
Madhesi Middle Caste	30.6	15.1	10.9	7.4	0.0
Hill Dalit	39.4	27.6	9.2	1.5	2.5
Tarai Dalit	24.0	8.2	15.8	0.0	0.0
Newar	20.9	5.4	6.1	4.5	4.9
Hill Janajati	34.5	9.1	17.4	6.5	5.4
Tarai Janajati	22.0	8.0	12.0	1.9	0.4
Muslim/Other Minorities	44.1	10.8	34.3	2.3	2.0

Source: GIZ and ILO.²⁵⁰

Firstly, remittance earnings are increasingly relied upon as income, instead of agriculture-based production. Secondly, there is some evidence that remittances have permitted some migrants to purchase land. This does not however seem to be a uniform benefit of migration as land remains unaffordable for many migrants, particularly given the fact that many have taken loans and are in-debt to be able to migrate.

Another factor that greatly influenced power relations in Nepal was access to credit, as hard cash was limited. Landless and marginalized groups were in a cycle of debt and dependency. This has also changed with the influx of remittances, meaning that households do not need to rely on moneylenders. Remittances have also increased the creditworthiness of migrants, meaning that they can turn to formal financial institutions for loans if needed.

Further, the large outflow of migrants in search of work abroad has meant that local labour pools have diminished, to the point where there are significant labour shortages in many agricultural areas. This means that existing labourers are more valuable and have increased bargaining power for higher wages and better working conditions. This is reported to be causing a gradual change in the relationship between landlords and labourers, making labourers more independent.²⁵¹

²⁴⁹ Sijapathi, BBhattarai, A. and Pathak D., *Analysis of Labour Market and Migration Trends in Nepal*, ILO, GIZ Nepal (2015).

²⁵⁰ Ibid.

²⁵¹ USAID, CESLAM and The Asia Foundation, Labour migration and the remittance economy, The Socio-Political Impact, Centre for the Study of Labour and Mobility, Kathmandu (2016).

B.3.6. Impact on Environment

Migration can affect the way that land is used, impacting the environment in both positive and negative ways.

Approximately 66 per cent of Nepal's population is directly engaged in farming which is mainly subsistence in nature, with crop integrated with livestock.²⁵² Out-migration from the hills to the Tarai in the 1960s led to significant deforestation "of large zones of previously dense forest in these lowland areas."²⁵³ More recently, the large-scale out-migration of Nepali for foreign employment or to urban areas has an effect on land management and land resources. However, there is limited evidence to determine the extent of the impact. One 2016 study in the Harpan watershed district in Western Nepal found that when remittance amounts permit, whole families choose to migrate from "uphill" to "downhill" communities. That means that foreign labour migration (mostly male) led to increased financial resources for the household which in turn led to the internal migration of whole families away from the hill areas. This results in land abandonment, an increase in forest cover in the upper part of the watershed as well as increased pressure on the land and exposure to flooding in the lower part.²⁵⁴ Once "downhill" there was more variety of income sources, and households relied less on agriculture.

It was found that 36 per cent of the terraced cropland in the upper part of the watershed was abandoned. Similar trends have been noted in other parts of Nepal. Abandoned land turns in to shrubland after two or three years and then into forest after 5 to 10 years. Between 1978 and 2014, forested areas increased by 12.5 per cent due to abandonment of land, but also better management of forests and the establishment of a protected greenery area. This has positive impacts on the environment, reducing the occurrence of landslides and soil erosion. However, there is an increased presence of invasive species noted as well as loss of soil fertility.²⁵⁵

The land use and land cover change between 1978 and 2015 as provided in a 2016 study is shown in Figure 38.

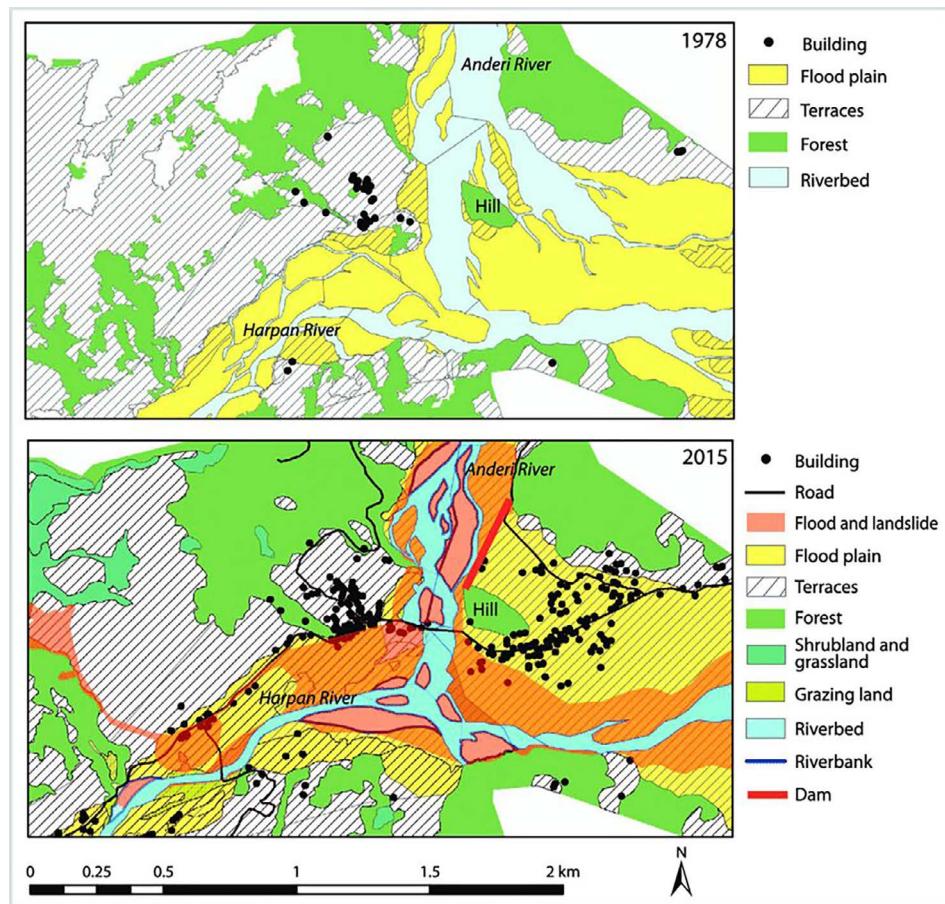
²⁵² FAO in Nepal, Nepal at a Glance, available at www.fao.org/nepal/fao-in-nepal/nepal-at-a-glance/en/.

²⁵³ Jacquet, S., Kohler, T. and Gudrun, S. "Labour migration in the middle hills of Nepal: Consequences on land management strategies". *Sustainability*, 11, 1349 (2019).

²⁵⁴ Jacquet, S., Kohler, T. and Gudrun, S. "The effects of migration on livelihoods: land management, and vulnerability to natural disasters in the Harpan Watershed in Western Nepal". *Mountain Research and Development*, 36(4):494–505 (2016).

²⁵⁵ Ibid.

Figure 38: Land use and land cover in 1978 and 2015 and flooding in 2015, Thulakhet village



Source: Jacquet (2018) (Map sources: 1978, aerial photograph, Department of Survey, Kathmandu; 2014, Ikonos satellite image; land cover map adapted from Hartung-Hoffmann 2015).

PART C: MIGRATION GOVERNANCE

C.I. International Treaties

As a member of the global community, Nepal has ratified a number of international conventions which contain provisions relevant to the governance of migration. It has ratified the following United Nations Conventions:

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- International Covenant on Civil and Political Rights and its Second Optional Protocol
- Convention on the Elimination of All Forms of Discrimination against Women
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Rights of the Child
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Convention on the Rights of Persons with Disabilities
- Convention against Transnational Organized Crime, however, Nepal has not signed or ratified its two Protocols, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol Against Smuggling of Migrants by Land, Sea and Air.

It is *not* signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

It has also ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002.

Nepal has ratified seven of the eight “fundamental” ILO Conventions on labour issues:

- C029 Forced Labour Convention 1930 (No.29)
- C098 Right to Organize and Collective Bargaining Convention 1949 (No. 98)

- C100 Equal Remuneration Convention 1951 (No. 100)
- C105 Abolition of Forced Labour Convention 1957 (no. 105)
- C111 Discrimination (Employment and Occupation) Convention 1958 (No. 111)
- C138 Minimum Age Convention 1973 (No. 138)
- C182 Worst Forms of Child Labour Convention 1999 (No. 182).²⁵⁶

Although non-binding, it is worth recognizing that Nepal has also signed the Global Compact for Safe, Orderly and Regular Migration, becoming one of a body of nations committed to improving the governance of migration and working within a comprehensive framework of international cooperation on migrants and human mobility. The Global Compact provides a holistic “roadmap” for the achievement of Target 10.7 of the Sustainable Development Goals on well-managed, safe, orderly and regular migration.

Despite these positive commitments by Nepal, it is the obligations which are recognized by countries of destination which are of the most practical importance to Nepali workers. While there are labour laws and standards in place in countries of destination, their implementation and respect is needed. Further, undocumented workers are usually highly vulnerable, with few safeguards or the ability to enforce their rights.

C.2. National Legal Policy and Institutional Frameworks

C.2.1. Overarching Laws and Policies

The Constitution of Nepal is the fundamental law of Nepal and entered into force on 20 September 2015. It recognizes the multi-ethnic, multilingual and multicultural characteristics of Nepal and includes several provisions relevant to migration. These include provisions on citizenship, the right of citizens to freely move and reside in any part of Nepal, the right not to be trafficked or held in slavery or forced labour, the rights to language and culture, the right to employment and fair conditions of work, prohibition of discrimination against women and minorities, prohibition of illegal transport of a child, priority services for displaced and conflict victims. The Constitution also outlines key policy areas including the goal of utilizing the skill of Nepali diaspora in national development, to enhance productivity of agricultural land, to prepare for natural disasters and to address food insecurity. It has a focus on labour and seeks to enhance employment within Nepal, make foreign employment free from exploitation and

²⁵⁶ ILO Information System on International Labour Standards.

to guarantee the rights of migrant workers, as well as to seek to mobilize the capital and skills of returning migrant workers.

The National Planning Commission's **Fifteenth Development Plan Approach Paper** seeks to accelerate economic growth and emphasizes the importance of migration management.²⁵⁷ It seeks to ensure that Nepalis have the opportunity to benefit from economic opportunities without needing to migrate, as well as to ensure that immigration is well regulated. It proposes a strategy to ensure that demographic and migration information is properly collected and maintained and made available and accessible through the use of technology, to inform research and policymaking.

The **Local Government Operation Act 2017** has provisions on collecting and managing data, statistics and records which are available locally. It includes provisions on recording vital statistics such as births, deaths, marriages, divorces and migration as well as on issues related to the domestic and foreign labour force. Local governments are responsible for the management and operation of employment information centres which can provide financial literacy and skill training for the labour force going abroad. They are also involved in social reunification for returnee migrant workers and the Act includes provisions on the use of knowledge, skills and entrepreneurship gained during foreign employment.²⁵⁸

The **National Population Policy 2014** considers the drivers of population change. It recognizes that the migration of productive human resources abroad has negatively affected agricultural productivity and other sectors and has changed the demography of rural areas by leaving only women, children and senior citizens behind. This policy also highlights that voluntary as well as forced migration have affected the management of urban areas. One of the key objectives of this policy is to manage internal and external migration and it considers the following strategies to achieve this objective:

- Maximizing engagement of human resources in the productive sector inside the country, and establishing least one industrial area in every constituency, municipality or district headquarters;
- Safeguarding Nepalese migrant workers through diplomacy with major countries of destination;

²⁵⁷ Summarized from the Nepali version of the approach paper, available at www.npc.gov.np/images/category/15th_Plan_Approach_Paper2.pdf.

²⁵⁸ Government of Nepal, *Local Government Operation Act 2017*. Ministry of Law, Justice and Federal Affairs, Singh Darbar Kathmandu (2017).

- Developing sets of information on destination countries' context, language, culture and law;
- Providing feedback to relevant institutions on developing MOUs with destination countries;
- Managing internal migration and keeping native communities' economic, social, cultural aspects intact;
- Developing of compact settlements with adequate facilities;
- Documenting of internal and external migration; and
- Utilization of returnees' skills and capital in the country's development.

C.2.2. Immigration Laws, Policies and Institutions

The Immigration laws of Nepal govern the entry, exit and stay of immigrants as well as for Nepali citizens to and from Nepal.

The main regulating framework for managing immigration is the **Immigration Act 1992** and the **Immigration Rules 1994**. The Act provides the basic provisions on entry, stay and exit and provides the authority of the Government to regulate these matters. The Regulations define the different classes of visa, which are:

- Diplomatic visa for foreign diplomats, which is issued on the basis of reciprocity for the term of assignment in Nepal (issued by the MOFA);
- Official visa for staff in diplomatic missions and their family members and consultants of the Government, staff of UN and other international organizations and participants in Government of UN conferences (issued by MOFA);
- Tourist visa for foreign tourists and trekking permit;
- Study visa for foreigners and their family member who either work, study or conduct research for an educational institution in Nepal;
- Non-tourist visas, for a range of professionals;
- Business visa for foreigners who have obtained a licence to invest in, or trade from Nepal;
- Transit visa;
- Non-residential Nepalese visa for a NRN who intends to reside or conduct business in Nepal;
- Residential visa for foreigners allowed to live in Nepal.

The Immigration Procedures 2008 outline the various functions of the Department of Immigration, the Director General and of Immigration Offices. It provides the overall vision and values in regard to immigration as well as outlines a number of procedural matters.

The Act, Regulations and Procedures have been consolidated into the **Immigration Manual 2008**.

The Department of Immigration is the principal authority for executing and implementing the immigration laws of Nepal. Under the Ministry of Home Affairs, it is tasked with monitoring, controlling and regulating entry, exit and stay of immigrants in Nepal. The Department of Immigration also oversees the arrival and departure of Nepali citizens to and from Nepal. The Department's website provides arrival and departure data by month but is not always regularly updated. The Department of Immigration is not responsible for labour and employment related policies which are the responsibility of the Ministry of Labour, Employment and Social Security.

The Department of Passports under the Ministry of Foreign Affairs is the responsible authority for the issuance of passports to Nepali citizens, in accordance with the Passport Act 1967, Passport Rules 2010 and Passport Directives 2010.

C.2.3. Foreign Employment Laws, Policies and Institutions

Although labour migration has been a significant trend in Nepal for generations, it was in 1985 that the first **Foreign Employment Act** was passed and the **Foreign Employment Rules** were only enacted nearly 15 years later in 1999. At the time, the Act was mainly focused on regulating foreign employment with the Preamble stating that it was aimed “to control and manage foreign employment”. The Act was amended in 1992 and 1998, then was replaced in 2007 with a more comprehensive framework which considers the welfare of migrants, facilitates the labour process and seeks to make the migration experience safer.²⁵⁹

The Foreign Employment Act 2007 seeks to regulate the process of foreign employment and protect the rights of migrant workers. It enables the Government to enter into agreements with other countries. It provides authority to regulate minimum wages, costs of recruitment and includes requirements for training, insurance, the establishment of the foreign employment board and other provisions to ensure maximum protection for the individual. It regulates the behaviour of recruitment agencies, prescribing penalties for fraud and misrepresentation. The Act does not cover undocumented migrants.

²⁵⁹ https://ceslam.org/docs/publicationManagement/Labour_Migration_Nepal_Policies.pdf.

Its Preamble states its objective as:

to amend and consolidate laws relating to foreign employment in order to make foreign employment business safe, managed and decent and protect the rights and interests of the workers who go for foreign employment and the foreign employment entrepreneurs, while promoting that business.

Some defining provisions of the law are as follows:

- The power to send workers abroad under bilateral agreements or treaties;
- Obligations are placed on the Government in case of problems facing a worker, not only on the recruitment agency;
- Special provisions for women, Dalit, indigenous, oppressed and remote groups;
- Prohibition on gender discrimination;
- Power to determine minimum wage and maximum recruitment fees and costs;
- Compulsory orientation training prior to departure;
- A licensed agency to procure insurance for the worker;
- The establishment of a labour desk at the international airport and labour attachés at overseas missions;
- The establishment of a Welfare Fund, Foreign Employment Tribunal and Foreign Employment Promotion Board (now called the Foreign Employment Board).²⁶⁰

The most recent amendment to the Act were passed in March 2019 in an effort to further regulate the conduct of recruitment agencies by increasing amounts required by agencies as a security deposit, lodged with the Government, and by eliminating the use of unlicensed agents of recruitment agencies. The amendments also provide that the licenses of recruitment agency can be cancelled where the agency has used fraudulent documents. The impact of these amendments is yet to be determined.

The Foreign Employment Rules 2008 provide more detail for the implementation of the Act. They cover licensing and requirements of recruitment agencies, the process of recruitment, the establishment of the FEPB, the Foreign Employment Welfare Fund and the Foreign Employment Tribunal. The Rules were amended in 2011.

²⁶⁰ Sijapathi, BBhattarai, A. and Pathak D., *Analysis of Labour Market and Migration Trends in Nepal*, ILO, GIZ Nepal (2015).

The Foreign Employment Policy of 2012 was the first policy of the Government to address the socioeconomic dimensions of foreign employment. Its overarching goal is to “ensure safe, organized, respectable and reliable foreign employment to contribute to poverty reduction along with sustainable economic benefits of foreign employment” and incorporates seven major policy pillars as follows:

- To identify and promote employment opportunities in the international market;
- To develop skilled human resources to ensure competitiveness, thereby maximizing benefits from foreign employment;
- To ensure that each step of the foreign employment process is simple, transparent, reliable, organized and safe;
- To address issues faced by women migrant and ensure their rights;
- To ensure good governance of foreign employment management;
- To mobilize local, national and international resources for foreign employment management particularly through promote intersectoral partnerships;
- To ensure the most effective use of remittances in relation to human development and the productive sector.²⁶¹

Under the policy, provision has been made for a high-level foreign employment coordination committee, with the Minister of Labour as the coordinator, with representatives from various Ministries, the National Planning Commission, Nepal Rastra Bank, foreign employment entrepreneurial associations and migration experts.

A National Employment Policy 2016 has been formulated with the following objectives:

- To provide productive and result-oriented employment opportunities to all citizens through coordinating other sectoral policies in line with this policy;
- To increase the quality of employment by transforming informal employment to formal employment system;
- To create appropriate opportunities for developing the knowledge and skill of the labour force to match the needs of the labour market;
- To manage foreign and domestic workers appropriately;
- To give priorities to create youth-oriented employment opportunities;
- To strengthen the labour market by developing a research-based information system;

²⁶¹ Ministry of Labour, Foreign Employment Policy 2012. Available at www.nafea.org.np/files/download/ForeignEmploymentPolicy2012eng.pdf.

- To promote employment-friendly investment by developing mutual industrial labour relations.

A National Strategic Action Plan 2015–2020 seeks to translate the seven policy pillars of the Foreign Employment Policy into action. It looks at ensuring the socioeconomic reintegration of returned workers, formulating remittance policy and continuing efforts to reduce the social costs of foreign employment. The Action Plan proposes the establishment of a Labour Bank which would provide loans to prospective migrants, facilitate access to capital for returnees, establish channels for remittances and investment and extend loans to returnees starting their own businesses. The creation of this Bank is underway and there is a target to have it operational within the Action Plan timeframe, that is, by 2020.²⁶²

A National Youth Policy 2015 is aimed at addressing issues of youth between 16 to 40 years of age. As per the policy, youth who are currently working abroad as foreign labour migrants in unsafe conditions are considered to be vulnerable. The policy mentions that the lack of adequate employment and educational opportunities have been the main factor of permanent youth migration abroad. It also highlights that the skills and resources of youth who have gained skills, expertise, and resources abroad should be better utilised and could have a significant effect on the economy. This policy further recognizes foreign employment as an area of huge potential for the youth of Nepal. One core policy agenda highlighted by the policy is to stop “brain drain” through the creation of in-country career development opportunities. The policy envisions providing various educational programmes to develop the human resource needed in the national labour market.

In relation to employment of youth, the policy contains a provision which emphasizes the creation of in-country employment opportunities through developing infrastructure in agriculture, agro-industries, tourism and energy. It also encourages youth to set up cooperatives in rural areas to create employment opportunities. The policy also has a number of provisions related to foreign labour migration including the following:

- Self-employment and entrepreneurship programmes will be introduced for youth returning from foreign employment;
- Dignified employment and safety will be ensured for women seeking foreign employment;

²⁶² MoLE (2018). *Labour Migration for Employment: A Status Report for Nepal 2014/15–2016/17*. Ministry of Labour and Employment, Kathmandu. Available at www.dofe.gov.np/report.aspx.

- A mandatory formal and technical training programme will be introduced gradually for aspiring migrants;
- Programmes will be introduced for providing compensation for those youth who are killed or disabled in the course of foreign employment. Efforts will also be made to rescue and rehabilitate youth who are exposed to exploitation and discrimination in destination countries;
- Efforts will be made to provide legal aid through Nepali embassies to those youth who are being exploited, are in custody, have been dismissed from their job or deprived of getting salaries or other benefits in destination countries;
- Provisions will be made to invest a certain percentage of migrant workers' income in the Nepali productive sector through the migrant worker security and investment fund;
- An amount collected by the Foreign Employment Board will be invested in setting up new industries run by returnee migrants;
- A conducive environment will be created for the utilization of skills, capacities, and capital of non-resident Nepali youth.

The policy also contains a number provisions designed to curb or prevent the trafficking of Nepali youth.

The Youth Vision 2025 outlines a vision for Nepali youth to be strong, competent, competitive and self-reliant, and seeks to build a modern, just and affluent Nepal through their meaningful participation and promotion of their leadership capacity. The long term goal of the Vision is to prepare competent human resources for turning the nation from a least developed one into a fast developing one by achieving national affluence, equality and social justice within the next 10 years through participation, collaboration and leadership development and by making an investment in the youth development sector including life-friendly education, employment, health and social security. The vision focuses on the creation of internal employment opportunities by utilizing the skills, experience and capital received from the youths involved in foreign employment and the non-resident Nepali youths.²⁶³

The Educational Consultancy Service and Language Education Guidelines 2011 are specifically related to the facilitation of student migration and targets students who aspire to go abroad through the support of educational consultancies as well as language institutions. In other words, this policy aims to regulate institutions involved in the preparatory phase of potential educational migration.

²⁶³ MoYS Youth Vision-2025 and Ten-Year Strategic Plan. Ministry of Youth and Sports, Kathmandu (2015). Available at http://moys.gov.np/sites/default/files/nittheru/Youth%20Vision-2025_2.pdf.

A series of directives and manuals have been issued by the Government to further regulate areas of foreign labour migration. The **Directive on Sending Domestic Workers for Foreign Employment 2015** is one of the key directives given the number of women migrating for domestic work. Others include:

- The Standard on the Enlisting Process of the Health Examination Institution for Workers Going for Foreign Employment 2013;
- The Directive on the Procedure on Individual Labor Permission 2013;
- The Manual on Registration and Renewal of Orientation Training Institutions 2014;
- The Manual on Extending Objective Assistance to Skill Trained Human Resources 2014.

The Directive on Grant Schemes for Encouraging Foreign Educated and Trained Youth in Agriculture, 2015 is a directive that aims at encouraging youth to enter the agricultural sector and especially targets those who are trained and educated in agriculture education outside of Nepal. It specifically targets youth who have returned from foreign employment (agricultural sector) and encourages them to apply their capital, knowledge and skills to the development of the domestic agricultural sector. The scheme is designed as a competitive grant system. The scheme has a specific target audience and 85 per cent of proposed capital or maximum of NPR 100,000 will be provided as a grant. Youth between 18 to 50 years of age are eligible for the scheme.

A series of bilateral agreements/memorandum of understandings have been signed between the Government of Nepal and key destination countries in an effort to provide better protections for Nepalis abroad. Table 19 shows the list of agreements signed by the Government and its type.

Table 19: List of agreements signed between the Government of Nepal and destination countries

Country	Year of agreement	Designation of agreement
Qatar	2005	General Agreement
United Arab Emirates	2007, 2019	Memorandum of Understanding
Republic of Korea	2007	Memorandum of Understanding
Bahrain	2008	Memorandum of Understanding
Japan	2009	Directive
	2019	Memorandum of Cooperation
Israel	2015	Joint Pilot Program
Jordan	2017	General Agreement
Malaysia	2018	Memorandum of Understanding
Mauritius	2019	Memorandum of Understanding

Source: MoLESS, 2019.

In general terms, the agreements cover issues such as recruitment processes and costs, labour contracts, remittance procedures, accommodation and facilities. The significance of these agreements are multi-fold. They serve to:

- Formalize the labour migration processes between Nepal and the other country;
- Ensure that a nominated government agency is responsible for the protection and welfare of the migrant workers;
- Ensure that processes are safe, legal and fair;
- Facilitate knowledge sharing and discussion on labour migration issues between the countries;
- Provide a mechanism for overseeing labour migration, meaning that migrant workers should be better protected;
- Ensure that recourse is available when problems arise.²⁶⁴

It is a positive development that these frameworks exist. However, they are only effective if sufficient resources and capacity are dedicated to ensure their implementation. There has been some criticism that implementation has been slow or lacking²⁶⁵ or that insufficient resources are being allocated to relevant agencies meaning that, for example, the capacity of Nepali missions abroad to assist migrant workers is limited.²⁶⁶

Institutionally, the **Ministry of Labour, Employment and Social Security (MoLESS)** is the apex body for regulating, monitoring and managing labour migration. The *Foreign Employment Act 2007* established the **Department of Foreign Employment** as the key institution managing issues related to foreign employment. The Act also established the following institutional mechanisms:

- **The Foreign Employment Board' Secretariat.** This Board is chaired by the Minister of Labour, Employment and Social Security and consists of 23 members who are representatives of different Ministries, Nepal Rastra Bank, civil society and the private sector. It focuses on promotional activities for foreign employment and ensuring social protection and welfare of workers, including managing the Foreign Employment Welfare Fund and conducting pre-departure orientation and skills training. It is tasked with formulating programmes to utilise the skills, capital and experience of returnee migrants;

²⁶⁴ Sijapati, B. A. Bhattarai and D. Pathak, *Analysis of Labour Market and Migration Trends in Nepal*, ILO, GiZ Nepal (2015).

²⁶⁵ Ibid.

²⁶⁶ Ibid.

- **The Foreign Employment Tribunal** is a semi-judicial body chaired by a Judge of Nepal's Appellate Court, and officer of the Labour Court and an officer of the judicial services. Its jurisdiction covers cases regarding licenses for recruitment agencies and ensuring the recruitment agencies operate lawfully;
- **Labour Attachés** are appointed in destination countries where at least 5,000 Nepali migrant workers are based and a female labour attaché in destination countries where at least 1,000 women migrant workers are based. The Labour Attachés function to assist in disputes with employers, assist or rescue any Nepali workers in distress and provide information on the job market and conditions in the destination country.

The **Vocational and Skill Development Training Centre** operates under the Ministry and provides training programmes for Nepalis seeking foreign employment. It has a number of training centres located in cities throughout Nepal.

The **Foreign Employment Office of Tahachal** was created in 2013 to be able to provide all foreign employment related services in one place.

The **Migrant Resource Centre** was established to provide accurate and reliable information to migrant workers on foreign employment.

A **directive to allow overseas voting** is being discussed (as of November 2019). This is the result of a Supreme Court case which recognised that about 25 per cent Nepalese are out of the country for different purposes at any time and that all Nepalis should have the right to contribute to democratic nation building.

C.2.4. Counter Trafficking Laws, Policies and Institutions

Foreign employment can turn in to trafficking if there is an element of fraud, exploitation or abuse in the recruitment process. To this extent, the foreign employment legal and policy framework as described above is also applicable to the issue of trafficking. There is also a specific section on Human Trafficking in the **General Code of Nepal**. In Chapter 11, Part 4, Numbers 1 to 3 creates the offence of trafficking which provides that:

- No person shall lure and take another person outside the territory of Nepal with the intention to sell him or her nor sell another person outside the territory of Nepal;

- No person shall separate or lure to separate a minor below the age of Sixteen years or even a major who is mentally unsound, from his or her guardianship without the consent of his or her legal guardian;
- No person shall make any other person a Kamara, Kamari (sub-servant), slave or bonded labour.

Further, the Government of Nepal has enacted a specific law on combating human trafficking, **the Human Trafficking and Transportation (Control) Act 2007** and its **Rules 2008**. It establishes the offence of Trafficking in its Section 4 to mean:

- To sell or purchase a person for any purpose;
- To use someone into prostitution, with or without any benefit;
- To extract human organ except otherwise determined by law;
- To go for in prostitution.

In clause 2 of that Section, it explains that the following acts fall under the offence of transportation:

- To take a person out of the country for the purpose of buying and selling;
- To take anyone from his/her home, place of residence or from a person by any means such as enticement, inducement, misinformation, forgery, tricks, coercion, abduction, hostage, allurement, influence, threat, abuse of power and by means of inducement, fear, threat or coercion to the guardian or custodian and keep him/her into ones custody or take to any place within Nepal or abroad or handover him/her to somebody else for the purpose of prostitution and exploitation.

The law extends the definition of trafficking, beyond the understanding that trafficking is related only to sexual exploitation and seeks to ensure a more victim-centric approach to prosecutions.

The Act establishes a **National Committee to Combat Human Trafficking** chaired by the Secretary of the Ministry of Women, Children and Social Welfare. It includes representatives from the Ministry of Home Affairs, the Ministry of Labour and Transport, the Ministry of Foreign Affairs, the Office of the Attorney General, the Nepal Police, civil society and survivors of human trafficking. It has carried out research and studies, developed guidelines and formed subcommittees on prevention, prosecution and protection.

Further, 77 **District Committees on Controlling Human Trafficking** have been created. They have been established to conduct rescue and protection work as well as awareness raising campaigns. Each Committee is chaired by the

Chief District Officer. The Committees are responsible for district level counter trafficking policies and programmes and are expected to also collect information on numbers, rescues and services.

There are also 312 **Local Committees on Combating Human Trafficking** established to bring counter-trafficking initiatives to the local level and to ensure their sustainability by mobilizing local bodies and resources.

Institutionally, responsibility for trafficking issues sits with the **Ministry of Women, Children, and Social Welfare**. The Ministry is responsible for formulation, implementation, coordination, collaboration, monitoring of trafficking policies and programmes in Nepal. It established the **Human Trafficking and Transportation Section** under the **Gender Mainstreaming and Child Development Division** to focus on issues of human trafficking and transportation. The Section establishes coordination, cooperation and collaboration with the different Ministry, Departments and Committees and with civil society and international organizations.

The **National Human Rights Commission (NHRC)** addresses issues of migration and trafficking from the human rights perspectives. It established a dedicated section, **the Office of the Special Rapporteur on Combating Trafficking in Persons** in 2005 to monitor the incidence of trafficking and coordinate efforts at all levels to combat trafficking. It publishes regular reports on the trafficking and migration situation in Nepal which contain findings and recommendations. In its 2018 report,²⁶⁷ it noted that the compliance by Government Ministries to its recommendations from the previous report was uniformly low.

C.2.5. Migration and Health Laws, Policies and Institutions

The Constitution of Nepal has guaranteed the right to access basic care, free of charge. **The National Health Policy 2014 and 2019** and the **National Health Sector Strategy 2015–2020** are the key documents guiding Nepal's health sector. The National Health Policy 2014 was a complete revision of the national health policy 1991. This policy aimed to promote, preserve, improve and rehabilitate the health of the people by appropriately addressing existing and newly emerging challenges and by efficiently mobilizing all necessary resources. The main vision of the policy was to ensure the fundamental rights of citizens to remain healthy through a strategic collaboration among service providers, beneficiaries and stakeholders and the optimum utilization of available resources. Similarly, the

²⁶⁷ www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_National_Report_TIP_in_Nepal_September_2018.pdf.

goal of the policy was to ensure health for all citizens as a fundamental human right by increasing access to quality health services through a provision of a just and accountable health system.

The policy sought to prevent brain drain of human resource through career development and various kinds of financial and non-financial incentives as well as to maintain good governance in the health sector through necessary policies, structures and management. A recently approved **National Health Policy 2019** addresses the health vulnerabilities of migrant workers as well as seeking to protect the health of host communities from public health threats related to migration.

The **National Health Sector Strategy** focuses on health system improvements, public financial management, infrastructure development, procurement of supplies and health governance. It recognises the effect of migration on population and demography and notes that the vulnerability of migrants to certain health risks, which pose additional challenges for the Government to address.

Similarly, the **National HIV Strategic Plan 2016–2021** aims to end AIDS as a public threat by 2030, in line with the target in the Sustainable Development Goals, by using a fast-track approach over five years followed by sustainable action until 2030. Its main focus is key populations including sex workers and their clients, men who have sex with men, drug users, and it explicitly includes “mobile, migrant and displaced populations” as a focus of the Plan for elimination of vertical transmission of HIV. Policy coordination is the responsibility of the **National AIDS Council** under the Chairmanship of the Nepali Prime Minister. The **National HIV/AIDS and STI Control Board** has been established to work as the Secretariat of the Council and for formulation of policies, strategies and plans. The **National Centre for AIDS and STD Control** was established for the implementation, coordination and monitoring of the National Strategic Plan. It is able to establish technical and thematic working groups as needed.

The **National Health Insurance Act 2017** establishes a mandatory insurance scheme for all citizens, however the Government covers the costs of premiums for the poor, disabled, orphans and elderly. The Act introduces a “payer-provider” costs split and ensures that “basic” health services will be provided free of charge to all citizens.

Institutionally, the **Ministry of Health and Population** is responsible for overall policy formulation, planning, organization and coordination of the health sector. With the new Federal structure in Nepal, the Ministry will focus

on policymaking, regulations, standards development and monitoring. It will be the responsibility of local governments to deliver “basic” health services. There is a network of Government tertiary, speciality and academic hospitals across the country, mostly located in urban areas.

Furthermore, the **National Strategic Plan for Tuberculosis Prevention, Care and Control 2016–2021** is the guiding document of National TB Centre for the management and implementation of the TB programme in the country for the next five years. Although migrants are not adequately included in the plan and the programme, migrants are considered as one of the vulnerable populations for tuberculosis.²⁶⁸

The **Nepal Malaria Strategic Plan 2014–2025** aims at achieving zero deaths due to malaria by 2016 and beyond. The strategy has a specific focus on the migrant/mobile population and on advocacy-related activities for cross-border migration. It seeks to establish a surveillance mechanism for the prevention, coordination and tracking of malaria in migrant workers.

The MoHP is formulating a **National Migration Health Strategy** to ensure the provisions in the **Constitution of Nepal** on health rights for migrant population are met. The implementation of the Policy will benefit migrants and their families.

Following the 2015 earthquake, the **National Reconstruction Authority** was tasked with the reconstruction of health facilities. Completion of this task has been estimated by the Authority to occur by 2020.²⁶⁹

C.2.6. Migration and Environment/Disaster Related Laws, Policies and Institutions

The Constitution of Nepal, in its clause 51, provides that the State must make policies relating to the “protection, promotion and use of natural resources”, which includes policies for “advance warning, preparedness, rescue, relieve and rehabilitation in order to mitigate risks from natural disasters” and specifies in Schedule 9 that the Federal, State and Local levels have concurrent powers for forests, wildlife, birds, water uses, environment, ecology and biodiversity as well as for disaster management.

Nepal adopted the **Disaster Risk Reduction and Management Act** in 2017.

²⁶⁸ National Strategic Plan for TB in Nepal. Accessed the document from <https://nepalntp.gov.np/wp-content/uploads/2018/01/NSP-report-english-revised.pdf>.

²⁶⁹ As quoted in Nepal-WHO Country Cooperation Strategy (CGS) 2018–2022.

The Act replaced the former **National Calamity Relief Act 1982** and seeks to cover all types of disasters in a comprehensive way from preparedness through to response, relief and rehabilitation.²⁷⁰ Recognizing Nepal's new Federal structure, the Act decentralizes disaster management implementation to the province and district and local levels.

There are several laws which regulate conservation issues, in an attempt to reduce the incidence of disasters or their effects: the **Soil and Watershed Conservation Act 1982** which seeks to enhance soil conservation in an effort to minimize landslides, floods and soil erosion. The **Water Resource Act 1992** seeks to minimize the effects of soil erosion, flood or landslides on the natural environment. The **Environmental Protection Act 1996** calls for environmental impact assessments of major projects. The **Building Act 1998** regulates construction to ensure the buildings are disaster-ready. The **Prime Minister Relief Fund Regulation of 2007** ensures funding for rescue, assistance and medical treatment, as well as for charity relief.

The **Disaster Risk Reduction and Management Act 2017** establishes a **National Council for Disaster Management (NCDM)** under the chairmanship of the Prime Minister. Under the Council, a **National Disaster Risk Reduction and Management Authority (NDRRMA)** is the main focal point for disaster management functions. Its mandate includes formulating appropriate strategies and plans as well as supervision of disaster management and relief activities which are carried out at the province and district/local level. In effect, policymaking rests at the national level and implementation is localized.

The Ministry of Home Affairs established the **National Emergency Operation Centre** at the national level in 2010 as the coordination and communication focal point for information during a disaster across Nepal. The Centre coordinates with government line agencies and other response and recovery stakeholders, such as the Nepal Red Cross Society, United Nations agencies, and international and national non-governmental organizations. At the district and regional level, there are 49 District Emergency Operation Centres and 5 Regional Emergency Operation Centres, which collect and coordinate disaster-related information, response, immediate relief and humanitarian assistance.²⁷¹

²⁷⁰ Nepal, P, Khanal N. R. and Sharma B. P., "Policies and institutions for disaster risk management in Nepal: A review". *Geographical Journal of Nepal*. 11,1–24. (2018).

²⁷¹ IOM Migration Governance Snapshot: Federal Democratic Republic of Nepal, August 2018.

Nepal has also adopted a **National Policy and Strategic Action Plan for Disaster Risk Reduction and Management 2018–2030**. The Action Plan is in line with the targets and priorities in the Sendai Framework on Disaster Risk Reduction and seeks to build a disaster resilient Nepal by addressing the multi-dimensional aspects of disaster management. It recognizes that climate change adaptation needs to be integrated with disaster risk reduction in order to fully and effectively utilize limited resources. The **Agricultural Development Strategy 2015–2035** seeks to prioritise the establishment of an early warning system on weather and climate, research on drought and flood resistant seeds, the promotion of agricultural insurance, storage systems for food, seeds and fodder and other activities aiming to make the agricultural sector more resilient and prepared for climate change events. The **Water Induced Disaster Management Policy 2015** has been adopted in an effort to reduce loss of life and property by preventing floods and landslides through a range of measures. The **Climate Change Policy 2011**, **National Adaptation Programme of Action to Climate Change 2010** and **National Framework on Local Adaptation Plans for Action 2011** seek to address the impacts of climate change and to integrate climate change adaption into local development planning.

The measures taken under these numerous laws and policies on disaster risk reduction and climate change will indirectly affect population movements and their impacts on post-disaster or due to environmental issues. However, there is no explicit mention in most of the documents of the issues of migration, displacement or relocation, which is a significant gap.

The **National Adaptation Programme of Action to Climate Change** does recognize climate induced rural-urban migration and the risks to women in situations of temporary displacements. There is no in-depth analysis of the nexus between migration and climate change. The **2015–2019 Five Year National Strategic Work Plan for Safer Foreign Employment** did however seek to ensure that there is further research and consultation into this issue.

In relation to migration, environment and climate change (MECC), a 2016 IOM report²⁷² noted that:

Labour migration in relation to climate change and environmental degradation has not been given a high priority. Considering the well-established fact that Nepal is highly vulnerable to climate change impacts, specific mention of the MECC nexus and ways to address these concerns holistically needs to be included by developing implementable strategies in promoting community-based adaptation through integrated management of agriculture, water, forest and biodiversity sectors.

²⁷² International Organization for Migration, Assessing the Climate Change, Environmental Degradation and Migration Nexus in South Asia. IOM Dhaka (2016).

Similarly, the Nepal **Land Use Policy 2015** highlights internal migration as a challenge to manage land in an adequate manner. However, it doesn't specify how internal migration will be regulated or managed for the effective land use. The **National Land Policy 2018** commits to address problems of 'unmanaged settlement' resulting from uncontrolled migration. It seeks to do this by collecting information regarding settlement and properly recording it.

Guidelines for the Resettlement of Disaster-Affected 2014 prepared by the Ministry of Urban Development, mainly came into practice with a view to ensuring safe and adequate resettlement of people affected by various disasters such as floods, landslides and earthquakes. This guideline allows disaster-affected people to request resettlement into a new place rather than their usual place of residence if they can provide that they do not have any houses or land in other parts of the country.

C.3. Key Partners

C.3.1. Key International Organizations

There are several United Nations (UN) agencies present in Nepal. The United Nations Development Assistance Framework (UNDAF) 2018–2022 is the key document which sets out the UN partnership aiming to support Nepal.

The four UNDAF outcomes are thematic areas linked to the Government's Fourteenth Plan and the SDGs and are as follows:

- Sustainable and inclusive economic growth;
- Social development;
- Resilience, disaster risk reduction and climate change;
- Governance, rule of law and human rights.

Migration is a cross-cutting theme, interlinked with each of the above. Remittances for example are an important part of economic growth, but migration also affects many aspects of social development. While the work of all UN agencies in Nepal therefore directly or indirectly is affected by, or impacts on, the broad theme of migration, there are some UN agencies that give it a specific focus. The following is a non-exhaustive list of agencies engaged in work that is directly relevant to migration.

- **The International Organization for Migration (IOM)** is the lead agency on migration and has been present in Nepal since 2007. It has contributed to

the Government's efforts to manage migration more effectively through a wide range of operations as well as through research. It plays a key role in all aspects of migration in Nepal, including refugee resettlement, migration and health, labour migration, assistance to vulnerable migrants including survivors of trafficking, emergency response through its lead of the Camp Coordination and Camp Management Cluster, disaster risk resilience and more broadly on the issue of mainstreaming migration into development policy planning. IOM also acts as Secretariat for the Colombo Process.

- **The International Labour Organization** has been present in Nepal since 1994.²⁷³ It leads projects, workshops and meetings and research on all aspects of labour migration including working conditions, labour standards, non-discrimination, social protection in the informal economy, employment and empowerment of youth and others. Its Decent Work Country Programme for Nepal 2018–2022 focuses on migrants' rights and improving labour market governance and promoting fundamental rights at work. It has provided technical assistance to the Government in relation to labour legislation.
- **The United Nations Development Programme** has had a country office in Nepal since 1963 and works on a wide range of capacity-building and development initiatives. It supports the Government's efforts in all its work toward achieving the Sustainable Development Goals. It works on disaster risk reduction and resilience, engaging youth through entrepreneurship, working toward gender equality, integrating climate change into agricultural planning.
- **UN-Women** has been working in Nepal since 2012. In relation to migration, it focuses on enhancing implementation of foreign employment laws to ensure protection of the rights of women migrant workers and empowering women migrant workers organizations. It also seeks to prevent trafficking of women and girls through strengthening cooperation with NGOs to implement programmes addressing trafficking and unsafe migration. It also produces publications, for example the 2019 report on challenges women migrant workers face in the Nepali labour market upon return.²⁷⁴
- **The Office for the Coordination of Humanitarian Affairs, Humanitarian Support Unit (OCHA HSU)** has been present in Nepal since 2005 within the Office of the UN Resident Coordinator, and established its own country office in 2015 following the earthquake. Nepal is a priority country for emergency response preparedness within the Asia-Pacific region. OCHA

²⁷³ ILO Country Office in Nepal (n.d.). *The ILO in Nepal*. Kathmandu. Available at www.ilo.org/wcmsp5/groups/public/-/-asia/-/-ro-bangkok/-/-ilo-kathmandu/documents/publication/wcms_360563.pdf.

²⁷⁴ UN-Women, "Returning home: challenges and opportunities for women migrant workers in the Nepali labour market". *Report on Returnee Women Migrant Workers*, (2018).

coordinates emergency relief efforts and is a key actor in responding to displacement caused by calamities. It has been working in Nepal to strengthen resilience to disasters.

- **The Food and Agriculture Organization (FAO)** has worked on the nexus of agriculture, climate change and migration. Examples of FAO's work in Nepal include enhancing decent rural employment opportunities especially for women and youth, promoting off-farm activities and fostering rural-urban linkages. It notes that insufficient production of food grains has forced many people to go abroad in search of a livelihood and that introducing stress-tolerant crop varieties, it has seen yields of rice, wheat and maize increase by 54 per cent, 19 per cent and 91 per cent respectively.²⁷⁵
- **The United Nations High Commissioner for Refugees (UNHCR)** first opened its office in Nepal in the early 1960s and carried out its operations until 1973. It returned in 1989 following a request from the Government. There are four main groups of people of concern to UNHCR in Nepal: a) refugees from Bhutan, b) Tibetan new arrivals, c) urban refugees and asylum-seekers, and d) people without access to citizenship certificates.

C.3.2. Civil Society

There are a number of civil society organizations, both local and international, working on the issues of migrants' rights and on trafficking in Nepal and the region. Their role in providing support or services to individual migrants or victims of trafficking, providing a voice for migrants and undertaking investigations, advocacy, studies and research is invaluable, not only in Nepal but also in countries of transit and destination. Broadly, civil society in Nepal works in the following areas in relation to migration: labour migration and protection of migrant workers, counter trafficking and assistance to survivors, diaspora groups, relief and rehabilitation in times of displacement.

Civil society engages with the Government in various ways. They have a role to lobby the Government on migration matters. For example, they played a significant and ultimately successful role lobbying for the new *Foreign Employment Act 2007* to replace the 1985 one. They also organize events with the Government or attend government-led events and discussions.

²⁷⁵ FAO, Migration, agriculture and climate change: reducing vulnerabilities and enhancing resilience, (2017). Available at www.fao.org/3/I8297EN/i8297en.pdf.

Civil society in Nepal often have or make links with related organizations throughout the region. For example, the South Asia Civil Society Consultation on Labour Migration was held in Kathmandu in 2018. It focused on issues of fair and ethical recruitment, consular support to migrants in crisis, access to justice and support services and decent work. The Consultation was organized on the back of the Colombo Process Senior Officials Meeting and the Sixth Ministerial Conference held in Kathmandu in November 2018 and brought together over 60 representatives of civil society from trade unions, returnee migrants, migrant advocates and media from Bangladesh, India, Kuwait, Nepal, Pakistan and Sri Lanka.

C.3.3. Private Sector

Given the fact that Nepal's main migration flow is for employment, the private sector is a significant stakeholder, not only to help achieve migration objectives, but as an important voice in shaping migration policy. The World Economic Forum has indicated:

Issues of workforce mobility, skills and labour market needs matching, fair recruitment and decent work conditions, social welfare and public perception are matters of public and business policy for which governments and the private sector have a shared responsibility.²⁷⁶

There are several projects in Nepal seeking to maximize the benefits of engagement with the private sector.

For example, MOLESS, in conjunction with IOM, has implemented a project which aims to contribute to the Government's initiatives to generate employment opportunities for returnee migrants and remittance receiving households through the engagement of the private sector in Nepal. It aimed to conduct entrepreneurship and financial management trainings along with agro/livestock skill trainings. The participants were further linked with financial institutions and cooperatives operating in the project sites to help them establish their own agro/livestock business.

The private sector is also a key stakeholder in preventing unethical recruitment practices, combating trafficking and exploitation and ensuring decent working conditions for migrants. Another project implemented by IOM, the "Enhancing industry capacity to implement ethical recruitment models in

²⁷⁶ World Economic Forum, The Business Case for Migration, Geneva: The World Economic Forum, (2012).

Viet Nam and Nepal to protect migrant workers in South Korean Businesses' Supply Chains" project aims to contribute to the protection of the human rights and labour rights of migrant workers by supporting private sector actors in Viet Nam, Nepal and the Republic of Korea to implement fair recruitment principles.

Various regional and international fora in which Nepal plays an active part are also seeking to foster engagement with the private sector. For example, the GFMD has established a Business Advisory Group with a Secretariat, recognizing the importance of the private sector to issues of labour migration, jobs and economic growth. The Bali Process has established the a Government and Business Forum focusing on efforts to eradicate forced labour, modern slavery, human trafficking and child labour, in order to work toward SDG target 8.7. This joint Government/private sector forum is the first of its kind in the Asia-Pacific, formed in recognition that collaboration with the private sector was needed to address and combat such crimes.

The Federation of Nepalese Chambers of Commerce and Industry (FNCCI) is the umbrella organization and the representative body of business organizations in Nepal. It represents the interests of the private sector and is involved in promotion of socioeconomic development of Nepal through private sector led economic growth. As a member organization of International Chamber of Commerce, it aims at protecting labour rights and promoting safe and secure working environments for all workers, including migrant workers. FNCCI can also play a leveraging role to providing migrants with professional training and facilitating their employment in the private sector.

The Nepal Association of Foreign Employment Agencies (NAFEA) is the umbrella organization of recruiting agencies in Nepal. The association aims at ensuring the safe migration by defending the rights of both the workers and member organizations. It is working to unite the member agencies and build their capacity for making this sector dignified and professional. The network advocates the rights of the foreign employment agencies. It has formulated the Code of Conduct to oblige the member agencies to minimize unhealthy competitions in the foreign employment sector.

Similarly, the **Federation of Nepal Foreign Employment Orientation Agency (FEONA)** works as an umbrella organization of the agencies that impart training to aspiring labour migrants, Moreover, **Confederation of Nepalese Industries (CNI)** raises issues like the persistent economic situation

imbroglio, need for reforms in financial sector, strengthening of private sector's capabilities, streamlining of private sector's initiation on development agenda and industrialization based on trade competitiveness.

C.4. Regional and Interregional Governance

The Government of Nepal is an active member in a number of inter-State consultation mechanisms (ISCMs) related to migration at both the regional and global levels. ISCMs have been defined by IOM as: "State-led, ongoing information-sharing and policy dialogues on the regional, interregional or global level for States with an interest in promoting cooperation in the field of migration".²⁷⁷

C.4.1. Abu Dhabi Dialogue

The Abu Dhabi Dialogue (ADD) brings together countries of origin and of destination for labour migrants and is therefore characterized as "interregional". It is a Ministerial Consultation of the Colombo Process countries and the GCC States, plus Yemen and two additional Asian countries of destination, namely Malaysia and Singapore. There are several other destination countries which have observer status: France, Germany, Mauritius, the Republic of Korea, Japan, Poland and the United States. The European Commission is a partner in the dialogue and IOM and ILO are observers, as are representatives of the private sector and civil society. A key feature of the labour migration which is the focus of the ADD is that it is temporary. The GCC do not grant permanent residency rights to migrants, rather their status is dependent on their employment. The focus therefore is ensuring protection and empowerment of migrant workers and maximizing the benefits of the temporary migration.

In 2017 the "Colombo Declaration" was adopted by Member States which established the broad direction of the programmes of the ADD. These are: ethical recruitment, skills certification, information and orientation programming and the role of technology in the governance of labour mobility.

C.4.2. Bali Process

Nepal is also a member of the Bali Process on People Smuggling, Trafficking of Persons and Related Transnational Crime, along with 48 other Member States. The Bali Process has developed a number of policy guides on issues such as the

²⁷⁷ IOM Glossary, 3rd edition, 2019.

identification and protection of victims of trafficking and on criminalizing migrant smuggling. The Bali Process Regional Support Office has developed a Regional Strategic Roadmap which is an interactive online portal that supports states to evaluate their policies, identify any gaps, and improve responses to human trafficking. While Nepal has been a Member of the Process and has participated in its working groups, it is unclear what influence the Bali Process has had on Nepal's approach to trafficking and whether Bali Process materials and guidance have been used in the formulation of laws. The National Human Rights 2018 Report on Trafficking does not mention the Bali Process.

C.4.3. Colombo Process

Nepal is a Member State, and currently the Chair, of the Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia, also known as the "Colombo Process". This Process provides a forum for Asian labour-sending countries to discuss issues and concerns, share experiences and best practices, design pilot projects and make recommendations on all aspects of labour migration. The Colombo Process addresses a number of thematic issues related to the process of labour migration, migrants' rights, migration and development, the gender aspects of migration and migrant health. As well as providing a forum for dialogue, the Colombo Process has engaged in a number of programmes, projects and collaborative actions with countries of destination. For example, it has produced a study mapping the different complaints mechanisms available to migrant workers. It has also conducted a pilot project on skills recognition to be coordinated between countries of destination and countries of origin. The Colombo Process also cooperates closely with the Abu Dhabi Dialogue.

C.4.4. SAARC

Nepal was a founding Member of the South Asian Association for Regional Cooperation (SAARC) at its establishment in 1985. It comprises eight Member States: Nepal, Bangladesh, Bhutan, India, Maldives, Pakistan, Sri Lanka and Afghanistan. Its primary objective is to improve the welfare and quality of life of people within the region through socioeconomic progress. Nepal hosted the 2014 SAARC Summit in Kathmandu which concluded with the adoption of the "Kathmandu Declaration" entitled "Deeper Integration for Peace and Prosperity". The Declaration includes a commitment to collaborate and cooperate on the safe, orderly and responsible management of labour migration from South Asia, and to ensure the safety, security and well-being of migrant workers in their destination countries outside the region. It additionally addressed trafficking in

women and children, poverty alleviation, social protection and support for youth employment.²⁷⁸ Separately, Nepal has also signed on to the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

C.5. Global Governance

The past few years have seen migration take its place as a major and defining issue on the international agenda and Nepal has been active at the global level on migration governance issues.

C.5.1. Sustainable Development Goals

Nepal has been committed to implementing the Sustainable Development Goals (SDGs), which have been described by the UN as “the blueprint to achieve a better and more sustainable future for all”.²⁷⁹ The interconnected goals address a series of global challenges, including poverty, inequality, climate, environmental degradation, prosperity, peace and justice. The notion of partnership is a central theme of the Agenda and Goal 17 is specifically aimed toward strengthening partnerships:

recognizing multi-stakeholder partnerships as important vehicles for mobilizing and sharing knowledge, expertise, technologies and financial resources to support the achievement of the sustainable development goals in all countries, particularly developing countries.²⁸⁰

There are a number of sections of the Agenda which are relevant to migration including those focused on health, education, gender equality, decent work, sustainable cities and climate action. The most specific reference to migration in the SDGs, and the one which enshrines the notion of migration governance, is contained in Target 10.7 which calls for Member States to facilitate by 2030 the “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.

The adoption of the aspiration “orderly, safe, regular and responsible migration” at the global level provides, for the first time, a benchmark for States against which to measure migration policies and an implicit acknowledgement that migration governance is the responsibility of all States.

²⁷⁸ “ILO welcomes ‘landmark’ SAARC migration commitments” Press release, Bangkok, 29 November 2014.

²⁷⁹ www.un.org/sustainabledevelopment/sustainable-development-goals/.

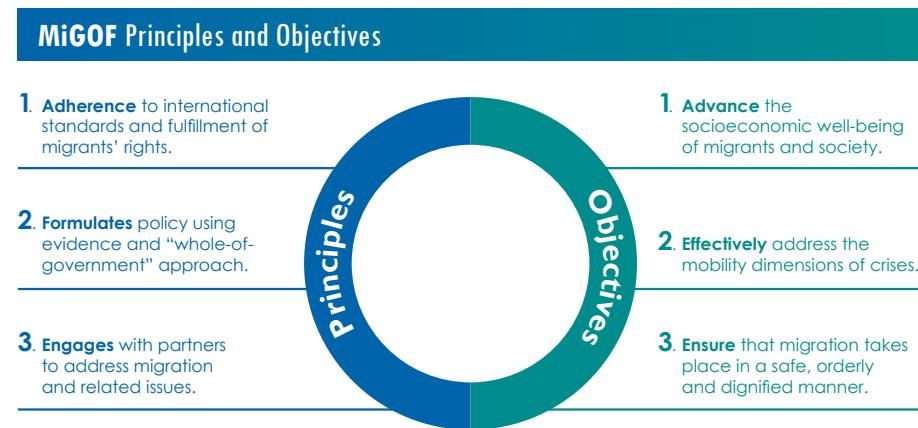
²⁸⁰ United Nations *Transforming Our World: The 2030 Agenda for Sustainable Development*. A/RES/70/1. New York, NY: United Nations (2015).

C.2.5. Migration Governance Framework and Indicators

To be able to effectively and specifically measure Target 10.7, the Member States of IOM, including Nepal, requested IOM to assist in the identification of what “good migration governance” means in practice. IOM developed a series of principles and standards to assist in this. The Migration Governance Framework (MiGOF)²⁸¹ and its related Migration Governance Indicators (MGI) have been developed by IOM, at the request of Member States, to assist in the identification of what “good migration governance” means in practice.

The Principles and Objectives of the MiGOF are shown in Figure 39.

Figure 39: MiGOF Principles and Objectives



Source: IOM Migration Data Portal.²⁸²

In 2018, Nepal worked with IOM to consider its migration governance structures against the principles and objectives in the MiGOF and the indicators for each in order to identify well-governed areas as well as those with further improvement. A “country snapshot” has been prepared to assist Nepal to prioritise areas requiring further strengthening.²⁸³

²⁸¹ IOM Council Resolution No. 1310 Migration Governance Framework, 24 November 2015, C/106/RES/1310.

²⁸² Available at www.iom.int/sites/default/files/about-iom/migof_brochure_a4_en.pdf.

²⁸³ Nepal's Migration Governance Snapshot can be found at https://migrationdataportal.org/sites/default/files/2018-11/MGI_Nepal_final.pdf.

C.5.3. Global Forum for Migration and Development (GFMD)

The GFMD is a global inter-state consultation mechanism which focuses on the link between migration and development. It is a state-led, informal and non-binding process, providing a forum for states to discuss issues, experiences and practices related to migration and development. A number of Nepali NGOs participate in the GFMD civil society days, the recommendations from which are presented to the Governmental sessions.

C.5.4. Global Compact for Safe, Orderly and Regular Migration

The Global Compact for Safe, Orderly and Regular Migration was adopted by 164 States in December 2018. It provides the first-ever comprehensive framework for global migration governance and sets out a common approach to international migration in all its dimensions. It contains 10 guiding principles, 23 objectives and a list of potential actions for implementing each objective, which aim to better manage migration at the local, national, regional and global levels and ultimately to achieve the objective of safe, orderly and regular migration. The Global Compact provides to the international community common benchmarks, goals and actionable commitments, addressing all aspects of migration in a coherent and holistic way.

In its statement at the intergovernmental conference which adopted the Global Compact, the Minister for Labour, Employment and Social Security noted that, for Nepal, priorities in the Global Compact related to decent work, fair recruitment and skills recognition. Other important topics included addressing the vulnerabilities of migrant workers, including women, and reducing the cost of remittances. He noted that these areas reinforce “the foundation for achieving the Sustainable Development Goals”.²⁸⁴

²⁸⁴ Statement by Hon. Gokarna Raj Bista, Minister for Labour, Employment and Social Security of Nepal, at the plenary session of the Intergovernmental Conference on Global Compact for Migration, 10 December 2018, Marrakech. Available at www.mofa.gov.np.

PART D: KEY FINDINGS, POLICY IMPLICATIONS AND RECOMMENDATIONS

D.I. Main findings on current trends, migration policies and the impact of migration

Nepal is a major labour sending country with foreign employment being a common livelihood strategy for many Nepali people from both rural and urban areas of Nepal. There are several drivers of this out-migration. Most out-migration is driven by a search for increased opportunities, both work and study. The lack of job opportunities and tertiary options have contributed to young people either seeking to work abroad or migrating to study abroad, which often then leads to a job in the country of destination. A significant driver, both abroad and to urban areas, is climate change and environmental degradation. While agriculture still remains the main source of employment for many Nepalis, land degradation due to climate change and the frequency of disasters such as floods and landslides has meant that a significant segment of the population moves abroad for work in order to sustain their families back home. There is now recognition by the Government of Nepal that the nexus between migration and climate change needs to be properly addressed in policy.

While data exists on the number of work permits issued for foreign employment, these figures do not show the true state of the scale of migration for foreign employment. There are no records on the number of Nepalis who work in India and no data on the length of their stay. Further, many Nepalis who migrate travel through India to do so, meaning that they avoid the labour permit process.

Working abroad is fraught with risk and there is evidence that migrant workers experience a high level of exploitation, in relation to working and living conditions, fees charged and fraud or misrepresentation. Often the recruitment agency in Nepal is involved in exploitation and charging of excessive fees. Both men and women face risks of exploitation, abuse and trafficking, although women migrants often suffer a disproportionate share of exploitation. Despite considerable focus on the issue of labour migration by the Government, there is ample evidence that foreign workers, especially women, are vulnerable to exploitation both prior to departure and while overseas. This means that its legislative and policy attempts to protect migrant workers are not sufficiently achieving their aims.

Trafficking for forced labour and sex trafficking is also prevalent although it is difficult to know the true extent of the crime. Unethical recruitment agencies can be involved in trafficking through the promise of false jobs or misrepresentation of conditions of employment.

Nepal's migration trends have impacts on various sectors of the country, the economy, health, social relations and the environment. The remittances that are being generated from foreign employment have become a major contributing factor to Nepal's economy, equivalent to 31.3 per cent of GDP in 2016,²⁸⁵ and have been responsible for improving the standards of living of the population with one in three Nepali households receiving remittances.²⁸⁶ Remittances have driven the significant reduction of poverty in Nepal over the past several years. However, they are mainly used for household consumption and levels of investment are low. The Government is aware of the potential for remittances to contribute to development in Nepal and some efforts are underway to facilitate investment for migrant workers, both those returning and those overseas. Efforts are also underway to ensure that returning migrant workers can successfully invest in business in Nepal, meaning that they do not need to go abroad for work again.

Migration has an impact on health in several ways. It impacts both those that migrate who are often subject to injuries and unsafe working conditions or to trafficking and abuse. It also impacts on those left behind at home, for example, in terms of the spread of infectious diseases when a migrant returns. There is evidence that the spread of HIV in Nepal is due in part to male migrant workers returning to Nepal with the disease.

As it is overwhelmingly men who travel abroad for work, the number of female headed households and the role of women in the Nepali economy and society is changing. However, these changes are not being facilitated in any way and many women struggle with increased household burdens as well as the need, in farming households, to take on additional and heavier farming work. While their decision making power may increase, often this change is only temporary, until the husband returns. Women are increasingly migrating overseas and return with improved skills, however there is evidence that once women migrants return to Nepal, they are unable to improve their economic status due to traditional restrictions on their mobility and their disproportionate

²⁸⁵ World Bank Migration and Remittances Factbook 2016, Third Edition, (2016).

²⁸⁶ World Bank Nepal Development Update: Maximising Finance for Development, World Bank. (2018).

share of household responsibilities.²⁸⁷ The contribution of women as economic actors and to the development of Nepal is therefore not being effectively utilized.

D.2. Recommendations

D.2.1. Improved Institutional Mechanisms

Recommendation 1: Establish a national coordination structure for migration governance at all relevant levels which covers coordination with all government, non-governmental and private sectors on issues related to migration.

There is a need to put in place a national coordination mechanism at all relevant levels. This will help ensure that all relevant entities work together to embrace the whole-of-government approach in line with Principle 2 of the MiGOF, as well as SDG 17 on partnership, and the Global Compact for Migration guiding principles of whole-of-government, whole-of-society approach. The National Planning Commission (NPC) could be a coordinating agency for the formulation of a comprehensive migration policy for Nepal and the development of programmes related to migration linked with SDGs. The National Level Development Action Committee (NDAC) which is formed under the chairmanship of the Prime Minister and involves the participation of 14 ministries, meets on regular basis to discuss the current development agenda and ensure alignment and harmonization of government policies and programmes. The NDAC could play a greater role in coordinating migration governance in consultation with NPC and for directing the migration mainstreaming process at the governmental level.

Recommendation 2: Ensure the full implementation and monitoring of current laws designed to protect migrant workers.

The *Foreign Employment Law 2019* should be implemented and its implementation monitored to ensure that workers and their rights are protected and that the amendments are achieving their aims.

²⁸⁷ See summarised and edited version of the report ‘Returning Home Challenges and Opportunities for Women Migrant Workers in the Nepali Labour Market’ prepared by a team at the Centre for the Study of Labour and Mobility, Social Science Baha, Kathmandu, consisting of: Dr Bandita Sijapati, Ang Sanu Lama, Dr Jeevan Baniya, Pawan Sen, Dr Sambriddhi Kharel, Suwekshya Gautam, Mohd Ayub, Rajita Dhungana, Anisha Bhattacharai, Nilima Rai, Manoj Suji, Swarna Jha and Kishor Bikram Shah. The report on returnee women migrant workers (RWMWs) draws from insights shared by 1,210 women to understand the influences, conditions, and challenges that characterize women’s migration from and reintegration to Nepal. UN-Women, 2018.

Recommendation 3: Streamline and simplify the legal process to obtain and labour permit and work abroad.

Such a system needs to ensure zero tolerance towards migrants' exploitation both during the process within Nepal and at the destination. It may be worth overhauling the system by taking steps to enliven the "free visa free ticket" policy and prohibiting recruitment fees to be charged to the migrant worker. There are precedents to such steps and they could be supported through, for example, adherence to the International Recruitment Integrity System (IRIS).

Recommendation 4: Expand bilateral agreements with additional countries of destination which specify minimum working conditions.

While Nepal has signed BLAs with nine countries, it issues labour permits for over 100 different countries meaning that the majority of its migrant workers are not covered by the safeguards.

Recommendation 5: Continue to monitor the operation and impact of restrictions on women migrating to certain countries as domestic workers.

While the intention of restrictions on women's labour migration is creditable, that is, to ensure that Nepali women are not exploited or abused, the operation of such restrictions is not so far successful. Further research and monitoring of the effects of such restrictions should be undertaken, to ensure that the laws are having their desired effect.

Recommendation 6: Strengthen rural economies to provide rural areas with alternatives to migration.

The Government should formulate policies that are aimed at creating and facilitating opportunities for decent work without leaving home. There should be a balanced access to education, apprenticeships, finance and employment opportunities for the rural population. Multi-level coordination is needed to ensure rural development by creating better education, employment, health, communication and transportation facilities for migrants at the local level. Given their role and resources to execute policies and programmes at the local level, the participation of local governments in the policy migration formulation as well as implementation process is vital. This is line with the guidance provided in Objective 2 of the Global Compact for Migration, minimizing the adverse drivers and structural factors that compel people to leave their countries of origin.

D.2.2. Information, Data and Research

Recommendation 7: Develop a periodic survey on migration in collaboration with universities and research institutes.

There is a need for the collection of quality migration data and a wider dissemination of evidence and facts about migration. Good migration governance and practice requires a stronger evidence base on migration through the collection and dissemination of detailed migration data disaggregated by age, sex, country of origin, country of previous residence, country of citizenship, education, occupation, employment status, qualifications and skills level. A periodic survey will assist with the lack of reliable and updated statistical data on both internal and international stocks and outflows and inflows of migrants as well as address the scarcity of scientific evidence on migration drivers, trends and practices and on their impact on society at large. Conducting research and producing high-quality data on migration is critical to ensure evidence upon which to base policymaking. In particular, a **comprehensive database** gathering together available data and in-depth scientific research on migration could inform policymakers and assist in the formulation of policies and programmes in education, rural development and other sectors.

Recommendation 8: Establish a system of tracking movements of migrants at border points with India.

The lack of data on border crossings with India is a significant gap and means that this widespread and significant phenomenon and its impacts cannot be effectively managed. A system of tracking could be put in place at every border point which maintains digitized records of daily movements between the two countries.

Recommendation 9: Undertake dedicated research to quantify Nepali migration to and from India should be undertaken, using both Nepali and Indian sources, including a literature review and primary sources such as innovative data.

This would further help to define particular trends and determine priority areas for policy focus and further data gathering.

Recommendation 10: Undertake dedicated research on the scale and characteristics of irregular migration to and from Nepal, using a range of information resources, research and data gathering.

This is a difficult data set to generate, although there are some indicators which assist in measuring the phenomenon. For example, applications for regularization of labour permit status, implementation of deportations, requests for assistance by stranded or trafficked migrants, detection of irregular stay or trafficked victims by police, numbers who access shelters, sanctions incurred by employers of irregular migrants. Gathering together the available data from these various sources may assist Nepal to piece together some of the important trends and to determine the focus of policy measures to address irregular migration

Recommendation 11: Explore the use of technology that tracks when a labour permit holder leaves and re-enters Nepal, using immigration and border data.

Doing this would considerably add value to the existing labour permit data. These statistics are usually generated from the number of labour permits issued. These numbers do not show whether the labour permit was ever used nor whether it is being issued to a repeat labour migrant. They do not show length of stay abroad and, of course, do not cover labour migration to India.

Recommendation 12: Review and improve the process for gathering and disseminating the information collected on disaster displacement.

Currently, disaster-related displacement information is not always complete or timely. While the Ministry of Home Affairs has introduced a National Disaster Risk Reduction portal, the figures on people displaced due to floods or other disaster are not being regularly updated. This could have serious consequences in the event of another large-scale disaster and it impedes the Government's ability to be able to effectively address displacement.

Recommendation 13: Undertake a study on the safety and experiences of workers migrating to the Republic of Korea and Japan.

This will provide information which can be used to compare the experiences of migration directly under Government programmes versus migration with the use of recruitment agencies. It has already been shown that migration to the Republic of Korea has relatively reasonable up-front costs for the labour migrant and high earning potential. Similar bilateral arrangements are to be explored, leading eventually to redefining the scope of recruitment agents' services.

Recommendation 14: Undertake a study on the potential contribution of the Nepali diaspora.

D.2.3. Skill Development, Capacity-building and Utilization of Knowledge and Skills

Recommendation 15: Renew the focus and planning for the “upskilling” Nepali migrant workers.

Unskilled workers are inherently more vulnerable to difficult working conditions and exploitation. Skilled or semi-skilled work would also increase the potential amount of remittances from any stint working abroad. The NPC's 15th Plan Approach Paper aims to increase number of workers who are trained in the technical and vocational sectors from 25 per cent to 60 per cent.²⁸⁸

Recommendation 16: Give increased attention to providing opportunities to returnees.

There has been some policy work on assisting returnees to start small businesses however these need to be strengthened, including ensuring that returnees can access credit. To maximize the benefits of labour migration, additional attention is to be paid to this area of encouraging investment and entrepreneurship, including evaluating the success of programmes to date, and looking at programmes in other countries which have been successful. Some examples include supporting investment in agricultural production and modernization or developing an agricultural cooperative or other such projects which are aligned with Nepal's development priorities.²⁸⁹

Recommendation 17: Maximise the potential contribution of returning female migrants.

Nepali women are returning from overseas work with additional skills, resources and abilities which, in general terms, are not being properly recognized or utilized. This demographic could make a significant contribution to Nepal's development and some consideration and planning needs to be devised to benefit from this. More research to fully appreciate the gender aspects of remittances and economic contribution would be useful to design effective

²⁸⁸ National Planning Commission, The Fifteenth Plan Approach Paper 2019/20–2023/24. Kathmandu (2019). Available at www.npc.gov.np/images/category/15th_Plan_Approach_Paper2.pdf.

²⁸⁹ IOM and KOICA, The Role of Remittances as Effective Development Finance for Sustainable Development in Nepal”, IOM, 2016.

policy strategies which target the economic empowerment of women. Support and resources are to be provided to ensure their integration into the national labour market upon return.

D.2.4. Awareness Raising and Evidence-based Advocacy

Recommendation 18: Develop and widely disseminate a public service information campaign on migration for employment, its legal framework and its potential risks.

Nepali workers are still be exploited by recruitment agents and brokers and finding themselves in dangerous situations abroad. Ensuring that all Nepalis know their rights and know recourse for any incidents will serve to empower and protect them. Such information campaigns should particularly target high school students.

Recommendation 19: Provide support for education on investment or “financial literacy” (both prior to departure and upon return).

Providing education or training on financial issues will mean that Nepalis who work abroad have already considered a financial or investment strategy before they leave and are assisted to implement it when they return with savings. For example, migrant workers –even before departure– could learn about remittance channels, savings versus consumption, budgeting as well as investment and longer-term planning. Further research or studies could be done on the most effective way to deliver financial literacy education in Nepal as well as a longer-term study evaluating its impacts. In an Indonesian example, family members (as the users of remittances) were also provided financial literacy training, which was reported to increase the impact of the training.²⁹⁰

D.2.5. Remittances

Recommendation 20: Continue and strengthen the early work to support investment by returnees or by those with remittances to invest.

²⁹⁰ IOM and KOICA, The Role of Remittances as Effective Development Finance for Sustainable Development in Nepal”, IOM, 2016.

D.2.6. Health

Recommendation 21: Undertake further research on returning migrants to determine the best policy approaches to safeguard public health, given the scale of Nepalis' mobility.

Although some studies have shown the migrant workers can bring transmissible diseases back with them, there is no planned approach in addressing this, which potentially puts Nepali public health at significant risk.

Recommendation 22: Ensure that compensation to the family member in case of death of the workers and those wounded is sufficient and timely. Although, the Foreign Employment Board provides compensation, it is insufficient for the ongoing costs of those who are severely wounded and permanently disabled. There is provision in the bilateral agreement with Malaysia allowing injured migrant workers to claim compensation from their employer. It is difficult to find information on any cases where the employer has had to pay compensation and it is unclear whether the Government of Nepal will participate in, or support, the claim for compensation. Strengthening safeguards around safe working conditions is the primary concern in policy development, but it is also important to consider the most effective ways to support injured or incapacitated workers, including supporting civil society and grassroots organizations who work in this area. The Government and its Missions need attention to consider how it can support individual injured workers to claim compensation from their employers.

Recommendation 23: Give priority focus on the problems and issues of the mental health of migrant workers who have been exploited or abused and particularly those who have been victims of trafficking or other violent acts when abroad.

There has been government support for shelters and rehabilitation for female victims of gender-based violence, including trafficking, but these are not directly focused on supporting the mental health needs of returnees. Further, there are few supports in place for male migrant workers who have experienced abuse overseas. Ensuring the provision of appropriate health services, particularly mental health services for families and children of migrant workers who are left behind in Nepal also needs to be addressed in Government policy.

Recommendation 22: Ensure there is sufficient evidence on the issue of death or disability caused by overseas workplace accidents so that planning can be undertaken to mitigate this challenge.

D.2.7. Migration Profile:A Coordinating Tool for All

Recommendation 24: Use this Migration Profile as a platform for an ongoing evidence-based coordination and policy formulation capability within the government to derive the most benefit from migration for development on behalf of the best interests of the country and the people of Nepal.

As migration impacts on a range of broad and cross-cutting issues, there are various ministries and departments with responsibilities for different aspects of migration, as can be seen in the membership of the inter-Ministerial Technical Working Group composed for the Migration Profile development process. Each of these authorities to some extent collect or possess critical information on different forms and aspects of migration, such as labour migration, internal displacement, and trafficking, as well as on issues with migration impacts, notably health and the economy. The Technical Working Group is potentially a useful mechanism for ensuring on-going collaboration and information sharing on migration. It could form as a model for a national coordination mechanism on migration issues, and its deliberations and findings could also feed into national development planning.

ANNEX I: AGENCIES AND ORGANIZATIONS INVOLVED DIRECTLY AND INDIRECTLY WITH MIGRATION (STAKEHOLDER MAPPING)

Government

SN	Ministry	Service area	Departments
1	Ministry of Labour, Employment and Social Security	Overall management of labour related issues in Nepal and overseas employment	Department of Foreign Employment, Foreign Employment Board
2	Ministry of Foreign Affairs	Consular services, passport, visa and diaspora issues	Department of Passport Department of Consular Services
3	Ministry of Women, Children and Senior Citizens	Management of safe house, rescue and repatriation of victims of trafficking, rehabilitation (focused on women and children)	Department of Women and Children
4	Ministry of Education, Science and Technology	Issuance of no objection certificates to students	Department of Education
5	Ministry of Finance	Financial matters, dealings, remittances	
6	Nepal Rastra Bank	Remittances	
7	Ministry of Home Affairs	Protection, citizenship, law and order, disaster risk reduction, response and vital registration	Department of Immigration Department of National ID and Civil Registration Nepal Police Armed Police Force
8	Ministry of Health and Population	Health, migration and health issues	Department of Health
9	Ministry of Law, Justice and Parliamentary Affairs	Legal provisions: Acts, rules, regulations	Department of Law
10	National Human Right Commission	Protection and promotion of rights of migrant workers	
10	Ministry of Agriculture and Livestock Development	Agriculture products, food, and dietary issues	Department of Agriculture Department of Livestock Service
12	Ministry of Culture, Tourism and Civil Aviation	Culture and tourism promotion	Nepal Tourism Board
13	Ministry of Federal Affairs and General Administration	Civil registry and vital statistics (CRVS): birth, death, migration, marriage, internal migration and dissolution	Municipalities Rural

SN	Ministry	Service area	Departments
14	Ministry of Land Management, Cooperatives and Poverty Alleviation	Land related property issues of the migrants	Department of Land Revenue
15	Ministry of Industry, Commerce and Supplies	Supply of goods, investment, migration management	
16	Ministry of Urban Development	Migration and urbanization, disaster risk reduction and response	
17	National Planning Commission	Development of periodic national development plans, Policy, migration data management, documentation and dissemination	Central Bureau of Statistics

United Nations Agencies

Food and Agriculture Organization	International Fund for Agriculture Development
International Labour Organization	International Organization for Migration
United Nations Office for the Coordination of Humanitarian Affairs	Office of the United Nations High Commissioner for Human Rights
UN-Women	UNAIDS
United Nations Development Programme	United Nations Educational, Scientific and Cultural Organization
United Nations Population Fund	UN-Habitat
United Nations High Commissioner for Refugees	United Nations Children Fund
United Nations Office on Drugs and Crime	World Food Programme
World Health Organization	United Nations Capital Development Fund

Development Partners

World Bank	International Center for Integrated Mountain Development
Swiss Agency for Development and Cooperation	Korean International Cooperation Agency
Asian Development Bank	Japan International Cooperation Agency
International Monetary Fund	Win Rock International
United States Agency for International Development	Helvatas International
United Kingdom Department for International Development	The Asia Foundation

Private Sector Actors

Educational Consultancy Association of Nepal
Ethics Practitioners Association of Nepal
Federation of Nepalese Chambers of Commerce and Industries
Federation of Nepal Foreign Employment Orientation Agency
Nepal Medical Association
Banks and Financial Institutions

Civil Society Actors

National Network on Safer Migration
Alliance against Trafficking in Women and Children in Nepal
Nepal Red Cross Society
Disaster Preparedness Network

ANNEX 2: MEETINGS OF TWG

Date	Description
3 September 2018	TWG (participated by 16 officials – 1 Female and 15 Male)
17 September 2018	TWG (participated by 14 officials – 1 Female and 13 Male)
1 November 2018	TWG (participated by 19 officials – 4 Female and 15 Male)
13 December 2018	TWG (participated by 18 officials – 3 Female and 15 Male)
18–19 July 2019	TWG (participated by 24 officials – 4 Female and 20 Male)
23 October 2019	TWG (participated by 27 officials – 5 females and 22 males)
2 November 2018	Multi-stakeholder meeting (participated by 46 key actors – 11 Female and 35 Male)
18 January 2019	Focus Group discussion (participated by 16 participants – 6 Female and 10 Male)
4 February 2019	Consultation with representatives of Universities and Research Institutions (participated by 17 researchers and experts – 5 Female and 11 Male)
30 September 2019	Multi-stakeholder Consultation (participated by 50 stakeholder – 17 Female and 33 Male)

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