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The middle space of migration: A case study on brokerage and recruitment agencies in Nepal

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ABSTRACT

Foreign employment has become a global phenomenon. With the increasing commercialisation and formalisation of transnational labour migration, recruitment agencies and agents have gained importance. The paper aims to contribute to a more differentiated understanding of the role and the practices of the main actors in the middle space of migration, the brokers in the recruitment process for transnational migration. Based on empirical material from Nepal, it argues that the detected negative reputation of labour brokers is only partially justified. Besides common bad practices and fraud cases, recruiters perform important roles for the facilitation of transnational mobility and present the necessary infrastructure for labour migration. They connect people and places, establish networks and can play an important role in making migration safer. Brokers are important facilitators in supporting alternative income strategies and new livelihood options of people. At the same time they are entrepreneurs in a competitive and risky economic field, confronted with multifaceted constraints. As long as the gap between the dreams of potential migrants and the reality of marginality in Nepal remains wide, labour brokers might persist as important middlemen for global work. Thus, migration brokerage is likely to remain big business.

1. Introduction

> *"Oh, you are planning research on recruitment agencies in Nepal? Well, then you better make sure you've got bodyguards with you!"*
> [Interview, Zurich 2012]

With the increasing commercialisation and formalisation of transnational labour migration, recruitment agencies and agents have gained importance. While much has been written about migrants, their motivations and their livelihoods, less is known about the brokers that facilitate foreign employment. Brokers have been rather neglected in the migration literature so far, although, as Lindquist et al. (2012:7) write, a "focus on brokers is one productive way of opening the 'black box' of migration research". The paper aims to gain a better understanding of the role and the practices of the brokers in the recruitment process for transnational migration in Nepal. During the last decade, the number of recruitment agencies (also known as 'manpower agencies' or 'recruitment companies') and agents (also termed 'head-hunters') has considerably increased (NIDS, 2003; Thieme, 2006; NAFEA, 2014). Our empirical data reveals that these migration entrepreneurs share a narrative about negative reputation, political instability and legal uncertainty. They also suffer from growing competition and internal conflicts (interviews, 2013). The government authorities interfere with changing regulations and bureaucratic processes in the migration trajectories (Agunias, 2013; Thieme et al., 2014; Hagen-Zanker et al., 2014:19ff). We assume that the increasing formalisation of the migration procedure reinforces the importance of brokers as providers of services and infrastructures that facilitate transnational mobility.

From several perspectives, we explain why brokers are needed in transnational migration and how recruitment agencies work and perform in the social fields in which they assume their brokerage function. We want to grasp the complexity of the business as well as the proximity of constraints and opportunities. We show which framing strategies brokers, confronted with an ambivalent reputation, deploy. Furthermore, we demonstrate how the brokers navigate through the complicated administrative processes and how the government shapes their room of manoeuvre. Our overarching goal is to contribute to a more differentiated understanding of the "middle space of migration" (Lindquist et al., 2012:11) and to overcome prevailing stereotypes of brokerage. In doing this, we were inspired by the following conceptual thoughts.

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2. Conceptual and methodological approach

In the context of migration research, a stream of literature has focused on the "migration industry", the big business around migration (Nyberg Sørensen and Gammeltoft-Hansen, 2013; Spaan and Hillmann, 2013). The term "migration industry" grasps the emerging opportunities "that capitalize on migrants' desire to move, or [...] the struggle governments face to manage migratory flows" (Nyberg Sørensen and Gammeltoft-Hansen, 2013:2). Hernández-León (2008:154) defines migration industry as "the ensemble of entrepreneurs, businesses, and services which, motivated by the pursuit of financial gain, facilitate and sustain international migration".

To unravel the role and functioning of recruiters in Nepal, we introduce the brokerage concept. This concept has become particularly influential in recent years in studies on development where an emphasis is placed on so-called 'development brokers' (e.g. Long, 1992; Neubert, 1996; Bierschenk et al., 2002; Mosse and Lewis, 2006). Bierschenk et al. (2002:2) assume that functions and activities of brokerage occur in all societies and in various aspects of social life. This stream of literature aligns brokers with organisational competence and entrepreneurial spirit. Their position requires them to juggle strategic contacts and to sell their services on all sides. Brokers act as middlemen[1] between socially and spatially unconnected social fields. They are capable of translating, redefining and fundamentally changing what they transport (Hiteva and Maltby, 2014:120). Brokers are gatekeepers guarding entrance and communication in two or more directions of a social interface, where actors with different forms of knowledge and interests encounter (Long, 2001:243).

In the context of migration, Lindquist et al. (2012:8) introduce the term 'broker' "to denote a party who mediates between other parties, in this case the migrant and the employer or client." The authors emphasise the widely varying role and function of brokers, which must be considered in relation to location, time and power.[2] While some brokers work alone, others are engaged in complicated networks; some are professional brokers, others are dilettantes (Lindquist et al., 2012:8). In order to capture brokerage and its broader context, Lindquist et al. (2012:9) introduced the term "migration infrastructure" that comprises "the institutions, networks and people that move migrants from one point to another".

Which specific activities do the recruitments agencies in Nepal perform that constitute them as brokers? Recruitment agencies position themselves between potential employees and employers and demonstrate the advantage of cooperation despite different interests and goals (Nay and Smith, 2002). Recruitment agencies are gatekeepers as they select the employees and employers. But at the same time they have to compete on the national and international labour market with other recruitment agencies, and on national level with agents. They have the necessary knowledge, infrastructure and networks to facilitate the mobility of the potential employees, which is restricted by various rules and regulations and implementation practices of the Government of Nepal and the destination countries. Brokers have means to translate verbatim (between different languages), but also the ability to 'translate' in a wider sense. This ability is of particular importance as the potential migrants are distant from the employers and in many cases lack knowledge about bureaucratic procedures. For example, recruitment brokers have the opportunity to interpret the condition of work, the agreements, the rules and regulations to maximise their own and the migrant's benefits. They are in a position to align their work to the different contexts. For example, in Nepal they emphasise frequently the social and economic importance of their work, and vis-à-vis employers they underline their capacity to recruit cheap and good workers (cp. chapter 6.2 and 8). It is thus important to recognise that these processes of translation are not neutral. Moreover, they tend to shape interactions between actors, re-interpret regulations, as well as social and economic processes (Marvin and Medd, 2004; Guy et al., 2011).

It is important to analyse the social situations and contexts within which actors can assume brokerage functions in order to understand the role of the broker and the work of brokerage. We thus consider the social fields within which the functions of brokerage are needed, by referring to Bourdieu's theory of practice. For Bourdieu, a social field is a social structure of power relations (not necessarily bound to a locality), with its own institutions, specialised agents, and hierarchy of positions (Bourdieu and Wacquant, 1992:16). By considering the social fields of brokerage, we can understand how brokers are endowed with, and struggle for, different types of capital – resources that are more or less valuable in a specific social field – and how they use these capitals to "frame"[3] their practices. Furthermore, we highlight the important component of space and multi-locality, as well as the space-bridging function of brokerage (cp. Herzig and Thieme, 2007; Bruslé and Varrel, 2012).

The analysis is based on more than 60 qualitative interviews and additional informal discussions with representatives of recruitment agencies (directors, employees, branch managers, secretaries), agents and representatives of the Agents Association, potential and returning labour migrants, government officials, NGOs, and media representatives. Most interviews were held in Kathmandu and in the Eastern Terai (Sunsari and Sarlahi District). Additional data stem from Far Western Terai (Kailali District), from the Mid-Western and central hills (Surkhet, Dailekh and Sindhupalchowk District). In addition to the interviews, observation of migration and recruitment practices in private agencies (e.g. during training and in waiting halls), state departments (such as the Department of Foreign Employment) and public or semi-public spaces (such as airports, planes, buses and markets) provided important information. Additional material stems from analysis of laws and government documents, records and websites of recruitment agencies, as well as articles from Nepalese and international newspapers. Several days of investigative research in Qatar provided additional insights, based on informal discussions with Nepalese migrant workers and observations at construction sites. This brief investigation in the major destination country contrasted the expectations and discourses from Nepal by engaging more closely with the actual challenges of migrant workers. The main fieldwork took place between August and October 2013, and in February and May 2014. In addition, both authors had the possibility to supplement the research with previous or later assessed primary data and observations in different districts of Nepal.

3. Recruitment brokers in Nepal

Past and on-going research, as well as the political discourse in Nepal, indicates the central importance of international labour

[1] As most recruitment agents are in fact men, we think the term 'middlemen' is appropriate in this case and commonly used in discourses (interviews, Nepal, 2013). The term, intermediaries', in contrast, is less widespread in the Nepalese case. In the literature, no common conceptual understanding exists (see e.g. Marvin and Medd, 2004; Moss et al., 2009; Guy et al., 2011). Therefore, we have decided to use the term middlemen.

[2] Empirical examples of the wide range of brokerage are provided in the special issue of Pacific Affairs (85, 2012) and the edited volume about the migration industry and the commercialisation of international migration (Gammeltoft-Hansen and Nyberg Sørensen, 2013).

[3] *Framing* refers to the use of language and ideas to interpret and influence the understandings of others regarding an issue or event (Benford, 2010).

migration, and the positive role of remittances in poverty alleviation (NIDS, 2007; Graner, 2009/2010; Adhikari and Hobley, 2011; IOM, 2013a, 2013b; Thieme and Ghimire, 2014). Although labour migration has always been an important feature of rural existence (Seddon et al., 2002:22), its significance has increased over the last two decades (Hagen-Zanker et al., 2014:6). The armed conflict between 1996 and 2006 particularly boosted the dimension of international labour migration (Bhattarai, 2012). In post-conflict Nepal, the number of documented and undocumented international labour migrants has steadily increased (Hollema et al., 2008; NIDS, 2008, 2010, 2011, 2012). Although numerous scientific publications on Nepalese migrations to the Gulf (e.g., Gardner, 2010; Baldwin-Edwards, 2011; Kamrava and Babar, 2012; Bruslé, 2012) exist, the migration related research in Nepal has until now paid less attention to the recruitment agencies and agents behind this process. Despite the key position of these entrepreneurial brokers, a research gap on their practices still remains.

So far, only a few exceptions in scientific literature have tackled labour brokers and recruitment practices in Nepal. Thieme (2006:26), for example, states that in 2002, 301 manpower agencies were registered in Nepal – all of them based in Kathmandu valley. NIDS (2003) made the estimate of an additional 200 unlicensed agencies. Graner (2001) notes that labour migration to the Gulf States is almost exclusively controlled by the vertical networks of manpower agencies, which charge fees that are two to three times that of carpet worker's annual salary. Adhikari (2009/2010) uses the term "brokering" in her study on nurse migration from Nepal to the UK, and states that foreign employment entrepreneurs have become driving forces of the transnational labour market and "manage all the practicalities" (Adhikari, 2009/2010:122).

The existing literature tends to focus on malpractices of migration brokerage. Describing recruiting mechanisms between South Asian and Gulf countries different authors found critical moments of fraud on both sides. NIDS (2003) indicates that the persistence of unlicensed agencies in the country of origin is a problem. Furthermore, (illegal) charges for travel and visa costs, which originally the employers pay, are common (Human Rights Watch, 2006). Branch offices in rural areas often demand extra charges without the approval of the head office in the capital (Graner and Gurung, 2003; Thieme, 2009). In addition, the literature reveals frequent malpractices in the destination countries. Employers keep the workers' passports or force workers to sign new contracts differing from agreements signed in the countries of origin, for example (Graner, 2001; Shah, 2004; Human Rights Watch, 2006; Thieme, 2009). Nevertheless, the everyday practices and actual performances beyond fraud of migration brokers need further research.

Further, some studies have focused on the regulation of foreign employment and the position of the state. Gurung (2003, 2004) and Graner and Gurung (2003) describe the policies regarding foreign employment, and Graner (2009/2010) exemplifies that the government is ineffective in regulating recruitment agencies. Adhikari (2009/2010) and Bruslé (2009/2010) show in their studies about Nepalese migrants in UK and Qatar the weaknesses of state policies, both in Nepal and the receiving countries. The authors assess the policies as detrimental to migrants who mostly have to rely on short-term profit-oriented private companies. However, NIDS (2008) identified government initiatives to improve the working conditions of migrant workers. For example, individuals and organisations can log complaints at the Department of Foreign Employment. Furthermore, the government plans to appoint labour attachés in countries where more than five thousand Nepalese workers live (NIDS, 2011). However, in the literature so far, the relation between recruiters and the state remains obscure, as well as the reactions of brokers to state regulations.

4. The dimension of Nepalese foreign employment and recruitment

Each day, almost 1500 Nepalese officially leave their country in order to work abroad (interview, Department of Foreign Employment, Kathmandu 2013). Currently, between 2 million (ILO, 2014) and 3 million (interview, Nepalese government representative, Kathmandu 2013) Nepalese men and women work abroad, other than in India,[4] mainly in low-skilled jobs and mostly on time-limited contracts. The number of workers abroad corresponds to approximately 10% of Nepal's total population. According to Hagen-Zanker et al. (2014:8), 75% of Nepalese international migrants are unskilled, employed mainly in entry-level manual jobs (such as cleaning and construction). Around 15% of the Nepalese labour force abroad is female (UN Women, 2014). Most migrants going abroad originate from rural areas in Nepal. However, complex linkages between internal and international migration often characterise migrants' trajectories (Poertner et al., 2011), making a clear distinction between rural or urban origin of migrants difficult. Around half of all Nepalese international migrants (i.e. beyond India) work in the Gulf countries, and 12% in Malaysia (Hagen-Zanker et al., 2014:6f). With the forthcoming World Cup in 2022, Qatar has become popular for Nepalese migrant workers, alternating with Malaysia as the top destination (The Himalayan Times, 2011).

The destination countries, especially the Gulf States, benefit from the availability of cheap labour. In Qatar, for example, Nepalese workers present a quarter of the foreign labour force of 1.2 million. Qatar is spending in excess of $1.5bn for the World Cup and plans to increase the foreign labour force in the coming years (Booth et al., 2013). According to interviews in Nepal and Qatar (2013), Nepalese migrants receive the lowest salaries, also in comparison to workers from Bangladesh or India. Often, their salary is 170$ per month or less, and they frequently take on jobs that others refuse to do.

Nonetheless, Nepal highly depends on this income from abroad. The remittances by migrant workers contribute to a quarter (25.3% in 2012, World Bank, 2014) of Nepal's GDP, acting as a backbone to the national economy. Furthermore, labour migration and remittances have helped to partially achieve the Millennium Development Goals for economic and social prosperity, through employment possibilities, skill transfer, and income generation (Thieme and Ghimire, 2014:400). According to UNIFEM (2014), the remittances have significantly contributed in reducing Nepal's poverty level from 42% to 31%.

Recruitment entrepreneurs have recognised the double need for transnational labour, brokering between employees from Nepal and employers in destination countries. Today, agencies recruit nearly 70% of all Nepalese migrant workers (excluding India) (NIDS, 2012; Thieme and Ghimire, 2014:405). 760 registered recruiting agencies are members of the Nepal Association of Foreign Employment Agencies (NAFEA, 2014). Their number more than doubled in the last ten years. Non-registered agencies are difficult to identify and consequently, no exact numbers exist (interviews, Kathmandu 2013). In addition, around 500 registered agents (October 2013) and an unknown number of informal agents[5] work as middlemen (cp. Fig. 2). Typically, agents either connect people in rural areas to agencies located in Kathmandu or place them directly

[4] Due to the free border agreement, the number of migrants to India is unknown.
[5] A government representative estimated 50,000 individuals working as recruitment agents (interview, Kathmandu 2013).

abroad, often informally via India. For these services, the recruiters may legally charge up to 80,000 NPR (800 US$) (GoN, 2007). However, migrants often pay more than 100,000 NPR (1000 US$) to labour brokers. In short, international labour migration has become substantial both for sending and receiving countries, as well a big business for recruitment entrepreneurs.

5. Approaching the key role of the broker from a migrant's perspective

Brokers are key actors in transnational migration not only because they have recognised the need for a cheap labour force in the Gulf States and elsewhere but also because of the lack of employment possibilities in Nepal. In order to understand the importance of labour brokerage, it is primarily crucial to comprehend the motivation and constraints of potential migrants.

5.1. Why do Nepalese seek work abroad?

Dubai chalo (let's head to Dubai) is a popular slogan in South Asia for foreign employment (Thieme, 2009). Why do so many young Nepalese men and women seek foreign employment? Despite the prominent narratives of fraud and exploitation, working abroad is a deliberate choice. The manifold reasons include economic, personal and social aspects (Seddon et al., 2002; Thieme and Wyss, 2005; Hollema et al., 2008). First, most migrants indicate earning money as their main motivation for foreign employment. Nepal is one of the poorest countries in the world and around 25% of the total population live under the poverty line (World Bank, 2014). High unemployment and lack of livelihood opportunities increase the pressure to move abroad. Several interviewees in Nepal and Qatar (migrants, NGOs, Nepalese families, 2013) stated that people could earn at least as much in Nepal as abroad if they worked as hard in their own country. However, most Nepalese strongly associate financial benefits with foreign employment and transnational mobility. Therefore, social expectations to contribute to the livelihoods of their family also drive people abroad who would have preferred to stay.

Second, personal motivations are important drivers of foreign employment. Transnational migration is a way to experience the wider world and to avoid difficulties at home. Young people especially hope to escape strong family structures and find freedom abroad (interview, male migrant, Eastern Nepal 2013). Thus, migration has become a modern "rite of passage" for young people (Bruslé, 2008:242, Thieme and Müller-Böker, 2010). During the armed conflict, going abroad offered the opportunity to escape forced conscription by the People's Liberation Army as well as arrests, torture and abduction on the part of both conflict parties. But also in the post-conflict transition, many potential migrants suffer from gender, caste and class discrimination, facing great constraints in their everyday life. "*We have nothing to lose, migration offers at least hope*" (interview, low caste female migrant, Eastern Nepal 2013).

Third, foreign employment has a high social value. Going abroad, and especially returning with money and presents, increases the social status of the migrant and of the left behind family (interviews, Nepal 2012–2013).

Interviews confirmed that almost every family in rural Nepal has at least one member working abroad (Nepal 2013). Working as mercenaries in foreign countries is a longstanding practice in Nepal; and since generations people especially from the Western part of Nepal have gone to India to work (Thieme and Müller-Böker, 2010; Poertner et al., 2011). Today, Nepalese consider working overseas as more successful and progressive than migrating to India (interviews, Dhangadhi 2014).

However, potential migrants often have unrealistically high expectations of income possibilities abroad. They tend to underestimate costs and risks associated with foreign employment (Sharma, 2013). Furthermore, they overlook the complex relationships between marginality and migration, ignoring how foreign employment might increase discrimination (Kern, 2014). Thus, Nepalese are ready to invest high amounts of seed money for this livelihood option. Recruiters have recognised the potential and benefit economically by responding to these needs.

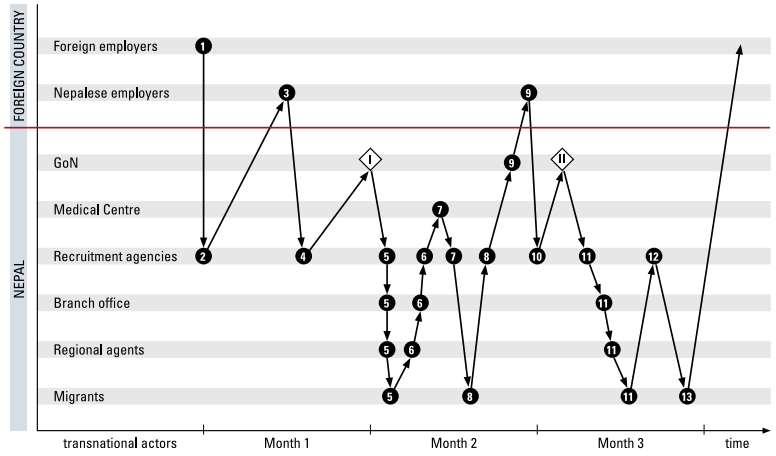
5.2. Why do migrants need brokers?

As foreign employment has become a common practice, one could assume that the need for brokers decreases with developing networks and the growing experience of the workers, especially when taking into account the negative reputation of labour recruiters. However, migrants still heavily rely on the recruitment services of brokers, despite all difficulties they might encounter. Bureaucracy, multi-locality and political uncertainty render transnational labour migration particularly challenging, and explain the key role of the broker from a migrant's perspective.

First, transnational labour migration involves a lot of paperwork (Fig. 1). In order to formally work abroad, Nepalese citizens need a passport, a visa, an employment contract, a variety of approvals by the government, a medical approval, insurance, as well as a flight ticket (GoN, 2007; Donini et al., 2013:34f; interviews, Nepal 2013). For people with low educational background,[6] getting the official documents without support is an almost impossible task. But also for better-educated migrants, the process of obtaining the right documents is time-consuming, costly, complicated and prone to corruption. A migrant waiting at the Department of Foreign Employment early in the morning explained: *"I expect my documents to be ready after one day. But you never know how long the queue will take. Maybe I have to come again"* (interview, Kathmandu 2013) (see Photo 1). However, time is a crucial factor in foreign employment as demands from foreign employers are often open only for a short term. Furthermore, waiting implies important opportunity costs. Poor farmers, in particular, who depend on agriculture for surviving, cannot afford to leave their fields for too long. Therefore, they have a strong need to "navigate bureaucracy" (Ye, 2014:184) with the help of brokers. At the same time, aspiring migrants are highly vulnerable to exploitation by brokers who fake documents, withhold the migrant's passport or charge illegal costs.

Second, multi-locality and distance highly influence the process of foreign employment. Despite the importance of networks and flows, seeking and finding work abroad depends on physical distances, terrain and place. According to the law (GoN, 2007), legally leaving the country to work abroad requires not only documents from, but also the physical presence in, Kathmandu. However, reaching and staying in the capital is challenging, especially for villagers from remote areas (Kern, 2012). By relying on brokers who mediate between different localities, potential migrant workers save resources and reduce uncertainties. Although recruitment services are costly and sometimes exploitative, the mainstream practice of going abroad via a broker has decreased some of the associated risks by making them more predictable (interviews, migrants, 2013). Furthermore, local agents are visibly present and accessible in the villages, while the departments and offices in Kathmandu remain vague and distant. In addition, the transnational dimension of foreign employment implies the need to cross language barriers, physical and legal borders, and last but not least, to access potential employers in a very distant location. These necessities often overburden Nepalese migrants, especially when

[6] The adult literacy rate between 2008 and 2012 was 57.4% (UNICEF, 2014).



(1) Receiving demand from the foreign employer

(2) Checking demand by marketing / recruitment

(3) Sending demand letter to the Nepalese embassy for attestation

(4) Submitting all documents to DoFE

// I. Pre-approval //

(5) Publishing job advertisement

(6) Selecting clients

(7) Getting medical attestation for migrants

(8) Giving orientation training for migrants

(9) Organizing passport, visa, contract, fees

(10) Submitting all documents to DoFE

// II. Final approval //

(11) Obtaining letter from migrant's family, especially in case of women

(12) Organizing flight ticket

(13) Departure of migrant

Fig. 1. Overview about the recruitment procedure.

they leave their country or even their district for the first time. These challenges of multi-locality and distance also increase the dependence of potential migrants on recruiters. Recruiters have sometimes simply disappeared once the returning migrant wanted to claim compensation for non-fulfilment of a contract (interviews, migrants and recruitment agencies, 2013, 2014).

Third, post-conflict transition and continuing political uncertainty enforce the unpredictability and opacity of the bureaucratic procedures. Frequent changes in law, and particularly in implementation, blur the legal process of foreign employment (Gurung et al., 2013). Migrants are often unsure of what is right and wrong and how they should proceed. In addition, corruption is an everyday practice, as the story of a female migrant worker illustrates: *"Also I had trouble at the immigration office at the airport. They said I needed a supervision letter. . . . I called my brother-in-law who works in a manpower agency and asked him what to do. He said this is always like that and that I should try to negotiate. So I asked the officers how much money they wanted and they said maybe 10,000 NPR. But I didn't have rupees, only $250, so I just gave them $100 and said this is all I have. Then they did all the papers for me and let me pass"* (interview, Kathmandu 2013).

In order to avoid the hassle, most migrants fall back on migration brokers. Their experience and networks as well as their infrastructure and facilities allow the brokers to efficiently provide the necessary documents. Aspiring migrants might sense potential difficulties of working with recruiters, but often feel left without alternative. For many Nepalese migrants, brokers constitute therefore not only the better option of going abroad, but in many cases also the only one (interviews, Nepal 2013).

6. The main actors and the middle space of labour brokerage

In Nepal, brokerage of transnational labour migration is organised by private businesses (chapter 6 and 8) and regulated by the state (chapter 9). The main actors in the foreign employment sector are recruitment agents and agencies. While the recruitment agencies are mainly based in Kathmandu, a bulk of agents is active in the whole country. Very few women work as brokers. In addition to labour brokerage, recruitment agencies and agents are often engaged in migration-related side-businesses such as money lending and transferring remittances (cp. Ye, 2014:185).

6.1. Recruitment agencies, agents, and complex relationships

The recruitment agencies range from small-scale to large-scale enterprises, from formal to informal, from successful to unsuccessful or failed ones. A main characteristic of a formal recruitment agency is its registration with the Government of Nepal. This requires paying a licence fee to the Department of Foreign Employment and depositing 3 million NPR (US$ 30,000) or a bank guarantee of 2.3 million NPR (US$ 23,000) (GoN, 2007, Section 11:6). This amount can be used in the event that the agency fails to compensate a worker or the worker's family in case of work-related injuries or death (GoN, 2007, Section 51:29). Large-scale agencies maintain branch offices in the Nepalese lowlands and sometimes also contact offices in the recruiting countries. The employees often have an education in management or as office clerks. Typically, the director or part of the staff have their own migration experience, which enables them to know the procedure, establish important contacts and gain more credibility. Regional, local and head offices are intertwined through local agents and administrative relationships, which allow them to exchange information and people. While branch offices work on a regional or local level for a particular head office in Kathmandu, contact offices are more independent. Compared to registered recruitment agencies and their branch offices, contact offices deposit less money at the government and are less liable. Besides the registered agencies, more informal recruitment agencies exist. They often work for several agencies or directly as intermediaries between Nepalese migrants and foreign employers. In addition, so-called "dummy firms" (interview, Nepal 2013) circumvent the regulations by not registering at all. A simple sign in front of the house might serve the purpose of attracting clients. In other cases, dummy firms operate under a different company's name: a car-repair garage, for example, may act as a "cover" for a recruitment agency. In this case, the actual practice of recruitment (interviews, document preparation) takes place in the backyard of the garage without official registration, attracting clients through word of mouth. These dummy firms are less professional and often lack competent staff. Failed recruitment agencies are the ones that have not enough customers (some companies send no migrants in certain years, others fail to maintain a working relationship with the employers in the destination countries, interviews, 2013). Failure of an agency can occur due to bankruptcy (e.g. by having to pay high compensations to migrant workers) or due to criminal prosecution (e.g. by having to return the license). The diversity of success and failure highlights again the complexity of the business and the competition among the brokers.

Most of the registered recruitment agencies are member of the Nepal Association of Foreign Employment Agencies (NAFEA). Their number varies according to difference sources. The president of NAFEA stated: *"We have now 760 members, or maybe 759: one is in jail right now for faking documents"* (interview, Kathmandu 2013). Seemingly, not only the recruitment agencies manoeuvre between legality and fraud, but also the association itself. But despite the NAFEA frequently changing its presidents, splitting into subgroups and the media questioning its integrity, the agency's influence remains crucial (Kathmandu Post, 2013a,c, interviews, Nepal 2013).

Another set of key actors, the recruitment agents, is similarly opaque. While most recruitment agencies more or less openly admitted to work with local agents, none of them were willing to give the agents' names or contact details. Our information about this actor group is mainly based on a handful of direct interviews with often coincidentally encountered agents, and on expert interviews. More future research is necessary on these important intermediaries between recruitment agencies and potential migrants (Thieme and Ghimire, 2014:405). Experts often differentiate between local, regional, district and between registered and unregistered agents (interviews, Kathmandu 2013). However, the boundaries are blurred, as agents are very mobile. Local agents operate in the villages or in district headquarters, often representing the first contact person for a potential migrant. Many of them have a migration background themselves, which enables them to negotiate between employers, recruiters and migrants. While some recruitment agents work alone, others maintain contact offices with additional staff. Most of them introduce potential clients to recruitment agencies. Only a few "smart" individual agents are able to directly negotiate with international representatives, thereby eluding the agency (interview, Kathmandu 2013). Agencies however try to avoid this by keeping information and contact details at the level of the head office or even of the manager. Most of the agents work informally, but an increasing number – 341 in Sept. 2013 and almost 500 in Oct. 2013 (interviews, Kathmandu 2013) – have registered and deposited the required amount of 200,000 NPR (2000 US$).

Recently, a group of registered agents established the Agent Association (AA). The main aim of the AA is to improve recognition of their brokerage work and create transparent conditions for the recruitment process. Additionally, the association strives for more independence from the recruitment agencies. So far, the relationships between agencies, agents and the AA have been complex. As

an agent noted: *"A recruitment centre can dismiss the agent anytime. There are no criteria. Many agents are therefore afraid of the reaction of the recruitment centre if they join the Agent Association"* (interview, Kathmandu 2013). Seemingly, neither agents nor agencies currently have a strong incentive to support the AA. The former hesitate because they fear losing potential job opportunities. The latter often see the AA as a lobby group with conflicting interests.

Recruitment agencies frequently complain about the weak performance of the agents. *"Doing business with brokers means that workers end up paying too much money. If there are middlemen in between, this means only suffering. The expectations of the migrants are very different and wrong then"* (interview, Kathmandu 2013). Wrong information and additional charges can indeed complicate the recruitment process. However, recruitment agencies depend on local brokers. *"I call them head hunters. I don't want them, but I need them. This is how Nepal is. There are very remote places"* (interview, Kathmandu 2013). The relationship between agencies and agents is thus ambivalent.

6.2. The middle space of migration

As middlemen between potential employees and foreign employers, labour brokers face conflicting interests by their clients, namely the potential Nepalese employees seeking work abroad, and the foreign entrepreneurs, mainly companies in the Gulf States and in Malaysia. While the migrants are interested in good wages and working conditions, the employers often seek contingents of low-paid unskilled and semi-skilled labourers for construction work and simple services. Also Nepalese men as security guards are in demand, preferably with an army background and the fame of being as brave as Gorkha mercenary soldiers. Nepalese recruitment agencies have to compete with agencies from other South Asian countries. A comparative advantage are the low wages Nepalese workers receive in comparison with salaries of other foreign South Asian workers (interview, Kathmandu 2013). Accordingly, brokers offer the workers as a "product" to their clients, such as in the following advertisement: *"Comparatively Nepalese workers are more cost effective and [have an] inherent quality to work even in extreme climate conditions. Therefore Nepalese workers are best bet and economically advantageous to the employers."*[7] However, the detailed practices and challenges of the brokers to negotiate *"the bundle of conditions"* (interview, Kathmandu 2013) with employers deserve further research.

Offering trainings and skill enhancement programs for migrants before they leave, for example, is, on the one hand, a way to prepare the migrants for their future as a foreign employee and to increase their wage opportunities. On the other hand, the trainings provide foreign companies with better skilled candidates. Both factors improve the position and profit of the broker in between. Most of the larger and well-established recruitment agencies in Kathmandu offer trainings free of charge. The so-called orientation or pre-departure trainings last around seven days. In addition, refresher training sessions lasting up to two weeks and intensive trainings between four and six months are also offered (interviews, Kathmandu 2013).

Brokers shape opportunities and constraints of their clients. Recruiting agencies and especially local brokers play a role in *"selling a dream"* (NGO interview, Kathmandu 2013). Villagers have high expectations of labour migration and tend to neglect risks and reality. As recruiters are able to profit from these expectations and depend on available work supply, only a few are willing to destroy the migrants' hopes immediately. Nevertheless, expectations are hardly compatible with real opportunities. *"We tell them the truth when they come here"* (branch office interview, Eastern Nepal 2013) is therefore to be understood as a balancing strategy between attracting potential migrants and serving the interests of the foreign clients. At the same time, recruiters are gatekeepers. By selecting foreign companies and migrating candidates, they shape livelihood opportunities and labour markets. While some recruiters are interested in sending as many migrants as possible, others build on the quality of their "product". Their reputation in the foreign countries, and therefore their future income, also depends on sending only the *"best candidates"* (interviews, Nepal 2013).

Brokers are essential in a country like Nepal, characterised by regional diversity and spatial distance, an unstable political environment, as well as unequal access to livelihood options and information. People in remote areas particularly depend on a bridge in order to connect to the rest of the world and to global labour markets. International and national networks as well as infrastructure and logistics are necessary. The migration industry meets these demands. Recruitment agencies represent important contact points in urban areas for the rural population. Furthermore, labour agents establish important contacts between villages and cities, crossing the "urban-rural divide", "a driving factor of migration" (Thieme et al., 2014:3). Money and goods, people and information, as well as skills and knowledge flow via recruiting actors from Nepal to destination countries of foreign employment and vice versa. Brokers, as the key actors in the foreign employment sector, bridge spatial distances within the country and between countries. They connect the rural and urban, local and global, peripheral and central, and poor and rich divide. Furthermore, they are in between expectations and reality (cp. Agunias, 2013). Thus, brokers have a key function for transnational migration.

The social fields within which brokerage functions are demanded and provided are complex, contested and bear many risks. The middle space of migration is characterised by a diversity of actors with varying performances, conflicting interests and complex interrelations. This challenging position requires the brokers to rely on several strategies. From the perspective of the migrant, this complexity shows how crucial it is for him or her to search for a reliable agency.

7. The ambivalent reputation of the brokers

The social fields of brokers are dominated by discourses of the "bad broker", both in Nepal and internationally. Lindquist et al. (2012:14) parody this common stereotype of a broker as "a streetwise thug who works outside the law, luring innocent migrants into exploitative situations", adding that formal brokers often fall into the same category as informal smugglers and traffickers, "[d]espite their deep entanglement in migration management" (Lindquist et al., 2012:13). In the Nepalese context, media, INGOs, NGOs, migrants, and recruiters themselves create and reproduce this dominant discourse. At the same time, the importance of brokers for facilitating labour migration is beyond question. We argue that the relationship between reputation and performance is ambivalent and miscellaneous.

7.1. "Manpower agency is rubbish"

This statement of the director of an international recruitment company about the popular opinion regarding recruitment companies (interview, Kathmandu 2013) puts the main discourse in Nepal in a nutshell. Interviewed migrants, government officials, representatives of NGOs and donors (Switzerland and Nepal 2013) often characterise recruiting agencies and agents as cheating, egoistic, profit-oriented liars, who are corrupted and responsible for the exploitation of the poor. *"Brokers and manpower agencies*

[7] http://www.lmmanpower.com/.

mainly want to earn money. They don't care about Nepalese who die in factories or about accidents. Their main focus is money" (migrant interview, Western Nepal 2013). Also an international convention[8] and a civil society platform[9] as well as national civil society organisations (e.g. initiatives of migrant workers' organisations abroad) picked-up the problem of "unethical recruitment practices", anticipating the negative connotation of brokerage.

The media coverage widely spreads the image of the "murky system of recruitment brokers in Asia" (Pattison, 2013), both internationally and nationally. The liberal Neue Zürcher Zeitung (NZZ) in Switzerland, for example, reports on the "fraudulent job agents" in Nepal who "shamelessly" exploit the poor population (Spalinger, 2013). During our fieldwork, the feature story of the Guardian in September 2013 was highly influential, representing Nepalese workers in the Gulf as "Qatar's World Cup 'slaves'" (Pattison, 2013). In the Nepalese media, the topic is omnipresent. For example, the Kathmandu Post (2013b) regularly reports fraud cases, highlighting how "unscrupulous manpower agencies have long taken advantage of the desperation of Nepalese citizens". This one-sided media coverage explains the strong negative reputation of recruitment brokers.

Being "generally demonized by academic researchers, non-governmental organizations and policymakers alike" (Lindquist et al., 2012:22), the recruiters themselves often become ambivalent in describing their role and activities. Many recruitment entrepreneurs use the same negative stereotypes when talking about other companies or agents, contributing thereby to the reproduction of these stereotypes (interviews, 2013). However, the dominant discourse about the bad broker is not the only one.

7.2. Recruiting companies "facilitate everything"

A less dominant discourse thread has appeared that acknowledges the importance of brokers for labour migration and the country in general. Interviewed migrants, government officials and NGOs working on safe migration all agree on the need for recruiting agents. *"Without recruiting companies, foreign employment wouldn't be possible. They are the key actors. They facilitate everything"* (NGO interview, Kathmandu 2013). Despite the frequently reported adverse working conditions abroad and the strongly criticised practices of the brokers, foreign employment itself has a very positive connotation in the main discourse. *"The benefit of foreign employment is a higher status and the possibility to bring happiness to their family. Otherwise, there is often only unemployment and alcoholism. Going abroad is a chance for those who don't have work here and for those who don't succeed in the tests for government officials. It also has an economic benefit"* (VDC secretary interview, Western Nepal 2013). Many migrants and left behind families confirmed this view (interviews, Nepal 2012–2014). By facilitating foreign employment, brokers benefit from this positive assessment. *"Of course, we have to keep some money, but we also give good jobs. ... Some people come to me and thank me when they are back"* (agent interview, Eastern Nepal 2013).

7.3. Ambivalent reputation, mixed practices

Reputation, performance and practices of labour brokers are intertwined. On the one hand, malpractices, such as fraud and exploitation, contribute to the negative reputation of recruiters. On the other hand, however, cases of good performance, such as free recruitment and transparency, hardly improve the general reputation of recruiters. Often, the existence of good practices itself is questioned. For example, a government official who has been working on labour migration and recruitment for years denied any good performance among recruitment companies (interview, Kathmandu 2013).

To put our fieldwork experiences in a nutshell: The performance of labour brokers highly differs. Recruitment companies range from highly professional enterprises (meeting international standards, certified and formalised) to informal and simple one-man offices. The well-known companies can select their clients, the others not. Generally, the unregistered agents suffer from the worst reputation. While these agents remained rather invisible during our fieldwork, the recruitment agencies contradicted our expectations by mostly welcoming us and more or less willingly sharing information. Therefore, we argue that a generalisation of the fraudulent performance of the brokers is not indicated. The practices of labour brokerage are more complex and challenging than the prevailing discourse suggests.

8. Brokering in contested fields: roles and framing strategies of recruiters

Confronted with this ambivalent reputation, brokers deploy different framing strategies. The recruiters we interviewed framed their positions and work by using specific terms and descriptions, in order to – strategically or unconsciously – influence, improve, or circumvent their negative image.

The brokers' self-perception allowed us first insights into their functioning and roles. When asked how they would denominate their job, many interviewees express that they perceive the term broker as inadequate, last but not least, because in Nepali, "dalal" (broker) refers to a pimp and has a strong negative connotation (interviews, Nepal 2013). A young man working for a recruitment company explains: "*I don't call myself a broker... but basically that's what I do. Broker is very negative. People will think you give them a bad job and keep all the money for yourself*" (interview, Eastern Nepal 2013). He prefers to call himself *"public relations officer"*.

Practices and framing are often incongruent, highlighting in many cases more social than economic roles. Only a few recruiters describe themselves as actors of the private sector and businessmen. The director of a big recruitment agency in Nepal, for example, noted: *"I, as a company, have to see what the package is ... We go where the profit is. I'm a businessman. It only makes sense if I can make money with it. ... My personal interest is the well-being of my company"* (interview, Kathmandu 2013). However, when asked about their main motivation to work as a recruiter, most interviewees mentioned their contribution to people's livelihood opportunities and Nepal's economic development in general. Many also emphasised that they enable experiences and knowledge transfer to marginal, poor people.

Framing themselves as social workers is very popular among recruiters. In the Nepalese context, the term social worker has increasingly developed a more political connotation. Since political leaders generally suffer from a very negative reputation in South-Asia, it is important for them to do what Bailey (1971:5) calls a "reputation management". They often refer to themselves as social workers (interviews, Nepal 2012–2014), a categorisation which Wenner (2015) uses to describe a specific leadership style in Darjeeling, too (cp. Price and Ruud, 2010). We assume that recruiters use the same strategy as political leaders, activating symbolic capital by emphasising their important contribution in securing livelihoods and fostering development.

[8] cp. UN (1990) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families – CMW; Human Rights Treaty Monitoring under existing conventions; ILO (2006) Multilateral Framework on Labour Migration. Recently the IOM initiated the "International Recruitment Integrity System (IRIS)", that will be a consortium of international stakeholders committed to the fair recruitment and selection of migrant workers (IOM and IRIS, 2013).

[9] Global Forum on Migration and Development, UNDP 2009.

Nevertheless, politics also plays a role in the foreign employment business. This politicisation is a rather recent phenomenon and requires further research. The results of the fieldwork indicate, however, that powerful actors attempt to shape the legal framework according to their interests or cooperate with the state when they consider it useful. Some owners of recruitment agencies were also listed for the latest elections. By framing recruitment practices as social work, bringing development and doing good things for people and the country, the link to politics becomes apparent. We assume that this framing enables the brokers also to perform their work of brokerage between contempt and compliment.

9. Labour brokers between legal frameworks and every day practices

The government authorities interfere in migration trajectories by regulations and bureaucratic processes (Hagen-Zanker et al., 2014). The increasing formalisation of migration management reinforces the importance of brokers for the facilitation of transnational mobility. At the same time, recruiters face a number of problems in their everyday practices as a result of government changes to legislation and alternating approaches to law enforcement. In the case of Nepal, the role of the government is particularly ambiguous as the country has had no constitution since 1990 and is governed under the Interim Constitution since 2007. Thus, brokers are not only positioned between employers and employees, but also between (inter) state practices and aspirations of potential migrants. This multiple in-between-ness increases the ambivalence of the middle space of migration.

9.1. Regulating foreign employment recruitment

Governments often play an ambivalent role in the foreign employment sector (Surak, 2011). This is also true in the case of Nepal. On the one hand, Nepal's economy benefits from labour migration (Bhattarai, 2012). Remittances, tax income by registered agencies, as well as the reduced pressure on the national labour market represent strong incentives for the state to support or at least tolerate the current practices (interviews, NGOs and Agent Association, Kathmandu 2013). On the other hand, the state is responsible for ensuring a safe migration process (Thieme et al., 2014). Especially after famous fraud cases, the demand for more regulation and stronger monitoring by the government increases.

Despite the persisting political crisis, the Government of Nepal has become an important actor in regulating the migration industry. Involved are the Ministry of Labour and Employment (MoLE) with the Department of Foreign Employment (DoFE) and the Department of Labour (DoL) as well as the Foreign Employment Promotion Board (FEPB) (cp. Fig. 2). The main legal reference is the Foreign Employment Act (FEA) (GoN, 2007). The act regulates the process and conditions of the foreign labour recruitment in Nepal. It aims at safer migration and transparent rules and promotes foreign employment, protecting both Nepalese labour migrants and foreign employment entrepreneurs. Generally, the FEA differentiates between two ways of going abroad as a foreign employee: through a registered recruitment agency or individually (GoN, 2007, FEA Section 21–22).

In their daily practice, brokers experience the government regulations as a big challenge and often as counterproductive for their business. A representative of NAFEA (interview, Kathmandu 2013) stated: *"Our present act is giving us hassle. It's like in the sixteenth century. The Foreign Employment Act is very complicated and long. It's a book. But the more documents you need, the more corruption will result."*

One frequently stated problem is the language barriers between Nepali, English and Arabic, which have to be overcome. The problem is directly related to the transnational field, but particularly depends on governance. Currently, the insufficient number of official translators leads to delays and misunderstandings. It was also reported that some government officials used small translation mistakes in the documents to ban migrants from leaving the country or to improve their personal income. One recruiter gave the example that a translation to 'cleaner' instead of 'sweeper' could easily lead to delays at the public authorities. This little flaw could either lead to a migration ban or to the withdrawal of the recruitment license. In many cases, this could only be avoided by paying personal favours (interview, Kathmandu 2013).

9.2. Navigating through changing rules and regulations

The frequent changes of rules and alternating intensity of enforcement have lead to widespread uncertainty (interviews, Nepal 2013; cp. Thieme et al., 2014). One example are the regulations on women who migrate to the Gulf States for work. A range of restrictions, from outright bans to various discriminatory constraints, have been imposed, lifted and re-imposed several times. The changing law did not halt mobility, but forced many women

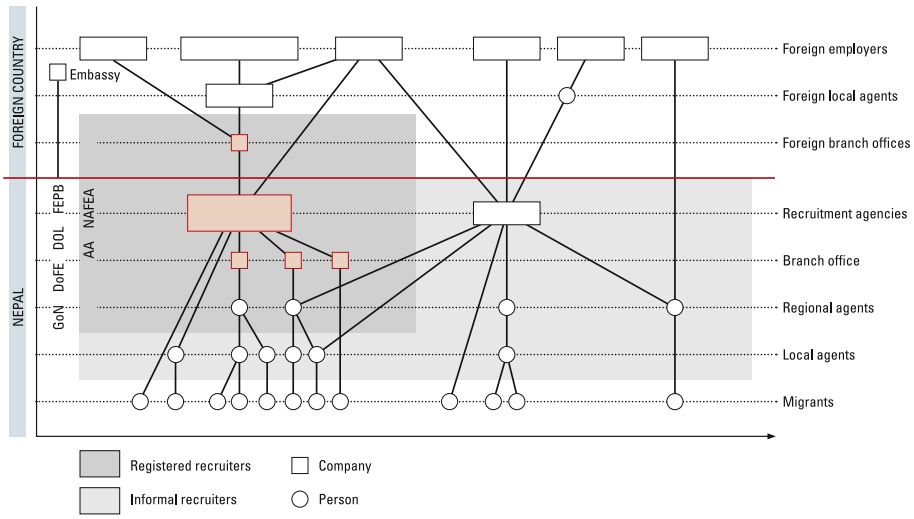


Fig. 2. The actors of the labour brokerage.

Photo 1. Queuing for documents, Kathmandu (A. Kern – 2013).

to choose illegal paths to employment abroad, increasing their vulnerability and exploitation by informal labour brokers. Because of the increased attention to female migration by media and policy-makers and famous fraud cases in destination countries (including crimes of rape and murder) (Gurung et al., 2013; UN Women, 2014), most recruitment agencies are reluctant to openly recruit women, despite the high market demand. "*We do not do women, because it is too risky*" (interview, Kathmandu 2013). Nevertheless, we observed a good number of female clients in the recruitment offices!

The complicated administrative process combined with legal uncertainty leads to the blurring of legal and illegal activities. Partially, actors are ignorant of the changing rules. The manager of a large-scale recruitment company explains (interview, Kathmandu 2013): *"We follow the requirements according to the government. But it's pretty difficult to catch up with the changes. Also workers don't like to adapt. . . . It's one of our biggest challenges when the government changes the rules"*. Furthermore, the director of an international recruitment agency stated (interview, Kathmandu 2013): "*We never send [migrants] illegal[ly], but . . . the rules change all the time. No cooperation with the government is possible. All staff is corrupted. There is no safe[ty] – nothing. Nobody cares. If no straight work is possible, we have to go illegal.*" Thus, illegal actions of brokers are sometimes accidental, sometimes deliberate, and it is often difficult to legally categorise the activities.

However, the post-conflict context with its continuous changes also creates opportunities for the brokers. We argue that in the case of foreign employment in Nepal it is not the regulation itself that contains loopholes but rather its implementation and interpretation in the context of political instability. Everyday practices of fraud, both by recruiters and migrants, are the intended or unconscious consequences.

A common navigation strategy is making use of the gap between regulation and implementation. For example, there is evidence that the brokers seldom stuck to the maximum service charge of 70,000 to 80,000 NPR (c. 700–800 US$) per person (depending on the destination country) set by the GoN. A potential migrant worker reported (interview, Western Nepal 2013): *"My brother went to a manpower agency, so I did the same. We went directly to Kathmandu. Currently, I'm waiting for the visa. I paid 1.25 lakh [around US$ 1260] to the agency."* Interviewer: "*Don't you know that the charge should not exceed 80,000 rupees?*" Potential migrant: "*Yes, but what can I do. I had no option because there is not any job opportunity in the country.*" Despite having an understanding of the rules, a lack of alternatives encourages the migrants to participate in illegal activities.

Another way of navigating through the rules and regulations is to officially follow them, while cheating at the same time. For instance, some recruitment agencies misuse their role as migration administrators by issuing "*double labour contracts*". One contract serves the purpose of fulfilling government requirements and the other one serves the foreign employer. The president of NAFEA became very unpopular among the recruitment agencies after announcing: "More than 99% of manpower agencies use double labour contracts in order to deceive the authorities and send the migrants abroad" (Kathmandu Post, 2013a). Fake documents also enable recruitment agencies to save taxes by indicating salaries that are lower than what the migrants actually earn. Furthermore, brokers frequently circumvent regulation by sending migrants informally via the individual trajectory (GoN, 2007). In this case, the agency is not liable and the migrants bear more risks (interviews, Nepal 2013). These examples show how brokers practice formality and illegality in parallel.

9.3. Illegal practices

The brokers not only produce fake documents, but are also confronted with fake documents, both from migrants and from foreign companies. On the one hand, potential migrants circumvent government regulations and recruiting procedures. *"Some people fake documents, for example the date of birth. They make themselves older. It's very easy to fake, government is not tight, birth registration is not fix. There is no check, nothing happens"* (migrant interview, Eastern Nepal 2013). Migrants also sometimes state skills in their curriculum vitae that they lack. Many recruiters stated that it is difficult for them to check these data. However, they have to bear the compensation costs when the migrant is sent abroad for example as an electrician, but is then employed as unskilled labourer. Unless the employer documents the lacking skills, the recruiter is bound to pay compensation to the worker, because the latter is not salaried according to the skills mentioned in the contract (interviews, recruitment agencies, 2013).

Brokers face false information by foreign companies as well. Almost all interviewees of recruitment agencies explained that one of the biggest challenges regarding foreign employment is the discrepancy between contract and conditions abroad. When salaries and jobs provided differ from those stated in the demand letter, this creates problems for migrants as well as for recruiters. While Nepalese employees feel exploited and cheated, migration brokers have to deal with compensation claims and face the risk of a negative reputation.

Recruiters therefore have an interest in correct documents, both to ensure their profits and maintain a good reputation. Nevertheless, it is their common strategy to work with fake documents in order to save expenses, bypass government regulations,

and expedite recruitment processes in order to increase income possibilities by sending more employees abroad.

Despite political uncertainty and the continuing lack of a constitution, the Government of Nepal represents an important actor in regulating the migration industry, thus shaping the room of manoeuvre of the brokers. On the one hand, complex bureaucracies restrict brokers; on the other hand, legal uncertainty and corruption allow multiple practices of brokerage and diverse translations between different social fields, which increase the benefits of the brokers.

10. Concluding remarks

Among young Nepalese men and women, aspirations for a better life through labour migration are growing. The livelihood strategy of working abroad involves unpredictable opportunities and risks and is exposed to opaque national and international politics and regulations. For many Nepalese migrants, particularly for persons with a minimal educational background and limited access to information, recruitment brokers constitute therefore not only the better option of going abroad, but in many cases also the only one.

We introduced the brokerage concept to unravel how transnational mobility is made possible and organised, and how the recruiters strategically juggle the socially and spatially unconnected social fields of potential employees and employers. With a focus on the middle space of migration, we aimed at a more holistic understanding of the role and practices of the brokers in the recruitment process for foreign employment in Nepal. We also intended to question the stereotype of the "bad broker".

Our results indicate that recruiters are important facilitators in supporting alternative income strategies and new livelihood options of people. At the same time, brokers are entrepreneurs in a competitive and risky economic field, confronted with multifaceted constraints. The security and successful livelihood outcomes of jobseekers depend to a great extend upon the practices and the performance of the recruiters. Recruiters have to connect different localities, the rural and the urban, the migrant's home place and work place(s), job seekers with foreign labour markets and companies, demand and supply. They have to navigate through rules, regulations and bureaucracy. We assume that many recruiters commit illegal actions unintentionally because of ignorance, wrong information and changing legal frameworks, and at the same time also bypass and translate legality for the sake of profit.

Based on our empirical data, we conclude that the negative reputation of recruitment brokers is only partially justified, as their practices and the resulting performances highly vary. We have to acknowledge that many recruiters do or at least want to do a good job – a job that bears high risks and responsibility. The performativity of the stereotype "bad broker" and "poor migrant" neglect other important aspects in the field of labour recruitment. Migrants, for example, are mainly described as victims; their agency is seldom anticipated.

The International Organization for Migration states, "facilitating migration for work can be a win-win proposition" (IOM, 2013). Current endeavours by the government as well as by recruiters' associations aim at more transparency as well as an "ethical recruitment" (expert interviews, Nepal 2013). This means that much more insights in best practices of facilitating migration for work will need to be elaborated and communicated. Recruiters can play an important role in making migration safer. Therefore it is crucial to focus on the potential improvement of brokerage. Currently, the state is an ambivalent actor in the migration industry. It regulates the foreign employment sector and at the same time neglects its responsibility to monitor the processes and enforce the rules and regulations. A decentralised and a more service-oriented administration that enables potential migrants to access documents at the district level would render the procedure less costly and would reduce the dependency on brokers.

However, as long as the gap between the dreams of potential migrants and the reality of marginality in Nepal remains wide, labour brokers are likely to remain important intermediaries for global work. Thus, migration brokerage is very probably going to remain big business.

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