

# LABOUR MIGRATION FROM COLOMBO PROCESS COUNTRIES GOOD PRACTICES, CHALLENGES AND WAY FORWARD



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International Organization for Migration (IOM)

# Labour migration from Colombo Process countries

## Good practices, challenges and ways forward\*



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International Organization for Migration (IOM)

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## ACRONYMS

|                 |  |
|-----------------|--|
| BMET:           | Bureau of Manpower, Employment and Training (Bangladesh)                                   |
| BNP2TKI:        | National Board for the Placement and Protection of Indonesian Overseas Workers             |
| BOEOE:          | Bureau of Emigration and Overseas Employment (Pakistan)                                    |
| BOESL:          | Bangladesh Overseas Employment and Services Limited  |
| CFO:            | Commission on Filipinos Overseas   |
| DoFE:           | Department of Foreign Employment (Nepal)   |
| DoLE:           | Department of Labour and Employment (Philippines)  |
| ESCs:           | Employment Service Centres   |
| FEPB:           | Foreign Employment Promotion Board (Nepal)   |
| KEMENAKERTRANS: | Ministry of Manpower and Transmigration (Indonesia)  |
| MFEPW:          | Ministry of Foreign Employment Promotion and Welfare (Sri Lanka)                           |
| MoEWOE:         | Ministry of Expatriates' Welfare and Overseas Employment (Bangladesh)                      |
| MOFCOM:         | Ministry of Commerce (China)   |
| MOIA:           | Ministry of Overseas Indian Affairs  |
| MoLISA:         | Ministry of Labour, Invalids and Social Affairs (Viet Nam)                                 |
| MOLSAMD:        | Ministry of Labour, Social Affairs and Martyrs and the Disabled (Afghanistan)              |
| MoLTM:          | Ministry of Labour and Transport Management (Nepal)  |
| OPF:            | Overseas Pakistani Foundation  |
| OWWA:           | Department of Labour and Employment, Overseas Workers Welfare Administration (Philippines) |
| PDOS:           | Pre-departure Orientation Seminar  |
| PEOS:           | Pre-employment Orientation Seminar   |
| PGE:            | Protector General of Emigrants (India)   |
| POEA:           | Philippine Overseas Employment Administration  |
| SLBFE:          | Sri Lanka Bureau of Foreign Employment   |
| TOEA:           | Thailand Overseas Employment Administration  |



# FOREWORD

## Labour migration from Colombo Process Countries: Good practices, challenges and ways forward

Labour migration from the eleven Member Countries of the Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (the Colombo Process) represents a significant share of the total migrant flows from the Asian region. Of the top ten emigration countries worldwide, five are Colombo Process countries (Bangladesh, China, India, Pakistan and the Philippines).

Despite the temporary decrease in global migration outflows due to the global economic crisis, flows from Colombo Process countries have been on the rise overall since 2005. This attests to the continued structural need and demand for labour migrants globally, in particular in the Middle East. Migration from the region also contributes to socio-economic growth and development in both countries of origin and destination. In economic terms, remittances received by Colombo Process countries more than doubled from USD 84 billion in 2005 to USD 173 billion in 2010.

Since the previous Colombo Process Ministerial Consultation, held in Bali in 2005, Member Countries have made concrete steps to improve the management of labour migration. Indeed, significant progress has been made, such as revised policies and regulations, greater cooperation between Colombo Process countries and key destination countries and the launching of several initiatives, including awareness-raising campaigns, orientation training, recruitment drives, remittance investment and welfare programmes.

*Labour Migration from Colombo Process Countries: Good Practices, Challenges and Ways Forward* highlights a number of good practices in labour migration management that can be studied, adopted and replicated within national contexts. The study underlines that, despite successes, several challenges remain in enhancing the protection of migrant workers, including reducing their vulnerability to irregular migration, safeguarding against illicit recruitment practices, providing welfare support to migrant families and offering reintegration support upon return. Successfully addressing these challenges requires investment in capacity-building to better implement and evaluate policies and programmes, as well as strengthening dialogue and partnerships among all actors - Colombo Process countries themselves at various levels of government, destination countries, civil society and the private sector. The Colombo Process provides a unique opportunity for Member Countries and Observers to do just that. Engaging in constructive dialogue to pursue areas of mutual interest greatly enhances the chances of Member Countries undertaking concrete actions.

IOM has supported the work of the Colombo Process since its inception in 2003, and we remain committed to its objectives. I hope that this study served to inform further discussions at the Ministerial Consultation held in Dhaka in April 2011, and beyond.



**William Lacy Swing**  
Director General  
International Organization for Migration





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# About the Colombo Process

The Colombo Process,<sup>1</sup> a Regional Consultative Process<sup>2</sup> on the management of overseas employment and contractual labour for countries of origin in Asia, provides its Member States as well as Observers and external organizations a non-binding and informal environment to engage in dialogues and cooperation on issues related to labour migration that are of common interest and concern.

The Colombo Process is led and governed by Ministerial Consultations in which recommendations and action plans are discussed and adopted by the Ministers of the participating countries. The first Ministerial Consultation for Asian Labour Sending Countries was held in 2003 in Colombo, Sri Lanka. Since then two subsequent Ministerial Consultations have followed in Manila, Philippines in 2004 and Bali, Indonesia in 2005 to review and monitor the implementation of

previous recommendations and identify areas of future action. The Third Ministerial Consultation in Bali also included the participation of several countries of destination - Bahrain, Italy, Kuwait, Malaysia, Qatar, Korea, Saudi Arabia and the United Arab Emirates - showing how the dialogue has evolved over time.

To date the Consultations have evolved around three thematic foci:

- Protection of and provision of services to migrant workers;
- Optimizing benefits of organized labour migration and;
- Capacity building, data collection and inter-state cooperation.

The 4<sup>th</sup> Ministerial Consultation was held in Dhaka, Bangladesh in April 2011.

1. The Colombo Process is composed of 11 Member Countries (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam) as well as 8 observer countries (Bahrain, Italy, Kuwait, Malaysia, Qatar, Republic of Korea, Saudi Arabia and the United Arab Emirates). <http://www.colomboprocess.org/>

2. Regional Consultative Processes (RCPs) bring together representatives of states, international organizations and, in some cases, non-governmental organizations (NGOs) for informal and non-binding dialogue and information exchange on migration-related issues of common interest and concern. Although governments have generally taken the primary lead in establishing RCPs, in some cases the International Organization for Migration and/or the United Nations High Commissioner for Refugees have also had a leading role.

# Report aims, scope and limitations

In preparation for the 2011 Dhaka Ministerial Consultation, and at the request of several Colombo Process countries, the International Organization for Migration (IOM) carried out this study with the aim of taking stock of current labour-migration dynamics in the region since 2005 and since the resulting publications from ministerial consultations in Colombo and Manila (IOM, 2003, 2005); identifying good practices and challenges in current labour-migration management processes; and drawing up a set of policy options for improving migration-management systems in the region. More specifically, the study considers all three phases of the migration process: pre-migration, arrival at the destination country, and return and reintegration. Within the three phases, the study highlights how information is disseminated, the recruitment process, welfare and other support services for migrants in countries of origin and

destination, and how labour migration's benefits are maximized.

The data and information gathered for the study come primarily from 11 country assessments that IOM field missions carried out in each of the Colombo Process countries between August and November 2010. The template the field missions used includes Indicators related to current migration flows, in particular labour migration, in addition to specific requests for good-practice examples and challenges in all three migration phases. Field missions based the assessments on existing research studies, official data and policy documents provided by a range of government ministries and meetings with relevant stakeholders in several of the countries. In addition, Colombo Process Member Country officials from various ministries at the national level as well as those based at their permanent missions in

Geneva provided their feedback on the entire draft of this report. The data, though based on a common assessment template, is not directly comparable across countries as different methodologies for data collection exist; what and who are counted in official national statistics differ as well. However, the data do still provide important insights into trends across the region. In several instances, the World Bank or United Nations Department of Economic and Social Affairs data are used, offering an international comparative perspective in addition to the national sources.

While labour-migration dynamics in the Colombo Process region vary, this study focuses on temporary labour migration as it forms the

dominant flow. The report recognizes the critical role destination-country policies and programmes play, but it was beyond the study's scope to consider these in detail. The resulting focus on Colombo Process countries does not suggest that the issues facing migrants from the region or policy responses to them are the sole responsibility of migrant-origin countries. Rather, the study fully acknowledges that numerous issues at destination require the attention of destination countries as well as partnerships between origin and destination countries. Time limitations and the study's parameters do not allow for deep analysis of this topic.

# Executive summary

Labour migration within and from the Colombo Process (CP) Member Countries is significant, growing and increasingly complex. An overwhelming majority leave on a temporary basis, and many are considered vulnerable since they move without documentation and/or take low-paid jobs in less-skilled and largely unprotected sectors of the economy.

CP Member Countries have recently taken concrete, pro-active steps to manage labour migration. In just the last five years, 8 of the 11 CP countries amended existing regulations or adopted new legislation concerning labour migration, 7 created new government structures dedicated to managing labour outflow and the welfare of overseas migrants, and 10 signed 59 bilateral agreements (BAs) and memoranda of understanding (MOUs) with key destination countries.

In addition, CP Member Countries have launched specific programmes and activities at different levels of government to disseminate essential information, regulate the recruitment process, provide welfare support at origin and destination, and maximize the benefits of labour migration.

In reviewing many of these national programmes, a number of good practices have emerged that other CP Member Countries can study and, if relevant to their local situation, adopt and replicate. This report highlights 52 of

the most innovative elements of various programs, many of which were introduced in just the last five years.

Despite success in key areas, however, difficult challenges remain, especially in implementation. There is often a gap between the intention and aims of programmes as laid out on paper and how they are ultimately applied on the ground. Challenges within the areas mentioned above include:

- ♦ **Disseminating information:** Efforts to disseminate information about the realities of migration, the resources available to migrants, pre-migration and employment orientation and training opportunities are hampered by a mismatch between the actual needs of migrants and services rendered, migrants' access to pre-departure orientations and other related services and of the quality and scale of interventions offered.
- ♦ **Managing recruitment:** Licensed recruitment agencies continue charging migrants excessive and unauthorized fees despite government regulations against such practices. Fraud and deceit are still common, and control over informal brokers, sub-agents and illegal recruiters remains limited.
- ♦ **Providing welfare support:** Difficulties persist due in large part to limited know-

how and capacity in administering welfare funds and insurance schemes, providing legal aid and managing embassy-based shelters at the destination and their associated costs.

- ◆ **Maximizing benefits of labour migration:** Remittance costs in some corridors remain quite high, with information on low-cost alternatives uneven. Extending social security portability can be difficult, and meaningful reintegration services for returning migrants are still limited.

In addressing these challenges, CP Member Countries may choose to build on progress already made and focus on improving current initiatives through more rigorous implementation, monitoring and evaluation of programmes. In thinking about viable programmes, CP Member Countries may consider focusing their efforts on the following areas and goals:

- ◆ improving existing pre-departure orientation programmes;
- ◆ developing and/or expanding existing migrant-resource or information centers and related services;
- ◆ developing and harmonizing regulations concerning recruitment agencies;
- ◆ expanding the use of standard contracts with explicit provisions on mutually acceptable placement fees, minimum or

reference wages, job descriptions and skills accreditation;

- ◆ supporting self-regulation among agencies;
- ◆ further developing government-managed labour-migration schemes;
- ◆ improving administration of and access to welfare funds and insurance schemes;
- ◆ enhancing welfare support provided at destination, particularly through strengthening capacity of diplomatic missions and partnering with destination countries;
- ◆ reducing remittance transaction costs on remaining “high-cost” corridors and providing information on cost-effective sending alternatives;
- ◆ facilitating reintegration of returning migrants.

Success in any of these areas first requires serious investments in capacity building. Towards this end, CP Member Countries may choose to adopt a three-pronged strategy centered on:

- ◆ generating the information, knowledge and policy-relevant research. CP governments can assess their capacity and available resources; support a systematic survey of government capacities required to implement programmes more effec-



tively; identify and develop strategies to address data gaps; monitor, gather and share information on projected labour migration requirements; and incorporate monitoring and evaluation into all policies and programmes.

- ◆ formalizing practical dialogues. To take advantage of the expertise within CP Member Countries, governments could formalize practical dialogues by creating a CP-wide advisory council or consultative body of leading senior past and current policymakers. This body could lead to a more structured consultation on specific areas of concern or interest. Another option would be a multi-stakeholder deliberative group of migrants, civil society leaders, employers, recruitment agencies and key government officials, including those from destination countries. A third option would be technical working groups of mostly mid-level and high-level government officials who can discuss specific issues in great detail.
- ◆ forging meaningful partnerships. The challenges of labour migration are transnational, and so are many of the solutions. CP Member Countries have already signed BAs and MOUs with many destination countries. The next challenge is issuing mutually agreed protocols and operational guidelines, and monitoring how agreed principles are implemented. An even bigger challenge is forging formal partnerships among CP Member Countries. These formal partnerships could be very useful since they would give CP Member Countries more leverage when negotiating with destination countries. Speaking on behalf of a “critical mass” of migrants could result in more influence, especially over highly contentious issues such as irregular migration, use of minimum or reference wages, and portability of visas and benefits.

# Introduction

The complex issues surrounding labour migration have only risen higher on the agenda of policymakers and practitioners since the previous Colombo Process (CP) Ministerial Consultation, convened in 2005 in Bali. Labour migration within and from CP Member Countries not only remained significant in terms of numbers but has also grown more complex over the last five years. In 2008 alone, roughly 5.4 million labour migrants from CP Member Countries migrated through official channels compared to 2.7 million in 2005 (Country assessments).<sup>3</sup> Most leave on a temporary basis to work in the Middle East, and many are particularly vulnerable due to the risky nature of their jobs, their low skill level or the irregular mode of their migration.

As economies worldwide recover from the most recent global financial crisis, this already significant and complex flow of people from CP Member Countries is expected to increase despite a temporary decline in labour-migrant outflows from most CP countries in 2009. In addition, countries worldwide face shifting demographic environments and labour market needs. Given these global dynamics, where the benefits of successfully accessing international labour markets have never been so clear, policymakers in CP Member Countries face a formidable task: creating efficient and equitable migration systems that benefit labour migrants and their families while bringing long-term

economic growth and development to countries that send and receive migrants.

The last five years have seen CP Member Countries face this task head on and with some noted success. All have taken some concrete steps to more effectively manage labour migration, and many have introduced specific programmes and activities to protect migrant workers and maximize the benefits of labour migration for everyone involved.

This report examines many of these programmes in order to highlight good practices and key challenges and offer a viable menu of policy and programme options. It is divided into four sections. The first section outlines six characteristics and trends that have defined labour migration from the CP region. Section two focuses on migration management policy by exploring the new regulations, legislations, government institutions and international cooperation agreements CP Member Countries have introduced since the 2005 convening. The third section then examines specific programmes and activities currently in operation and highlights 52 innovative and good practices as well as key challenges. The last section offers a menu of 10 potentially viable activities CP Member Countries could pursue and points out the merits of a three-pronged strategy for developing institutional capacity.

3. Note: Migrants from Afghanistan are not included as data were not available.

# Labour Migration Trends and Characteristics



Labour migration within and from the Colombo Process (CP) Member Countries is significant, growing and increasingly complex. Although the recent global economic crisis brought about a temporary dip, labour migration from the CP region has increased overall. An overwhelming majority work in the Middle East on a temporary basis,<sup>4</sup> but they also migrate within Asia and to countries in North America and Europe. Many are considered vulnerable since they move without documentation and/or work in less-skilled and largely unprotected sectors of the economy such as construction, manufacturing and domestic work. The number of female migrants leaving through formal channels has also decreased in some CP countries, raising concerns that more women are moving irregularly. At the same time, migrant women have become a major source of foreign-exchange inflows in many CP countries. Remittances have more than doubled just in the last five years, and in some CP countries remittances represent a significant share of GDP.

The following section discusses these important trends in more detail.

## A. INCREASING LABOUR OUT-MIGRATION, DIFFERENTIATED IMPACTS OF THE CRISIS

Labour migration from the 11 CP countries has grown since 2005.<sup>5</sup> Of the top 10 emigration countries worldwide, five are CP members: India, China, Bangladesh, Pakistan and the Philippines.<sup>6</sup> The stock of migrants from CP countries was estimated at 44.7 million in 2010, a 42 per cent increase compared to 2005 according to World Bank calculations based on United Nations Department of Economic and Social Affairs global migrant stock figures (World Bank, 2010). Twenty-five per cent of the migrant stock from CP countries came from India (25 million, which includes non-resident Indians), followed by China (8.3 million) and Bangladesh (6.5 million). Pakistan, Indonesia and the Philippines had more than 4 million migrants abroad, while Afghanistan and Viet Nam surpassed 2 million. Sri Lanka and Nepal, with less than 2 million, and Thailand, with less than 1 million migrants, represent a smaller percentage of the total stock abroad. In terms of flows of temporary labour migrants, the top countries of destination include those in the Gulf Cooperation Council (GCC) region and

4. Temporary labour migrants are also known temporary contractual workers.

5. When not otherwise indicated, data on migration for CP Member Countries come from the following sources: Bangladesh: Bureau of Manpower, Employment and Training; India: Ministry of Overseas Indian Affairs; Indonesia: National Board for the Placement and Protection of Indonesian Overseas Workers; Nepal: Department of Foreign Employment; Pakistan: Bureau Of Emigration and Overseas Employment; Philippines: Philippine Overseas Employment Administration; Sri Lanka: Central Bank Sri Lanka, Economic and Social Statistics of Sri Lanka; Thailand: Thailand Overseas Employment Administration, Ministry of Labour; Viet Nam: Ministry of Labour, Invalids and Social Affairs, Department of Labour.

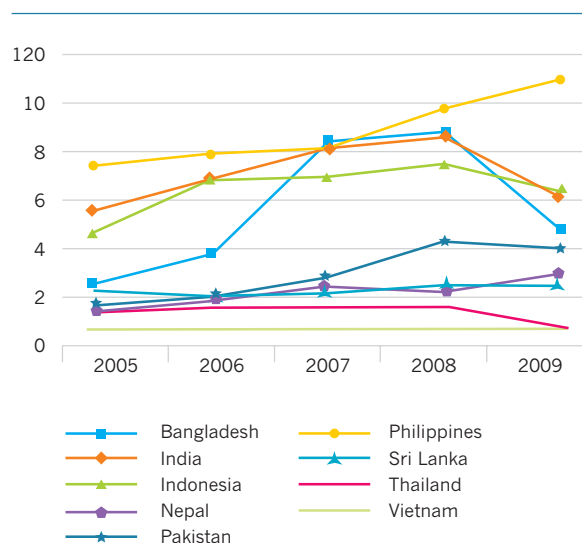
6. The other countries in the top 10 are Mexico, the Russian Federation, the United Kingdom, Ukraine and Turkey.

other destinations in Asia, such as Malaysia, Singapore, Korea, Taiwan Province of China and Hong Kong (see Section B for further information).

A different picture emerges when considering migrants as a share of the total population. The Philippines and Sri Lanka have over 9 per cent of their populations abroad, and Afghanistan more than 8 per cent. Proportions are much lower for the rest: 6.2 per cent for Nepal, 4.56 per cent for Bangladesh, around 2.5 per cent for Pakistan and around 1 per cent for Thailand. Considering the size of the populations of China and India, the percentage of their nationals abroad represents less than 1 per cent of their respective populations.

In 2005, the annual flow of migrants from 9 of the 11 Member Countries was around 2.7 million.<sup>7</sup> In 2008, the number increased to 5.4 million, a 95 per cent jump in just three years.<sup>8</sup> Both are calculations based on the IOM country assessments for the 9 countries where info was available. All nine countries experienced an increase in annual outflow between 2005 and 2009 though the percentage of increase varied (see Figure 1). Decreases in 2009 in several countries, such as Bangladesh, Indonesia, Pakistan, India and Viet Nam, are primarily due to the impact of the financial crisis. Pakistan more than doubled its annual labour outflow, followed by Bangladesh (46%) and Nepal (80%). Growth from the Philippines and Indonesia was also sizeable (48% and 33%, respectively), while the rates for India, Sri Lanka, Viet Nam and Thailand were more modest (11% or less).

**Figure 1:** Migration flow from selected Colombo Process countries, 2005-2009



Source: IOM country assessment reports.

Not all migrants are workers, however. In absolute numbers, the highest number of labour migrants comes from the Philippines, with over 1 million workers deployed overseas in 2009, followed by Indonesia and India (BNP2TKI, 2008; MOIA, 2010; POEA 2010).<sup>9</sup> Bangladesh and Pakistan also deploy more than 400,000 workers abroad every year, while Nepal and Sri Lanka send less than 300,000 workers, and Thailand has remained for some time at approximately 160,000 but declined by 42 per cent in 2009. Viet Nam is the most recent CP Member Country to adopt a labour-migration programme, with labour outflows close to 400,000 workers from 2005 to 2009 in total.

Considering the data country by country, approximately one in four workers from Sri Lanka is abroad, and almost one in six for Afghanistan (see Figure 2). The Philippines

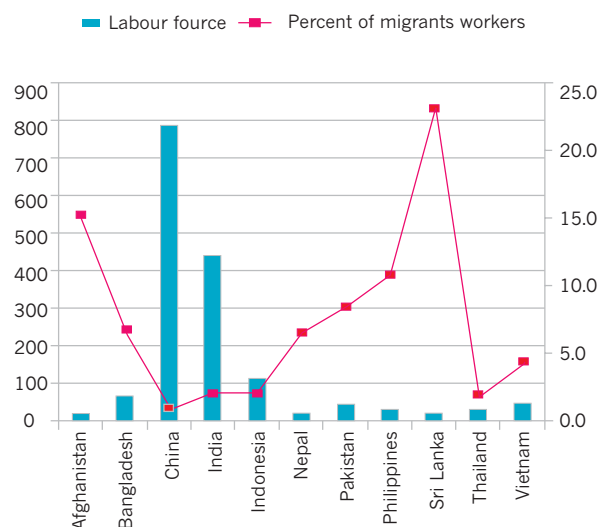
7. Migrants from Afghanistan and China are not included as data were not available.

8. Migrants from Afghanistan are not included as data were not available.

9. It must be noted, however, that figures concerning India only refer to migrants who go to the 17 countries for which the Emigration Check Required (ECR) procedure is still maintained. These include Afghanistan, Bahrain, Brunei, Kuwait, Indonesia, Jordan, Lebanon, Libya, Malaysia, Oman, Qatar, Sudan, Syria, Saudi Arabia, Thailand, the United Arab Emirates and Yemen

(11%), Pakistan (8%), Bangladesh (7%) and Nepal (7%) have sizeable portions of their labour force abroad as well. India, Indonesia and Thailand only have 2 per cent of their labour force abroad, and China has just 1 per cent.

**Figure 2:** Labour force and percentage migrant workers from Colombo Process countries, 2009



Source: IOM country assessments.

## 1. Impact of the global economic crisis

The global financial and economic crisis did not uniformly impact migration from CP Member Countries. The impact of the crisis depended on the country of destination, sector of employment and migrant status.

In general, outflows declined in 2009 for all countries except the Philippines and Nepal. Bangladesh was the most seriously affected (46% decline in flows), together with India (-28%) and Indonesia (-15%). Other countries, such as Pakistan, Sri Lanka and Viet Nam, experienced a more limited decline. For Viet Nam, estimates suggest that 8,000 to 10,000 Vietnamese migrants may have lost their jobs

and had to return prematurely (Nguyen, 2009). A survey of migrant families in Bangladesh, Indonesia and the Philippines has shown that family income decreased for 35 per cent of the families in Bangladesh and for 54 per cent of the families in Indonesia, while only 8 per cent of the families in the Philippines were affected (ADB-IOM, 2010:15). The Filipino case differs for various reasons, including the distribution of Filipino migrants in various destination countries and the continued sending of remittances during the crisis. Flows from Nepal did not decline in 2009 due to the sizable increase of migration to Malaysia, to replace the sudden drop in Bangladeshi workers banned from Malaysia. Remittance sending was impacted by the crisis though decreases varied primarily due to sector of employment and the destination country. For example, remittances sent by migrants in the United Arab Emirates, a country badly hit by the crisis and in particular sectors such as construction where migrants are dominant, significantly decreased. In Pakistan, remittances only slowed in the first quarter of 2009 but began to decline at the end of 2009 (IOM, 2010a).

The construction industry was perhaps one of the worst hit during the economic crisis, particularly in the United Arab Emirates, where several major construction projects had to be put on hold. In Dubai, an estimated 10 per cent of expatriates were laid off. In Malaysia, 31,200 permits for construction workers were not renewed in 2009 (Soda, 2011:10). Manufacturing was also affected throughout the region, with the Republic of Korea halting admissions under its Employment Permit System, mainly used for manufacturing, construction and service jobs (Ibid.:11).<sup>10</sup> Migrants also lost jobs in the hotel and hospitality service sectors, although in a less significant way. In contrast, domestic service and care

10. Countries in EPS are Viet Nam, the Philippines, Thailand, Indonesia, Sri Lanka, Mongolia, Uzbekistan, Bangladesh, Cambodia, Pakistan, Kyrgyzstan, China, Nepal, Myanmar and East Timor.

giving, sectors that include large numbers of Filipino, Sri Lankan and Indonesian migrants, were not as seriously affected, although data is limited in this regard.

More generally, however, the crisis did not lead to mass repatriation as originally anticipated, likely due to the fact that migrants may have found alternative employment in the destination country, overstayed visas while waiting out the crisis or even found new employment in less-affected countries (Soda, 2011: 22). On the other hand, destination-government policies, such as the Malaysian government's decision in January 2009 to freeze new admissions, directly affected the number of new inflows from countries such as Bangladesh. However, in 2010 this admissions restriction was removed and the government has begun granting new visas.

## B. GULF COOPERATION COUNCIL COUNTRIES, THE PRIMARY DESTINATION FOR TEMPORARY LABOUR MIGRANTS

Though migration flows within the Colombo Process region include more permanent flows toward traditional countries of destination such as the United States, Canada and Australia, the majority of migrants are temporary labour migrants in the Middle East, especially the Gulf Cooperation Council (GCC) countries.<sup>11</sup> However, flows to other Asian countries, such as Malaysia, Singapore, Hong Kong SAR, Taiwan Province of China and the Republic of Korea, are significant.

### Flows to traditional immigration countries

Permanent migration to traditional destination countries is particularly relevant for China, India

and the Philippines, with family reunification and employment as the primary drivers. In 2009, the United States of America, Canada and Australia combined received 118,000 immigrants from China, 106,000 from India and 97,000 from the Philippines.<sup>12</sup> In the United Kingdom - a traditional destination in particular for migrants from India, Pakistan and Bangladesh due to historical ties - the total number of migrants from those countries in 2008 was over 65,000 (U.K. Office for National Statistics, 2009). In fact, these three CP Member Countries rank among the top 10 source countries of annual immigration to the United States after Mexico; in Canada after the United Kingdom and in Australia after New Zealand and the United Kingdom. Among the other CP Member Countries, Viet Nam also has a permanent migration flow of about 35,000 migrants a year and Pakistan of about 29,000, both primarily to the United States. Permanent outflows are much less relevant for the other CP Member Countries, as most migrants are temporary workers.

Traditional countries of immigration also admit an increasing number of temporary workers. Among the CP Member Countries, this trend is particularly relevant for India, as the number of Indians entering traditional countries of immigration with a work permit on a temporary basis has risen. In Canada, the number almost tripled between 2004 and 2008 (Sahai, 2010); in the United Kingdom, it peaked in 2006 (Ibid.). In the United States, 262,654 Indians entered in 2009, half of whom were specialty workers (DHS, 2010). The number in the same category for the other countries is comparatively small except for China (30,987) and the Philippines (19,350) (Ibid.).

11 The Gulf Cooperation Council is a political and economic union involving Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

12. Compiled from the following sources: United States: Department of Homeland Security, 2010; ; Canada: Citizenship and Immigration Canada, 2010; Australia: Department of Immigration and Citizenship, 2010.



## GCC as the primary destination

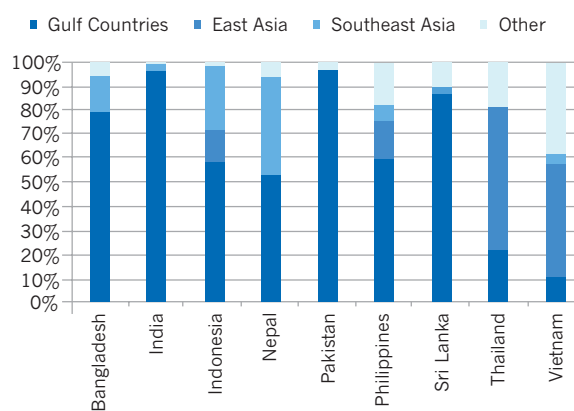
Movement from CP Member Countries to the GCC was established in the 1970s, when GCC countries hired thousands of foreign workers for infrastructure projects made possible by rising oil economies. India and Pakistan were the first countries in Asia to send workers to the Middle East, followed by the Philippines, and then by the other countries in South and Southeast Asia. To deal with Pakistan's severe balance of payments deficit in the 1970s, the government of Zulfikar Ali Bhutto encouraged skilled and unskilled migration to the GCC under a programme set up under the Ministry of Labour, Manpower, and Overseas Pakistanis (Blood, 1994).

In line with established trends, in 2009, nearly all migrants from India (97.3%) and Pakistan (97.2%) went to GCC countries, as did the vast majority of those from Sri Lanka (86.9%) (calculations based on IOM country assessments). The largest concentrations of temporary migrants from India are in Saudi Arabia and the United Arab Emirates; they are also present in Oman, Qatar, Kuwait and Bahrain. For Pakistan, almost all migrants are working in Saudi Arabia and the United Arab Emirates, with a smaller presence in Oman. Migrants from Sri Lanka are more evenly distributed across GCC countries although Saudi Arabia is the primary destination. Migration to the GCC countries is also substantial among labour migrants from Bangladesh (79%), the Philippines (59%), Indonesia (57%) and Nepal (55%) (see Figure 3).

In addition to the GCC countries, Jordan, Lebanon and Israel in the Middle East are destinations for migrant labour from the CP region, but these corridors are origin specific. Migrants to Lebanon are mostly from Bangladesh (13,941 in 2009), with smaller

flows from Sri Lanka and Nepal; almost all of them are women (Country assessments; Department of Foreign Employment (Nepal), 2010). Annual female migration from Indonesia to Jordan (10,932 in 2009) is also substantial. Migrants to Israel are predominantly from Thailand and the Philippines while some labour migrants from the CP region are also believed to migrate to Iran and Iraq, but those flows remain largely underreported (Country assessments).

**Figure 3: Distribution of migrants by region of destination, 2009**



Source: Computations from IOM country assessments.

## Diversity of flows to Asia and Europe

Labour markets in East, Southeast and South Asia also employ a substantial number of migrants, but these destinations involve only some of the CP Member countries.

In Southeast Asia, Malaysia and Singapore<sup>13</sup> receive a significant number of workers from Indonesia, Bangladesh, Nepal and the Philippines.

Malaysia is the second most important destination for Indonesians migrants after Saudi Arabia. Proximity and similarities in culture, language and religion facilitate the flow. In fact, 52 per cent of foreign workers in Malaysia come from Indonesia (Kassim and Zin, 2011).

13. Thailand is also a major destination country, but for migrants from neighboring Myanmar, Cambodia and Laos, which are not part of the Colombo Process.

Indonesians migrants, including those in an irregular situation, are estimated to total approximately 2.5 million (World Bank, 2010). Bangladesh (17%) and Nepal (9%) also send a large proportion of their workers to Malaysia (Country assessments). Between 2005 and 2007, Malaysia was also the primary destination for migrants from Viet Nam. However, the number declined abruptly in 2008 and 2009, as Vietnamese migrants diversified to other destinations (Country assessment).

- ◆ Singapore receives a large number of labour migrants from the Philippines, Indonesia, Bangladesh and China. Between 2005 and 2009, migrants from the Philippines to Singapore almost doubled and those from Bangladesh increased from 9,000 to 39,000, while those from Indonesia declined from about 37,500 to 33,100 in the last two years (Country assessment). According to the statistics of Ministry of Commerce of the People's Republic of China (MOFCOM), all types of Chinese overseas labourers in Singapore amounted to 86,000 by the end of 2010, 10.2 per cent of the labour outflow from China.

In East Asia, Hong Kong SAR, Japan and Korea are important destinations for migrants from China, Thailand, Viet Nam, the Philippines and Indonesia.

- ◆ Hong Kong SAR is the third most important destination for Filipino workers, mainly domestic workers (over 100,000 were deployed in 2009). Domestic workers to Hong Kong also come from Indonesia (almost 30,000 in 2007) (Country assessment).
- ◆ An average of 6,000 workers was admitted to Japan in 2009 from Viet Nam, the Philippines and Thailand. The number of

Filipinos migrating to Japan dropped significantly (from 38,000 in 2005 to 3,000 in 2009) after Japan reformed its admissions of “entertainers” (Country assessment). Migrants from China are divided between those who work for subsidiaries of Chinese companies abroad and those employed by foreigner employers on an individual basis, through personal or agency intermediation. According to MOFCOM, there were approximately 172,000 Chinese trainees in Japan by the end of 2010, 20 per cent of the labour outflow from China.

- ◆ Republic of Korea received 4 per cent of the labour outflow from China or about 38,000 of all types of Chinese labourers at the end of 2010 (MOFCOM). Some of these migrants came via the Employment Permit System (EPS), which brought in 100,668 migrant workers in 2009. These included 13,497 Vietnamese, 9,957 Thai, 9,282 Filipinos, 4,981 Indonesians, 4,281 Chinese, 4,244 Sri Lankans, 2,445 Nepalese, 1,628 Pakistanis and 1,361 Bangladeshis (Ministry of Employment and Labour, 2010).

Half of Vietnamese migrants go to East Asia, but the single largest group works in the Taiwan Province of China. It is also a destination country for Indonesians (59,395 in 2009), Filipinos (33,751) and Thai workers (45,088 in 2008); these three groups have migrated to the Taiwan Province of China since 1991, when the Taiwanese government adopted its labour migration policy.

In South Asia, India is a key destination for migrants from Nepal and Bangladesh. As a result of the Indo-Nepal Treaty of Peace and Friendship of 1950, migration between Nepal and India does not require a visa; therefore, data



on annual flows is not captured. Nepal's Ministry of Labour and Transport Management (MoLTM) estimates informally that some 3 million Nepalese live in India. Migration between India and Bangladesh is also quite significant. According to the World Bank, it is the second largest migration corridor in the world (if the Russian Federation is excluded), with an estimated stock of 3.3 million migrants, second only to the Mexico-United States corridor (2010:5).

Labour migrants from CP countries also go to European countries beyond the United Kingdom. For example, 11 per cent of all Thai overseas workers in 2009 went to Europe. In particular, Italy, Spain and Cyprus have been top destinations as these were most open to low-skilled labour migration.

Of the CP Member Countries, the Philippines has the highest number of migrants going to Italy (23,159 in 2009, including rehired workers) and is granted 5,000 visas in the annual decree that determines the number of migrants that can be admitted. Filipinos in Italy work as nurses and as domestics. The number of migrants from Pakistan has increased from a few hundred in 2005 to 5,416 in 2009. Indians from Punjab, Kerala, Gujarat and Goa (10,973 were admitted to Italy in 2009) are employed mainly in the agricultural and animal husbandry sectors (Italy National Institute of Statistics). In 2010, 6,726 Bangladeshi overseas workers went to Italy.

In 2009, 654 Filipinos were granted entry to Spain, as were 286 Indonesians. As for Cyprus, 1,466 Filipinos were granted entry in 2009, as were 2,929 Sri Lankans (Country assessments).

### C. IRREGULAR MIGRATION REMAINS HIGH

Despite an increasing number of policy mea-

sures emphasizing regulation of the recruitment process, border control and repatriations, irregular migration in Asia remains intractable. Irregular migrants easily cross porous borders between Bangladesh and India and Myanmar and Thailand, while legal migrants overstay their visas in Japan and the Republic of Korea. Overstayers in Japan were estimated in 2009 at 92,000 (Immigration Bureau of Japan, 2010) and at 120,000 in the Republic of Korea (Park, 2010).

The largest number of irregular migrants has been documented in Malaysia, where low-skilled jobs in the plantation industry attract irregular migrants, mainly from Indonesia. In 2005, an amnesty programme regularized about 400,000 migrants out of the approximately 800,000 to 1.2 million. Around 87 per cent of those who registered were from Indonesia, 4 per cent from India, and 2 per cent from Bangladesh; an overwhelming majority (70%) were male (Kassim and Zin, 2011).

### D. PROPORTION OF FEMALE MIGRANTS LEAVING THROUGH FORMAL CHANNELS HAS BEEN DECREASING

While women make up a substantial portion of migration from certain CP Member Countries, the share who migrate through formal channels has dropped over the last five years.<sup>14</sup> Although women still constitute the majority of migrants from Indonesia (83% of all migrants in 2009), numbers from Sri Lanka and the Philippines have declined. In Sri Lanka, the percentage of women decreased from 59 per cent in 2005 to 51 per cent in 2009. For newly hired land-based migrants in the Philippines, the decline in outflows was more significant, decreasing from 71 per cent to 52 per cent between 2005 and 2009.

14. Gender disaggregated data were not available from Afghanistan, China and India.

On the other end of the spectrum, migrants from Pakistan, Nepal and Bangladesh are almost exclusively male. The percentage of females among Nepalese migrants is only 3 per cent, and among Bangladeshi migrants 4.6 per cent. In the middle of the continuum are migrants from Thailand (15% female) and Viet Nam (30%) (Country assessments).

It is important to note that official data do not represent the entire picture of female migration from the CP region. Statistics on outflows are not always disaggregated by gender, including data from India, China and Afghanistan, and data capture only those women who go abroad legally. In fact, if irregular female migrants were captured in the flows, it is likely that female migration from the countries with an already high number would be even higher (Piper, 2009). Indeed, the decrease in the number of female migration in Sri Lanka and the Philippines points to a more worrisome trend. Anecdotal evidence suggests that women are still migrating from these countries but are leaving through irregular channels.

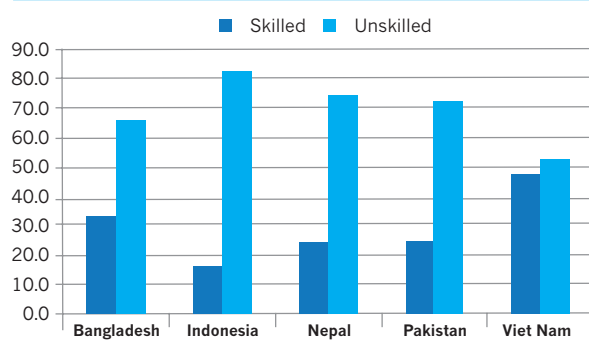
One possible reason for this trend is that origin countries have introduced more stringent requirements for hiring female workers in order to protect them. The Philippines, for instance, in 2006 raised the minimum age for domestic workers to 23 and required employers to pay a minimum monthly salary of USD 400. These new rules, which priced Filipina domestic workers out of the Middle East market, may have unintentionally increased the number of women who migrate through irregular channels (Agunias, 2010a). Similarly, Sri Lanka increased the minimum age for migration from 18 to 21, and India has placed an age restriction on female migrants (30 years old) who want to work in the 17 countries to which emigration is restricted. However, it is not clear whether this restriction has reduced the number of female workers from India.

## E. LOW AND UNSKILLED MIGRATION FLOWS DOMINATE

Although the flows from all CP Member Countries include highly skilled migrants, the highly skilled's share remains relatively small. Some countries, like the Philippines and India, have established a more solid presence in the highly skilled end of the international labour market. In particular, the migration of highly skilled Indians to the United Kingdom and United States – initially in the health sector and more recently in the information technology sector – has long been recognized. However, most migrants from the CP region work in less-skilled and semi-skilled jobs, which can increase their level of vulnerability in the labour market.

According to data from the Pakistan Bureau of Emigration and Overseas Employment (BOEOE), of the almost 5 million workers deployed since 1971, 43 per cent have been unskilled, 31 per cent semi-skilled, and 23 per cent skilled; highly skilled and qualified workers made up less than 3 per cent. Workers from Bangladesh also have a similar occupational profile, with 50 per cent of the migrants less skilled and 16 per cent semi-skilled. Migrants from Indonesia are employed mostly in less-skilled sectors: domestic work, agriculture, construction, manufacturing and the service sector. About 75 per cent of labour migrants from Nepal are unskilled and 25 per cent are semi-skilled (see Figure 4). For workers from Viet Nam, the figures are almost balanced.

**Figure 4:** Distribution of migrants from selected Colombo Process Member Countries by skill level, 2009



**Source:** IOM country assessments.

**Note:** Skilled workers include professionals, and the unskilled include the semi-skilled.

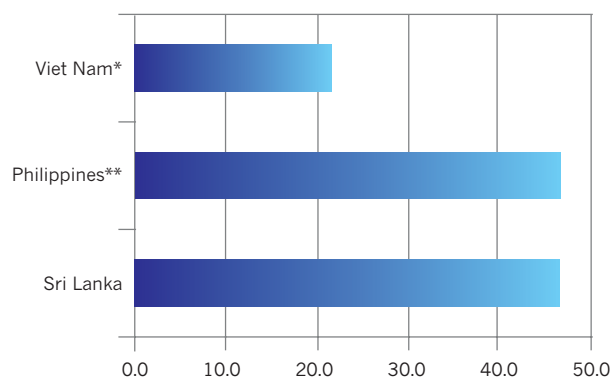
Less-skilled migration dominates flows from the CP region to the Middle East. Among Sri Lankans going to the Middle East in 2009, 46 per cent were “housemaids” and 22 per cent were unskilled workers; only 24 per cent were skilled and 5 per cent were middle-level employees (Ruhanage, 2010). Among Vietnamese migrants in the Middle East, 63 per cent were unskilled in 2009. By comparison, the share of less-skilled workers from Thailand was below 48 per cent among male and 34 per cent among female migrants, who are mainly employed in the services sector. Rather than a skilled/un-skilled typology, the Filipino government uses categories, of which the three main ones are production workers (45%), service workers (41%) and professional workers (14%). Domestic workers (21% of the total) are included in the service workers category (POEA, 2010).

Sectors of employment do not differ considerably from country to country but tend to be gendered in nature. Male migrants are typically employed in construction, manufacturing and agriculture while female migrants are employed in domestic work and care giving. A large majority of Pakistani migrants, almost all of them men, work in construction (78% in 2008), with

just 8 per cent in services. Of those in services, the majority work as drivers. Among Nepalese migrants (also mainly men), 85 per cent hold manual labour jobs, with 13 per cent in armed services and less than 2 per cent in foreign government service, according to the Nepal Institute of Development Studies (2007). Vietnamese migrants mainly work in industry, particularly in Japan, the Republic of Korea, Taiwan Province of China and Malaysia. In GCC countries, Vietnamese male migrants are mainly employed in construction while in Taiwan Province of China and Macao, Vietnamese women work as domestic workers and caregivers (Country assessment). Filipino domestic workers, generally women, are employed in large numbers in Hong Kong SAR, Singapore, the Middle East, Taiwan Province of China and Italy; nurses migrate mainly to Saudi Arabia.

Nearly 50 per cent of migrants from Sri Lanka were employed as domestic workers in 2009, with shares for Viet Nam and the Philippines considerably less (see Figure 5).

**Figure 5:** Percentage of domestic workers among total migrants for selected Colombo Process Member Countries, 2009



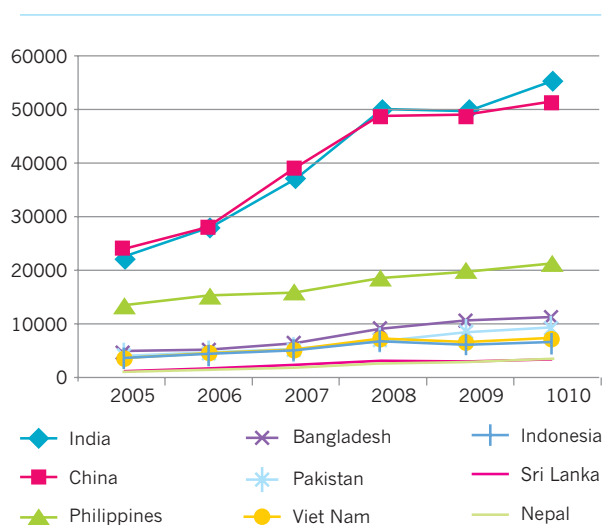
**Source:** IOM country assessments.

**Notes:** \* Includes caregivers. \*\* New hires only.

## F. REMITTANCES CONTINUE TO GROW

CP migrants have become a major source of foreign-exchange inflows in many CP Member Countries. Remittances have steadily increased with only a partial slowdown in some countries due to the economic crisis in 2008–2009. In the last five years remittances worldwide have more than doubled, from USD 84 billion in 2005 to USD 173 billion in 2010, according to the World Bank (2010).

**Figure 6:** Remittances to Colombo Process Member Countries, 2005–2010 (in USD millions)



Source: World Bank, 2010.

CP Member Countries figure prominently in the list of remittance-receiving countries: India, China, the Philippines and Bangladesh are among the top 10. Since 2004, India has held the number-one spot in total remittances (US\$ 55 billion in 2010), with China (USD 51 billion) and the Philippines (USD 21.3 billion) also in the top five

(see Figure 6). Remittances have increased significantly since the mid-2000s because of improved formal international transfers and better reporting procedures. However, many migrants still use informal channels, such as the hundi or hawala system (trust-based system common in South Asia), send money through friends or bring it with them both in cash and in kind.

In addition to their absolute value, remittances can make up a significant share of gross domestic product (GDP). Despite the large inflows, remittances to India and China amount to a very small proportion of GDP, while remittances account for 24 per cent of Nepal's GDP. Other CP Member Countries with a sizeable share of GDP from remittances include the Philippines (11.7%), Bangladesh (11%), Sri Lanka (8.9%), Viet Nam (7%) and Pakistan (6%) (World Bank, 2010). For some of these countries, a certain reliance on remittances does exist. In addition, remittances can be a stable flow of foreign currency compared to foreign direct investments and trade, as most Colombo Process Member Countries noted during the recent economic crisis.

The development impact of remittances, though complex, has been recognized beyond the macro level as primarily positive for migrants at the individual and household levels as well as the community level when invested in local business or community projects (IOM, 2006b; Arif, 2009; ERCOF, 2010). However, as will be discussed in greater length later, the cost of sending remittances through regular channels can be high and opportunities to invest back home low.

# Labour migration management: policies and institutions

Colombo Process (CP) Member Countries have taken concrete steps in the last five years to manage the ever increasing and complex flows of migrant workers from the region. This has been achieved mainly in three ways: adopting of new migration policies and specific regulations, creating dedicated government bodies tasked with managing labour migration and signing memoranda of understanding and bilateral agreements with destination countries.

## A. LEGISLATION AND POLICY FORMULATION

Since 2005, 8 of the 11 Colombo Process countries have amended existing regulations or

adopted new legislation. This indicates that Member Countries' are aware that they need to more effectively manage the labour-migration process.

The new legislation passed and policies enacted can be categorized into two main groups: regulating the recruitment process and enhancing welfare provision. With private actors controlling much of migration from the CP region, these are clearly the top needs of CP Member Countries. Table 1 highlights the main changes in legislation across countries as well as their key provisions.

**Table 1**

### Changes in labour migration legislation and policy since 2005

| Country            | Main statute       | Subsequent decrees                           | Key provisions  |
|--------------------|--------------------|--|---|
| <b>Afghanistan</b> | Labour Code (2007) | Regulation for Sending Afghan Workers Abroad | <p>Initiate the process of streamlining the regulations for sending Afghan workers abroad underway.</p> <p>Creation of a labour migration office to facilitate the sending of workers abroad.</p> <p>Mandatory registration and licensing of recruitment agencies and overseas employers.</p> <p>Monitoring and evaluation of the living and working conditions of overseas Afghan workers.</p> <p>Appointment of labour attachés in embassies and consular offices.</p> <p>Creation of a Bureau of Migration (BOM) is underway to handle immigrants and migrants issues.</p> |

**Source:** Afghan Labour Migration and Human Resource Development, IOM, 2008.

| Country           | Main statute   | Subsequent decrees   | Key provisions   |
|-------------------|--|--|--|
| <b>Bangladesh</b> | Emigration Ordinance (1982)  | Overseas Employment Policy (2006)  | <p>Provision of legal assistance to overseas workers. Signature of bilateral agreements with labour-receiving countries.</p> <p>Establishment of labour standards in terms of working hours, rate of wages, overtime, leave entitlement, health services, and freedom of mobility.</p> <p>Increased regulation of the migration process. Improved coordination between governmental and non-governmental stakeholders.</p> <p><b>Source:</b> IOM country assessment.</p>   |
| <b>India</b>      | Emigration Act (1983)  | Emigration (Amendments) Rules (2009)   | <p>Higher application fees and security deposit; obligation to produce documents verifying qualifications and financial health for recruiting agencies. Obligation for recruiting agencies to arrange pre-departure skill testing; insure workers; cap workers' fees at 45 days worth of wages; renew workers' visas; and ensure the provisions of employment contracts are respected by the foreign employer.</p> <p>Agencies banned from retaining workers' travel and employment documents.</p> <p>Reduction in number of ECR (Emigration Check Required) countries from 154 to 17 to reduce the regulation of movement.</p> <p>Introduction of mandatory insurance (Pravasi Bharatiya Bima Yojana) at a nominal cost: life insurance, medical and legal expenses coverage.</p> <p>Abolition of the mandatory provision for ECR passport holders to obtain a suspension from the Government (Protector of Emigrants) to visit overseas for purposes other than employment.</p> <p><b>Source:</b> Ministry of Overseas Indian Affairs.</p> |
| <b>Indonesia</b>  | Law No. 39/2004 Concerning the Placement and Protection of Indonesian Workers Abroad | Presidential Degree No. 81 (2006) concerning the establishment of the National Bodies for Worker Placement and Protection of Indonesian Overseas Workers | <p>Increased protection for overseas domestic workers by improving the quality of services such as registration of Indonesian workers in receiving countries, provision of shelter, counselling, consular protection and legal-assistance services.</p> <p>Obligation for overseas missions to check recruiting agencies hold appropriate accreditations and that workers' contracts are based on acceptable standards.</p> <p>Missions to provide assistance to families of labour migrants who pass away overseas.</p> <p><b>Source:</b> IOM country assessment.</p>   |

| Country | Main statute | Subsequent decrees   | Key provisions  |
|---------|--------------|--|---|
|         |              | <p>Regulation of the Ministry of Manpower and Transmigration N°.PER.14/MEN/X/2010 concerning the implementation of Placement and Protection of Indonesian Workers Abroad.</p> <p>N°.PER.07/MEN/V/2010 concerning the Insurance of Indonesian Workers Abroad.</p> | <p>Increased regulation and monitoring of the recruitment process: compulsory registration of workers at district/municipal offices; recruiting agencies must hold a SIP (recruitment license) issued by the Ministry, agencies cannot charge recruitment fees to workers; overseas employers must be approved by the government.</p> <p>Agencies must provide all details of the contract to workers during a one-day pre-departure briefing to be conducted with local authorities.</p> <p>Government to provide a one-stop service to facilitate the migration process.</p> <p>Agencies must monitor the conditions of the workers in the country of destination and arrange their safe return upon completion of the contract.</p> <p>Migrant Worker Service Posts to provide transport services and financial services and to facilitate medical care as well as physical and mental rehabilitation.</p> |

Source: IOM, 2010e.

|              |   |   |   |
|--------------|---|---|---|
| <b>Nepal</b> | Foreign Employment Act (2007) as amended on 31 May 2007 | Foreign Employment Regulations, 2064 (2008) | <p>Enhanced protection mechanisms: mandatory skill and orientation training; establishment of a Welfare Fund; provision of health check-ups, shelters and legal assistance; appointment of labour attachés; creation of a Labour Desk (at international departure points).</p> <p>Obligation for recruiting agencies to provide comprehensive employment contracts and to insure workers.</p> <p>Penalties (fines and imprisonment from three to seven years) for offenses such as sending of minors abroad, operating without a license, not respecting employment contracts, sending workers to countries not approved by the government.</p> <p>Creation of a Foreign Employment Department under the management of the Ministry of Labour and Transport Management and of two independent institutions: the Foreign Employment Promotion Board and the Foreign Employment Tribunal (Special Court).</p> |
|--------------|---|---|---|

Source: Department of Foreign Employment, Government of Nepal.



| Country   | Main statute   | Subsequent decrees  | Key provisions  |
|---|--|---|---|
| <b>Pakistan</b>   | Emigration Ordinance 1979                                    | National Migration Policy (2010)  | <p>Minimum wages for migrants raised by 16 per cent; obligation to pay wages through check/bank transfer.</p> <p>Establishment of a comprehensive social insurance scheme (health and pension) for overseas Pakistanis.</p> <p>Creation of a labour-market information system.</p> <p>Extended scope of the Workers Welfare Fund: housing construction programmes, scholarships for migrants' children.</p>   |
| <b>Source:</b> Government of Pakistan.                  |  |   |   |
| <b>Philippines</b>                                      | Migrant workers and Overseas Filipinos Act of 1995 (RA 2042) | Amending Acts: RA10022 (2010): "Migrant Workers and Overseas Filipinos Act of 1995, As Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and For Other Purposes." | <p>Evaluation of the levels of protection of overseas Filipino workers (OFWs) in receiving countries; establishment of criteria for host countries to guarantee protection through a certification process.</p> <p>Foreign employer and recruiting agencies are responsible for the repatriation of OFWs.</p> <p>Penalties for offenses such as illegal recruitment, loans by agencies, sending of minors abroad.</p> <p>Additional personnel to staff Overseas Filipino Resource Centers.</p> <p>Expand free access to skills and livelihood programmes.</p> <p>Promote the use of the legal-assistance fund to settle cases against abusive employers.</p> <p>Compulsory medical and life insurance for agency-hired workers.</p> |
| <b>Source:</b> Overseas Workers Welfare Administration. |  |   |   |
| <b>Sri Lanka</b>  | Sri Lankan Bureau Foreign Employment Act, No. 21 of 198      | National Labour Migration Policy for Sri Lanka (2008)   | <p>SLBFE Act of 1985 to be amended.</p> <p>Increased regulation and monitoring of recruiting agencies; penal provisions to address offences.</p> <p>Strengthening of the capacities of overseas missions to address workers' protection and guidance needs.- --Ensure access to skill development training to maximize the benefits of migration for national development.</p> <p>Address issues of abuse, violation, exploitation and prevent human trafficking.</p> <p>Enhanced protection mechanisms: psychological and medical support, repatriations for distressed workers.</p> <p>Development of a plan for provision of insurance, pension and welfare by the State.</p> <p>Implementation of a mechanism to facilitate</p> |



| Country         | Main statute                           | Subsequent decrees  | Key provisions   |
|-----------------|--|---|--|
|                 |  |   | <p>return and reintegration: priority access to services, special services on arrival at the airport, tax concessions and special benefits to children of migrant workers.</p> <p>Creation of the Sri Lanka Migration Studies Institute to study migration issues and collect data.</p> <p><b>Source:</b> Government of Sri Lanka.</p> |
| <b>Viet Nam</b> | Law on Vietnamese Guest Workers (2007) | Decree 126/2007/ND-CP guiding the implementation of the Law on Vietnamese Guest Workers | <p>Mandatory licensing, cap on service fees for recruiting agencies.</p> <p>Mandatory vocational training; language training and orientation pre-departure for workers.</p> <p>Creation of the Overseas Jobs Support Fund.</p> <p><b>Source:</b> Ministry Of Labour, War Invalids And Social Affairs.</p>                              |

### Recruitment regulation

Of the eight countries that have enacted new legislation since 2005, six include provisions for regulating recruitment, such as increased monitoring or mandatory licensing of recruiters.

- ◆ The Law of Vietnamese Guest Workers 2007 specifies the forms of overseas work accepted in Viet Nam and the prohibited acts for both migrants and recruitment agencies. The law states the licensing conditions for agencies and their legal obligations to the government and to migrants, as well as the employment conditions for labour migrants and their legal rights and responsibilities. The law includes pre-departure and reintegration provisions.
- ◆ In Indonesia, the Law (No. 39/2004) Concerning the Placement and Protection of Indonesian Workers Abroad was adopted in 2004. Since 2005, many presidential and ministerial regulations have been passed, of which the most important is the Regulation of the Ministry

of Foreign Affairs No. 4/2008 requiring representatives of the Indonesian government abroad to check whether recruiting agencies are appropriately accredited and to ensure that contracts for Indonesian workers are based on accepted standards (IOM, 2010e:14). Ministerial Regulation 14/2010 has increased regulation and monitoring of private recruitment agencies.

- ◆ The Philippines 2010 amendment to its 1995 Migrant Workers and Overseas Filipinos Act calls for stricter penalties for offenses such as illegal recruitment and specifically identifies what recruiters can and cannot do.
- ◆ In Afghanistan, the Regulation for Sending Afghan Workers Abroad calls for mandatory registration and licensing of recruitment agencies and overseas employers.

Interestingly, India's policy departs from the other countries' approach since it aims to increase the deregulation of migration flow. Unlike other CP Member countries, India only

regulates the movement of low-skilled workers heading to countries with inadequate labour laws or with a poor record of managing migration. Currently, a requirement for the emigration check (ECR) is maintained for migrants going to 17 countries. However, India is also planning to revamp its Emigration Act through an Emigration Management Bill, which aims to transform emigration into a simple and transparent process. It would include provisions for protecting overseas workers and increase efforts to crack down on unscrupulous recruitment agents.

### *Welfare support and migrant worker protection*

Support to migrant workers in the form of welfare support and protection mechanisms is another feature of new legislation.

- ◆ The Foreign Employment Act, which Nepal's government adopted in 2007, is designed to promote foreign employment and decent work and to protect and promote the rights and interest of migrant workers and manpower agencies. To discourage informal/irregular channels for foreign employment, the act prohibits migrant workers from using airports other than national ones. It also establishes the minimum wage for Nepalese working abroad<sup>15</sup> and the Foreign Employment Welfare Fund (FEWF) for the social security and welfare of migrants, to which migrants must contribute.<sup>16</sup>
- ◆ In Indonesia, the Regulation of the Ministry of Foreign Affairs No. 4/2008, in addition to regulating recruitment, is intended to protect domestic workers, perceived as the most vulnerable group of migrants.

- ◆ To complement the 1982 Emigration Ordinance, Bangladesh adopted the 2006 Overseas Employment Policy to enable the government to extend assistance to all Bangladeshi citizens in the process of choosing standard employment, as well as to protect the rights and privileges of the workers in the workplace and ensure the protection of their human rights and social security.
- ◆ Likewise, Pakistan has formulated the National Labour Policy 2010, which is still awaiting cabinet approval. This law would raise the minimum wages for migrants by 16 per cent, establish a labour-market information system and initiate a comprehensive social-insurance scheme for Pakistanis abroad.
- ◆ The Sri Lanka Ministry for Foreign Employment Promotion and Welfare adopted the National Labour Migration Policy in 2009. This law contains an institutional, legal and normative framework. The main provisions call for addressing existing gaps in order to establish a higher standard of protection and promotion of welfare of migrants and their families. At the regulatory level, it calls for a market survey and analysis to upgrade the skills of migrants from Sri Lanka so that they are suited for highly skilled employment as well. Measures for protecting and empowering migrants are laid out for all stages of the migration process. The Sri Lankan Bureau of Foreign Employment has also amended its Employment Act of 1985 to further strengthen the Bureau's role in its regulation, management and protection of migrant workers.

15. According to the official of General Federation of Nepalese Trade Unions, the minimum monthly salary for Nepalese workers in Nepal is NPR 3050 (USD 41.2) and the minimum monthly allowance is NPR 1050 (USD 14.18). There is no fixed minimum wage for migrant workers; however, the minimum wage for Malaysia (fixed by the Nepalese government and which is the lowest among all destination countries) is USD 125.

16. The Foreign Employment Act 2064 (2007), (Government of Nepal, Ministry of Labour and Transport Management).

- ◆ The Ministry of Overseas Indian Affairs, through an executive decision, has made it mandatory for all ECR category migrants going to ECR countries to subscribe to an insurance plan at a nominal cost. The plan provides life insurance along with medical and legal-expense coverage.

In other cases, existing laws were amended. The Philippines Republic Act 10022 (RA10022) of 2010, which amends RA8042 (Migrant Workers and Overseas Filipinos Act of 1995), calls for what recruiters can and cannot do. Among the key provisions in the RA10022 amendment are the prerequisites for deployment to certain countries, the role of different institutions, the guidelines for extending welfare services and the requirements for sector representation in policymaking processes. However, the government has not yet implemented RA10022.

## B. INSTITUTIONALIZATION OF THE MIGRATION PROCESS

Aside from introducing new policies and regulations, some CP Member Countries have

also created special government bodies or authorities to streamline their efforts, measures that largely follow shifts in migration policy. Not surprisingly then, as policies have focused on recruitment regulation and welfare/protection, so have institutional changes.

Since 2005, 7 of the 11 CP countries have created new institutional structures (see Table 2). Pakistan established a Ministry of Overseas Pakistanis in 2008 to better understand the current situation of Pakistani migrants abroad, respond to their core issues and offer solutions. The ministry also prepares short- and long-term programmes for manpower development and employment promotion. Like Pakistan, Sri Lanka created a ministry-level institution in 2007 that focuses on ensuring the welfare of migrant workers and increasing their ability to find suitable employment abroad. The Ministry of Foreign Employment Promotion and Welfare oversees the Sri Lanka Bureau of Foreign Employment, which regulates recruitment agencies, attends to complaints from migrant workers and conducts orientation and training programmes.

**Table 2**

### New migration institutions created since 2005

| Country            | Institutions  | Level   | Function   |
|--------------------|---|---|--|
| <b>Afghanistan</b> | Employment Service Centres (ESCs) (2008)            | Center  | Identify job-seekers to match demand for workers at any skill level (not fully operational).                               |
| <b>India</b>       | Indian Council of Overseas Employment (ICOE) (2008) | Research agency under the Ministry of Overseas Indian Affairs (MOIA)  | Propose policy frameworks for migration management. .  |
|                    | Overseas Indian Facilitation Centre (OIFC) (2007)   | Not-for-profit public private initiative of the Ministry of Overseas Indian Affairs (MOIA) and the Confederation of Indian Industry (CII) | Offer a one-stop shop on economic engagement: advice through knowledge partners, development through diaspora investments. |

**Source:** Ministry of Labour, Social Affairs, Martyrs and Disabled.

| Country          | Institutions  | Level                                  | Function   |
|------------------|---|--|--|
|                  | Prime Minister's Global Advisory Council of People of Indian Origin (2009)                      | Council                                | Development through policy inputs.<br>Develop an inclusive agenda for two-way engagement between India and overseas Indians.<br><br><b>Source:</b> Ministry of Overseas Indian Affairs.  |
| <b>Indonesia</b> | National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) (2006) | Non-ministerial governmental authority | Implement Indonesia's policy for the placement and protection of Indonesian migrant workers as formulated and issued by the Ministry of Manpower and Transmigration (KEMENAKERTRANS): to provide services, coordination and monitoring of the migration process in its various stages.<br><br><b>Source:</b> National Authority for the Placement and Protection of Indonesian Overseas Workers. |
| <b>Nepal</b>     | Department of Foreign Employment (DoFE) (2007)  | Department                             | Exercise regulatory functions.<br><br><b>Source:</b> Department of Foreign Employment, Government of Nepal.  |
|                  | Foreign Employment Promotion Board (FEPB) (2007)  | Autonomous authority                   | Deals with the welfare of migrants, promotion of overseas employment, monitoring of pre-departure orientation and conducts research<br><br><b>Source:</b> Foreign Employment Promotion Board.  |
|                  | Foreign Employment Tribunal (2010)  | Autonomous authority                   | Deals with cases related to foreign employment in an expeditious manner<br><br><b>Source:</b> Foreign Employment Promotion Board.  |
| <b>Pakistan</b>  | Ministry of Overseas Pakistanis (2008)  | Ministry                               | Providing better services to overseas Pakistanis; set up suitable schemes in housing education and health-care sectors; facilitate the rehabilitation of returning overseas Pakistanis.<br><br><b>Source:</b> Ministry of Overseas Pakistani.  |
| <b>Sri Lanka</b> | Ministry of Foreign Employment Promotion and Welfare (MFEPW) (2007)                             | Ministry                               | Overall supervision of migration management.<br><br><b>Source:</b> Government of Sri Lanka.  |

The other five CP Member countries have also created new structures at other levels level by establishing special offices, typically under the Ministry of Labour or Foreign Affairs or as autonomous authorities. Indonesia created the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) in 2006. BNP2TKI, a governmental board working in coordination with the Ministry of Manpower and Transmigration, aims to ensure the placement and protection of competitive, qualified and dignified Indonesian overseas workers in decent and productive employment. The agency also created an integrated one-gate service system in 2008 and developed training materials (Country assessment). However, the lack of coordination and of clarity on jurisdiction hampers the smooth management of overseas labour (Ibid.).

Similarly, Nepal created two new institutions in 2007: the Department of Foreign Employment (DoFE) and the Foreign Employment Promotion Board (FEPB). The Ministry of Labour and Transport Management supervises (MoLTM) both institutions. DoFE regulates the recruitment agencies while FEPB ensures the welfare of migrants, promotes overseas employment, monitors pre-departure orientations and conducts research. The Minister of Labour chairs FEPB, which includes representatives from recruiting agencies and trade unions (DoFE and MoLTM, 2009).

Afghanistan's government set up a national network of Employment Service Centers (ESCs) in 2008. ESCs seek to identify potential migrant

workers and match demands for workers at all skill levels. However, in a context where the informal employment sector remains predominant, ESCs are not fully utilized.

Under the Ministry of Overseas Indian Affairs, the Indian government has created several institutions since 2005 to facilitate investment and development by overseas Indians. These include the Indian Council of Overseas Employment, the Overseas Indian Facilitation Centre and the Prime Minister's Global Advisory Council of People of Indian Origin.

## C. INTERNATIONAL COOPERATION

Apart from formulating new policies and legislation and creating new institutions, CP governments have also vigorously pursued bilateral agreements (BAs) and memoranda of understanding (MOUs) with key destination countries.<sup>17</sup> Based on data compiled by IOM missions, CP Member Countries have signed a total of 98 BAs and MOUs with 32 destination governments - 59 were signed just in the last five years (see Table 3 for the main ones). This encouraging trend signals increased cooperation among origin and destination countries. Previously, countries of destination were reluctant to enter into such agreements, which implied additional obligations and partners. The shift indicates that countries of origin and destination are beginning to recognize that effective migration management requires cooperation.

17. Bilateral labour agreements (BLAs) offer an effective method for regulating the recruitment and employment of foreign short- and long-term workers between countries. They can take the form of formal treaties or less formal memoranda of understanding (MOUs), or even very informal practical arrangements, e.g. between national employment agencies. An important difference between BLAs as formal treaties and MOUs is that the latter are not legally binding, although the effectiveness of a bilateral agreement or MOU is determined less by its legally binding nature than by how it is implemented and enforced in practice. Moreover, any absence of references to labour protections in MOUs should not be seen as reducing the safeguards already in place under national labour legislation or the commitments contracted at the regional and international levels. Indeed, MOUs may contain explicit statements defining the application of national labour legislation to the employer-employee relationship. Note: this information comes from the "Handbook on Establishing Effective Labour Migration Policy in countries of Origin and Destination" (see <http://www.osce.org/files/documents/c/9/19242.pdf>).

Table 3

## Bilateral agreements and memoranda of understanding signed since 2005

| Country            | Bilateral agreements  | Memoranda of understanding   | In process   |
|--------------------|---|--|--|
| <b>Afghanistan</b> | Agreement with Etisalat UAE for the Graduate Trainee Induction Program (2010); agreement with Iran for cooperation on social affairs (2010), technical labour dispatch protocol with Qatar. | n.a.   | UAE, Kuwait, Iran  |
| <b>Bangladesh</b>  | Kuwait (2000/2008)<br>South Korea (2007)  | Qatar (1988/2008), Malaysia (2003/2006), UAE (2007), Oman (2008), Libya (2008)   | Jordan, Bahrain and Italy  |
| <b>China</b>       | Mauritius (2005) and Malaysia (2003)  | United Kingdom (2005), Republic of Korea (2007)  | Qatar  |
| <b>India</b>       | Qatar (2007)  | UAE (2006), Kuwait (2007), Oman (2008), Malaysia (2009), and Bahrain (2009)  | Yemen, Libya, Poland, Republic of Korea and Saudi Arabia   |
| <b>Indonesia</b>   | n.a.  | Jordan (2001, renewed 2009), Australia (2005), Japan (2008), Republic of Korea (2010), United Arab Emirates (2007, renewed 2010), Malaysia (2006 domestic workers), (2010 private sector), Japan (2008), Qatar (2008, renewed 2011 for the formal sector, 2010 for the health sector) and between IETO (Indonesia Economic and Trade Office in Taipei, Taiwan Province of China) and TETO (Taipei Economic and Trade Office in Jakarta) (2004, renewed 2011) | Syria, Lebanon, Libya, Brunei Darussalam (draft submitted to the Government of Brunei Darussalam), Australia and Japan |
| <b>Nepal</b>       | n.a.  | Japan (JITCO - 2003), Qatar (2005), UAE (2007), South Korea (2007) and Bahrain (2008)  | Lebanon and Malaysia   |
| <b>Pakistan</b>    | Qatar (1978, 2008)  | UAE (2006), and South Korea (2008)   | Italy and Bahrain  |

| Country            | Bilateral agreements  | Memoranda of understanding  | In process   |
|--------------------|---|---|--|
| <b>Philippines</b> | n.a.  | Libya (1979, 2006), Jordan (1981, 2010) Korea (2004, 2005, 2006, 2009), Lao PDR (2005), Spain (2006), Saskatchewan (2006), Bahrain (2007), UAE (2007), Alberta, British Columbia, Manitoba (2008), New Zealand (2008), and Japan (2009) | n.a.   |
| <b>Sri Lanka</b>   | UAE (2007); Qatar (2008); Libya (2008); Jordan (2006); Bahrain (2008); South Korea (2004,2010)            | n.a.  | n.a.   |
| <b>Thailand</b>    | n.a.  | UAE (2007), Republic of Korea (2009), Japan (IMM 2010), Japan (JITCO - Record of discussion 1994, updated 2010)   | n.a.   |
| <b>Viet Nam</b>    | Russia (1992 BA updated in 2008); Lao PDR (1994 BA last updated in 2009); Qatar (2008); Kazakhstan (2009) | Republic of Korea (2004, MOU updated in 2008), Oman (2007), Bulgaria (2008), Slovakia (2008), UAE (2009), and Saskatchewan (2006)   | Japan (1992 updated in 2010) and Saudi Arabia (2006) |

Source: IOM country assessments.

CP Member Countries' main objectives in signing MOUs and BAs are ensuring access to the destination country's labour market, reducing domestic unemployment and protecting their migrants abroad. Destination countries, on the other hand, aim to have fuller control of the labour migration process, address labour-market needs and allow privileged access to certain nationalities. In the process, origin and destinations countries create a set of mutually beneficial conditions.

Among destination countries, those in the Gulf have been most active in signing agreements. Qatar has BAs and MOUs with Bangladesh, India, Nepal, Pakistan, Sri Lanka, Indonesia and

Viet Nam; the United Arab Emirates with all CP Member Countries except Thailand; Kuwait with India, Indonesia, Pakistan and the Philippines. The absence of BAs and MOUs with major destination countries like Saudi Arabia remains a gap.

In Southeast Asia, Malaysia has entered into agreements with Bangladesh, China, India, Indonesia, Pakistan and Viet Nam, and is forging one with Nepal. In East Asia, the Republic of Korea has signed agreements with all countries supplying labour through the Employment Permit System (EPS). For example, the labour department of the Philippines and the Republic of Korea signed an MOU in 2009



to enhance transparency and efficiency in sending Filipino workers to Korea. The MOU specifies, among other provisions, the fees to be paid, the qualifications of workers, the roster of jobseekers and the terms of the labour contract.

Some agreements are dedicated to specific purposes, such as the agreement between Pakistan and the company Etisalat UAE for its Graduate Trainee Induction Program (2010). The MOUs the Philippines signed with Indonesia and Lao People's Democratic Republic enhance the protection of migrants and promote collaboration on labour and employment, respectively, indicating that cooperation – not just competition – is possible among countries of origin. The MOU with Indonesia, for example, outlines forms of cooperation, such as the development of joint efforts to protect migrant workers and to provide legal aid. With the Lao People's Democratic Republic, efforts include technical support in implementing projects such as labour administration and employment promotion.

Signing BAs and MOUs implies action, but this might not always be the case. Weaknesses include the following: monitoring and enforcement mechanisms are not always strong; the protection component is not sufficiently spelled out; gender sensitivity is ignored; equal treatment is not guaranteed; and the role of civil society is not mentioned (Go 2007). However, countries of origin like Indonesia have made efforts to improve the provisions stated in the MOUs signed with some countries of destination. Most notably Indonesia intensively negotiated to renew the MOU with Malaysia for better protection of Indonesian domestic workers after the Indonesian government banned the placement of domestic workers in Malaysia starting in 2009. The ban was lifted in May 2010 after the countries signed a temporary agreement in the form of a “letter of intent” pending the MOU's adoption. The temporary agreement secures migrant workers' rights to have one day off a week and to retain their passports, though the agreement does not cover minimum wage issues.



# Good practices and key challenges

# 4

CP Member Countries have complemented their more proactive migration-management strategies by initiating and managing specific programmes and activities at various levels of government and in many cases with the cooperation of non-state actors. Government efforts in the last five years have focused on four key areas: disseminating essential information to migrants, managing the recruitment process, providing welfare support at both origin and destination, and maximizing the benefits of labour migration.

In reviewing many of these programmes, a number of good practices have emerged that CP Member Countries can study and, if relevant to their local situation, adopt and replicate. This section highlights 52 innovative elements introduced in various programmes. However, challenges remain, especially in implementation as there is often a gap between the intention and aims of programmes as laid out on paper and how they are ultimately applied on the ground.

## A. DISSEMINATING INFORMATION TO MIGRANTS TO PREPARE FOR MIGRATION AND EMPLOYMENT

Practitioners and policymakers nearly universally agree that migrants need correct and relevant information so that they can make informed decisions at every stage of the migration process. Many migrants have incom-

plete and imperfect information about the risks associated with migrating irregularly, job responsibilities, living and working conditions abroad, and where and how they can turn for help while at the destination. This lack of information makes them extremely vulnerable to abuse and exploitation.

Initiatives in this important policy area have concentrated primarily on two fronts: (1) making information readily available to migrants and (2) improving government-managed pre-departure orientations.

### 1. Migrant information or resource centres and related information dissemination services

CP Member Countries have taken initiatives to ensure that information is given at the time that migrants need it and at different stages of the migration cycle. These initiatives include public awareness campaigns, informational booklets and other materials.

Perhaps one of the most interesting approaches is the creation of special offices, such as migrant resource centers, that dispense information on-demand to migrants and their families.

Migrant resource centers (MRCs), as promoted by IOM in various countries worldwide including in CP Member Countries, offer a variety of services to facilitate the migration process. MRCs disseminate information, give legal

advice, match jobs and provide information on how to recognize qualifications. These centers also provide training, counseling, needs assessments and referrals to other services. Bangladesh, Nepal and India run MRCs (see Box 1 on Bangladesh, Nepal and India below). In addition, India maintains an Overseas Workers Resource Center (OWRC) based in New Delhi that provides emigration-related information. OWRC also registers, responds to, monitors and follows up on migrant workers' complaints. To address grievances, OWRC also runs a helpline accessible via mail or telephone.

### *Innovative elements*

The experiences of these four countries suggest that in creating MRCs, governments would benefit from the following:

- ◆ **Partner with international organizations and other actors.** Bangladesh, Nepal and India created their resource centers with the help of IOM, which provided technical assistance based on its extensive experience setting up MRCs elsewhere. In addition, IOM trained staff currently running the MRCs in Nepal, and the

#### **Box 1: Migrant Resource Centres: Bangladesh, Nepal and India**

The International Organization for Migration (IOM) helped establish migrant resource centres (MRCs) in Bangladesh, Nepal and India in coordination with the relevant governmental authorities. Nepal's MRC was created within the Foreign Employment Promotion Board in February 2010. India's centre was set up in 2008, together with the Ministry of Overseas Indian Affairs at Kochi, as an institutional framework under the European Commission-funded project Regional Dialogue and Program on Facilitating Managed and Legal Migration between Asia and the European Union (EU). Bangladesh's MRC was set up in 2007 at the Bangladesh Overseas Employment Services Limited (BOESL).

In Nepal, the centre counsels prospective and current migrants one-on-one in person, via email and by telephone. Other services include providing information about the basic requirements for overseas employment and how to avoid becoming a victim of trafficking and illegal recruitment. A toll-free number helps potential migrants access reliable information on overseas employment. Similarly, a website (<http://www.mrcnepal.gov.np>) in both Nepali and English gives information on major destinations for Nepalese labour migrants, a job-demand list approved by Nepal's Department of Foreign Employment, actual migration costs, actual wages of migrant labourers and addresses of organizations including Nepalese missions/embassies abroad. To expand the MRC's services to the grassroots level and

beyond Kathmandu, IOM collaborated with Pravasi Nepali Coordination Committee, a non-governmental organization (NGO) of returnee migrants, to replicate the MRC in the Jhapa and Chitwan districts of Nepal.

In India, MRC services include telephone and walk-in counselling for those seeking to legally migrate to EU countries, providing them with information on available opportunities, skill requirements and the risks entering the European Union without authorization. The MRC also contains several specialized centres, such as a verification centre to aid in the verification of recruiters, foreign employers, procedures, fees to pay; a centre for pre-departure services, including visa and travel assistance, language training and cultural orientation; and a counselling/crisis centre to handle complaints about recruitment or employment contracts and help respond to crisis situations involving migrants and their families.

Similarly in Bangladesh, eight MRCs have been set up to provide information to potential migrants on opportunities available abroad, the procedures related to migration as well as country specific information.

As in Nepal, the MRC in India and Bangladesh aims to reach a larger number of migrants through close coordination with a network of selected NGOs and other social partners and their local structures.

NGOPravasi Nepali Coordination Committee manages MRC<sup>18</sup> services at the local level.

- ◆ **Embed resource centers within existing structures.** Placing MRCs within established institutions, as Nepal did through its Foreign Employment Promotion Board and Bangladesh through its Overseas Employment Service, makes it easier to provide migrants with services and coherent information. This approach also avoids duplication of efforts and resources.
- ◆ **Create an accessible and free 24/7 hotline.** Installing a toll-free number with 24-hour access is a reliable and cost-effective way to dispense information to a large population, particularly to those who live far from government offices and even to those who already live abroad. Aside from its local toll-free number, India maintains an international hotline accessible anywhere in the world, although for a fee. An international toll-free line is available for calls from the United Arab Emirates, but India plans to expand it to other countries.
- ◆ **Use the Internet and text-messaging systems.** Maintaining a website is a cost-effective way to dispense real-time information. For instance, the website of Nepal's resource center contains various information, such as laws and cultural customs in destination countries, vacancy lists from employers, and contact information of relevant government agencies. An interesting innovation in the Philippines is a text-message-based service arranged with private-sector partners. Migrant workers can send and receive information via text through a government sponsored text-dedicated line.

- ◆ **Provide information in various languages.** India's Overseas Workers Resource Centre in Delhi runs a 24/7 hotline that supports seven languages: Hindi, English, Tamil, Malayalam, Punjabi, Kannada and Telegu.
- ◆ **Decentralize to provinces and states.** By placing MRCs outside city centers, prospective migrants do not have to travel (or that far) to get information. Aside from offices in Kathmandu and Delhi, both Nepal and India maintain resource centers in key provinces or states. India has MRCs at Kochi in Kerala and Hyderabad in Andhra Pradesh while Nepal has MRCs in Jhapa and Chitwan districts. Similarly, PESOs in the Philippines are housed at the local government level.

In terms of other information-dissemination services:

- ◆ **Provide information and training in source communities on migrating safely.** Since trafficking is closely linked to labour migration in Indonesia, IOM has recently entered into a partnership with the Indonesian government to inform source communities how to migrate safely. A Safe Migration Pocket Guide is distributed to prospective migrants as well as communities (including their leaders) through Safe Migration sessions conducted by community-based organizations and through other channels, such as schools, community centres and police. By encouraging communities to reflect on the benefits and risks of migration, explaining each stage of the migration process and providing "smart safe migration tips," the Pocket Guide aims to equip communities with timely and accurate information, build realistic expectations of migration (including legal migration), and ensure

18. For a further assessment of migrant resource centres more globally, please see IOM MRS no. 40 "Migrant Resource Centres: An Initial Assessment", IOM 2010.

people know where and how to seek assistance. The Pocket Guide and other safe migration materials are available electronically on CD-ROM so that other stakeholders can reprint the materials. In the future, these materials will be available online.

- ◆ Use all kinds of media to raise awareness of migration risks and benefits. The Ministry of Overseas Indian Affairs has commissioned periodic, nationwide multimedia information campaigns promoting safe and regular migration.

## 2. Pre-departure orientation

Out of the 11 CP Member Countries, 9 currently require some or all migrants to attend an

orientation programme prior to departure. These orientations have various names, but the goal is generally the same: build skill sets and familiarize would-be migrants with the culture and practices of their host countries (see Table 4). Orientations also often include information on financial literacy (such as budget planning and remittance sending) as well as health and safety. They are typically conducted in a classroom setting for a prescribed number of hours or even days, and in partnership with members of the private sector and civil society, such as recruitment agencies and NGOs. Upon completing the orientation, migrants typically receive a clearance or certification required for departure.

**Table 4**

### Pre-departure Orientations

| Country            | Year started | Name of orientation  |
|--------------------|--------------|--|
| <b>Bangladesh</b>  | 1991         | Pre-Departure briefing   |
| <b>China</b>       | 1995         | Pre-Departure Training   |
| <b>India</b>       | 2006         | National skill upgradation and pre-departure orientation programme |
| <b>Indonesia</b>   |              | Pre-Departure briefing   |
| <b>Nepal</b>       | 2004         | Pre-Departure Orientation  |
| <b>Pakistan</b>    | 1996         | Pre-Departure Orientation  |
| <b>Philippines</b> | 1997         | Pre-Employment Orientation Seminar (PEOS)                          |
|                    | 1983         | Pre-Departure Orientation Seminar (PDOS)                           |
| <b>Sri Lanka</b>   | 1985         | Pre-Departure Training   |
| <b>Thailand</b>    |              | Pre-Departure Orientation  |
| <b>Viet Nam</b>    |              | Pre-Departure Training   |

Source: IOM country assessments.

The Philippines is widely considered the pioneer in pre-departure orientations, having started its first programme more than 27 years ago. Today, it recognizes the importance of adopting a more comprehensive approach by offering different types of orientations:

- ◆ Pre-employment orientation seminar (PEOS): Catered to those who have not yet

decided to work abroad, PEOS educates prospective migrants about the risks and rewards of working abroad, the dynamics of the labour market, legal procedures for securing a job abroad and the parameters for making a well-informed, family-based, responsible decision. An important feature of PEOS is the module on preventive and

remedial measures against illegal recruitment and trafficking.

- ◆ Pre-departure orientation seminar (PDOS): A compulsory, one-day orientation for departing migrants. PDOS provides information on how to minimize problems encountered while working and living abroad (including proper understanding of their rights and obligations as defined by the employment contract), travel procedures, health precautions and remittance facilities.
- ◆ Special country-specific pre-deployment orientation: This course is for migrants going to specific countries, including Canada and the United Arab Emirates, and includes language courses that are part of the bilateral agreement with the host country. For example, the Republic of Korea requires Filipino workers to have enough Korean-language instruction to score 80 out of 200 on a Korean-language test.

PEOS is free, but migrants pay a minimal fee of PHP100 or USD2.50 for PDOS. Of the 308 accredited training centers for PDOS, 62 are managed by private organizations. Of these, 36 are agencies, 17 NGOs, 7 industry associations and 2 are agencies specialized in PDOS for Taiwan Province of China and Mediterranean countries, respectively.

### *Innovative elements*

Indeed, the question for many governments today is not whether it is necessary to provide pre-departure orientations but how to provide such an important service more effectively. Experience from various countries within the CP region suggests particularly promising innovations that increase effectiveness:

- ◆ **Provide orientation well before migrants make the decision to migrate.** As noted earlier, the Philippines provides not only mandatory orientations for migrants that have already found employment overseas but also offers optional orientations for those who are contemplating going abroad. Reaching migrants well before they make a decision means they are likely to have few illusions about life abroad and can make informed decisions from the onset.
- ◆ **Customize training to certain countries, regions and sectors.** Sri Lanka offers customized orientations depending on the destination. Unskilled workers going to South Korea, for instance, must have 12 days of training in the Korean language, law and culture, as well as Sri Lanka Bureau of Foreign Employment (SLBFE) formalities and how to access banking and health services. Unskilled female workers going to the Middle East are required to attend 15 days of training with topics ranging from personal hygiene to Arabic and English language lessons. Sri Lanka also has sector-specific materials, including information for care givers that it developed together with IOM (Sri Lanka Ministry of Foreign Employment Promotion and Welfare, 2009). In India, country-specific manuals are used in during pre-departure orientations for eight countries, including six Gulf countries.
- ◆ **Make the training free, subsidized or paid for by employers.** Nepal reimburses fees women migrants pay to encourage more women to attend the pre-departure orientation. As noted, Philippines offer PEOS for free while the fee for PDOS is minimal and should be paid for or

reimbursed by the employer or the recruitment agent. In Indonesia, mandatory pre-departure briefings are provided at least two days prior to departure under the responsibility of the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) and should be delivered for free by its province-level offices.

- ◆ **Provide information in local languages.** Pakistan uses briefing materials in local languages, including CDs and other printed materials that migrants can keep. Courses in the Philippines and Sri Lanka are conducted in local languages as well.
- ◆ **Offer complementary courses for migrants with special needs.** Some migrants may not have the reading or writing skills to successfully complete an orientation. Sri Lanka addresses this problem by offering a basic, 18-day residential literacy course for those who lack basic writing skills in Sinhala or Tamil.
- ◆ **Provide financial-literacy training in orientation programmes.** In the Philippines, IOM and the NGO ATIKHA, in partnership with the government-run National Reintegration Center for overseas foreign workers and the Central Bank of the Philippines, developed a financial planner for migrant workers and their families (IOM, 2009a). The planner is aimed at making remittances part of a framework of wise spending, saving and investment. Among its innovative elements is the Dream Map, a tool that helps migrants visualize their end goals and realize them through reachable financial objectives.
- ◆ **Tap NGOs and model recruitment agencies as trainers.** The Philippines

mandates that only government-certified NGOs can provide orientations for domestic workers. It also allows agencies that have received government awards for their exemplary record to give orientations to their own workers. Similarly, the Bangladesh government has collaborated with a number of civil society groups to provide standardized training for domestic work. These groups include NGOs such as Manusher Jonno Foundation, Bangladesh Rural Advancement Committee and Shosti, and migrant associations such as the Bangladesh Ovibashi Sramik Association. The Indonesian BNP2TKI recently created Community Based Learning Groups (Kelompok Belajar Berbasis Masyarakat or KBBM) to inform and train candidate migrants using local-level resources such as NGOs. By mid-2010, KBBM was available in 40 of 492 districts.

- ◆ **Administer an examination to workers.** To ensure the quality of training, the Chinese government requires its migrants to pass an examination administered by the Overseas Labourers Testing Center. The examination tests migrants' knowledge of local laws, regulations, customs and language of the destination country, as well as the terms and conditions of the employment contract.
- ◆ **Include family members in the orientation.** Sri Lanka includes family members during the last day of orientation so that they know the risks and opportunities associated with working abroad and can familiarize themselves with how SLBFE operates and which government offices to contact in case problems arise. Involving family members is critical since they usually know first if a relative encounters problems abroad (Agunias, 2011a).



### 3. Key challenges

Although CP Member Countries offer pre-departure services and run information centers, gaps remain, particularly on two fronts.

First, it is difficult to ensure the quality of orientations. There is a concern that orientations are often routine and ineffective. Training materials are not always gender sensitive and thus do not consider the different needs of male and female migrants. Furthermore, orientation programmes can often represent an additional cost to the migrant.

In Indonesia, challenges cited include materials that sometimes do not provide information important to migrants, such as frequently encountered problems or how to seek assistance. Instead, the information pertains to the destination country's political system and the history of Indonesian relations and cooperation with the third country, topics that may not be of interest to labour migrants (Country assessment). In the Philippines, since PEOS and PDOS are conducted with private-sector partners, including recruitment agencies in the case of PDOS, there is a need to clearly establish supervisory and regulatory mechanisms to ensure quality control (Country assessment).

Some orientations are also very short, at most lasting only a day, and in many cases are conducted just days before departure, which limits their effectiveness. For instance, in Bangladesh, the orientation delivered by the Bureau of Manpower Employment and Training includes the showing of two videos: a 13-minute presentation on overseas employment procedures and a 15-minute presentation on vocational training (Country assessment). In Indonesia, current regulations mandate that migrants are supposed to receive a 20-hour free orientation for at least two days before they depart. However, orientations sometimes last

for eight hours or even less (Country assessment).

Second, it is difficult to increase outreach to a larger number of migrants. Many programmes are still small in scale and often based in urban centres. For instance, in 2009, the Philippines conducted 823 pre-employment orientation seminars for almost 50,000 participants (POEA, 2009). Since over a million migrants left for overseas work that same year, hundreds of thousands of potential beneficiaries were not reached. Similarly, in Nepal, coverage is limited to a very small number of migrants (Country assessment). In addition, with many pre-departure orientation programmes and related migrant services concentrated in capital cities or regions, migrants who do not live in those areas have limited access. Since migrants are often unwilling to incur additional travel and accommodation costs to attend orientation programmes, some purchase orientation certificates.

## B. MANAGING THE RECRUITMENT MARKETPLACE

Another area of focus for CP governments is effectively controlling recruitment. The recruitment stage is one of the most critical junctures in labour migration because the terms and conditions of the employer-employee relationship are still being negotiated, and power asymmetries can either lead to a mutually beneficial relationship or an exploitative situation.

In response, CP governments have focused their efforts in three areas: regulating private recruiters, directly managing the recruitment process with government-facilitated migration schemes and meeting destination countries' labour-market demands and skills requirements.

## 1. Regulating private recruiters

Private recruitment agencies - located in countries of origin, transit and destination - are key actors in temporary labour migration from many CP Member Countries. Field studies and available administrative data from the Philippines, Indonesia, Sri Lanka, Bangladesh, Thailand, Pakistan and India suggest that private agencies account for a vast majority of contract labour migration outflows, with a small level of recruitment carried out by the government itself in some instances (Country assessments; IOM, 2010).

Indeed, CP Member Countries understand the pivotal role private recruitment agencies play. Without them, temporary migration at the current scale would be impossible. At the same time, governments understand that if left unregulated, agencies abuse (at higher rates than today) the very workers they are supposed to help and increase employers' cost of doing business (Agunias, 2010a).

Ten of 11 CP Member Countries regulate private agencies through a licensing scheme, which requires an agency to obtain authorization before opening its doors. Six countries - Indonesia, Pakistan, Philippines, India, Sri Lanka and Thailand - have regulated agencies for over 25 years. China started much later, in 1992, while Viet Nam introduced regulations just in 2007. Each country has an office or department dedicated to regulating recruitment agencies (see Table 5).

The benefits of licensing are threefold. First, licensing allows the government to pre-screen applicants' capabilities and professional experience in job-placement activities. Second, it creates transparency by identifying agencies and their overall activities. Third, a licensing system makes it possible for governments to track the basic and critical information, such as agencies' business addresses, as well as the types of services agencies offer (ILO, 2007: 14).

**Table 5**

### Regulatory bodies

| Country            | Year regulation started | Regulatory body  |
|--------------------|-------------------------|--|
| <b>Bangladesh</b>  | 1976                    | Bureau of Manpower, Employment and Training (BMET)   |
| <b>Indonesia</b>   | 1978                    | Ministry of Manpower and Transmigration  |
| <b>Pakistan</b>    | 1979                    | Bureau of Emigration and Overseas Employment (BOEOE)   |
| <b>Philippines</b> | 1982                    | Department of Labour and Employment (DoLE), Philippine Overseas Employment Administration (POEA) |
| <b>India</b>       | 1983                    | Ministry of Overseas Indian Affairs (MOIA)<br>Protector General of Emigrants                     |
| <b>Sri Lanka</b>   | 1985                    | Sri Lanka Bureau of Foreign Employment (SLBFE)   |
| <b>Thailand</b>    | 1985                    | Thailand Overseas Employment Administration (TOEA)   |
| <b>China</b>       | 1992                    | Ministry of Commerce (MOFCOM)  |
| <b>Afghanistan</b> | 2007                    | Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD)                               |
| <b>Nepal</b>       | 2007                    | Department of Foreign Employment (DoFE)  |
| <b>Viet Nam</b>    | 2007                    | Department of Labour (DOLAB)   |

Source: IOM country assessments.



In general, government regulators require applicants to prove competence in three areas: financial capacity, personal and professional qualifications, and management and marketing capabilities. Typically, they are required to

deposit a bond with the government and show they have the appropriate personal and professional background to manage a recruitment agency. Table 6 below compares the licensing requirements of Sri Lanka and the Philippines.

**Table 6**

**National requirements for licensing recruitment agencies, Sri Lanka and the Philippines**

| Requirements                                    | Sri Lanka  | Philippines  |
|---|--|--|
| <b>Nationality</b>                              | Must be a Sri Lankan citizen or a firm in which all partners are Sri Lankan citizens or a company where majority of shares are owned by Sri Lankan citizens.   | Must be a Filipino citizen or a partnership or corporation in which 75 per cent of the capital is Filipino owned or controlled.  |
| <b>Financial capacity</b>                       | Provide a bank guarantee of LKR 750,000 (USD 7,000)  | Provide proof of capital of not less than PHP 2 million (USD 44,000) and two types of guarantees: bank deposit under an escrow account of PHP 1 million (USD 22,200) and surety bond of PHP 100,000 (USD 2,200); pay filing fee of PHP 10,000 (USD 200) and license fee of PHP 50,000 (USD 1,100). |
| <b>Personal and professional qualifications</b> | Must submit police clearance reports from the nearest police station and two recent testimonials in support of the character and reputability of the person who is in charge of the foreign employment agency. One of these should be from the local Gramasevaka Niladhari of the area where he resides confirming that the person who is applying for the license has been living in that area. | Must pass a criminal and derogatory-record examination; not have been subject to a complaint or charged with or convicted of illegal recruitment.  |
| <b>Management and marketing capabilities</b>    | Maintain an office with a floor area of at least 500 square feet.<br><br>Office must be located in an easily accessible area near public transportation, and with telephones with IDD facilities, fax, computers, databases, typewriters, photocopiers and trade-testing facilities.   | Proof of job orders for not less than 100 workers; need to attend a training on recruitment business management.   |

Source: Agunias, 2011a.

In addition to Sri Lanka and the Philippines, India also has guidelines for recruitment agencies under the the Emigration Act, 1983 (Section 10). Those who wish to recruit Indian citizens for employment abroad must register

themselves with the registering authority, the Protector General of Emigrants (PGE).

### *Innovative elements*

Some elements of the regulatory schemes

various CP Member Countries have adopted are particularly promising because they increase accountability while limiting the extent to which agencies can dictate the terms and conditions of employment. Governments in the CP region have chosen to do the following:

- ◆ **Make agencies jointly liable with employers.** In the Philippines, every licensed recruitment agency is liable jointly and severally with the foreign employer. In other words, if the foreign employer fails to comply with the contract or violates any of its provisions, the worker can, in principle, file redress against the Philippine recruitment agency. Through this legal facility, the migrant may recover unpaid financial claims through a court order, garnishing the bonds posted by the agencies as part of their licensing requirements. This requirement essentially turns agencies into “co-employers.” Through the joint-liability provision, the Philippine government can indirectly exercise pressure on foreign employers who are, after all, beyond the jurisdiction of the Philippines' justice system – a beneficial arrangement for workers who would otherwise be left without recourse for unfair treatment (Agunias, 2008).
- ◆ **Install a placement-fee ceiling.** Since most recruitment irregularities are related to fees, a number of governments have set limits on the placement fees recruitment agencies can legally charge clients. In India, fees depend on the type of worker, ranging from USD 45 for unskilled workers and up to USD 220 for the highly skilled. Nepal differentiates fees by destination: USD 1,081 for Malaysia, USD 950 for Gulf countries and USD 675 for Japan (Agunias, 2009b). In the Philippines, agencies can charge up to

100 per cent of a migrant's first month's salary. Exempted from its placement fee policy are seafarers and domestic workers, as well as land-based workers whose destination countries prohibits – either by law, policy or practice – the charging or collection of placement and recruitment fees (Ibid.). Sri Lanka has the most sophisticated system for determining allowable fees. Foreign agents must give a declaration to the Sri Lankan Embassy in the destination country as to whether a commission was given to or received from the Sri Lankan agent. If the Sri Lankan agent does not receive any commission from the foreign agent, the Sri Lankan agent can charge the worker the actual expenses incurred as long as it is within the allowable limit set by the Sri Lankan government and the expenses are backed up by receipts. Allowable fees differ from job to job and range from one to two months' salary. Interestingly, migrants can access a government website that list allowed fees by job order. This system allows migrants to know exactly how much an agent can legally charge for a specific job opening (Agunias, 2011a).

- ◆ **Mandate the use of standard employment contracts.** Some regulators have also limited recruiters' ability to determine the terms and conditions of employment by requiring standard contracts. The standard contracts define the terms and conditions of service of migrant workers during their employment abroad. The Philippines, for instance, requires all domestic workers to sign contracts that stipulate continuous rest of at least eight hours per day; paid vacation of not less than 15 calendar days for every year of service; employer assistance in remitting a

percentage of the salary through proper banking channels; no salary deductions; no confiscation of passport or work permit; personal life, accident, medical, and repatriation insurance; and a free roundtrip economy-class air ticket or money equivalent in case of contract renewal.

- ◆ **Set minimum wage requirements.** To ensure that migrants, particularly those vulnerable to abuse and exploitation, receive decent wages, some countries have unilaterally set a minimum wage for all or some of their workers. Sri Lanka sets a monthly minimum wage depending on the destination. Bangladesh has similar rules and even differentiates between compensation packages that do and do not include food. For instance, Bangladeshis going to the United Arab Emirates have to receive a monthly salary of AED 600 AED (USD 163) if food is included, otherwise the minimum is AED 750 AED (USD 240). The Philippines requires that its domestic workers be paid USD 400 per month regardless of destination. Setting minimum wage requirements, especially if coupled with standard contracts, ensures that migrants receive decent wages.
- ◆ **Develop a code of conduct among agencies.** Since private recruiters have formed industry associations in many countries, some CP governments have explored their potential to develop and enforce voluntary codes of conduct. In Viet Nam, the Vietnamese Association of Manpower Supply (VAMAS), an agency association, and the Ministry of Labour, Invalids and Social Affairs (MoLISA) – with the help of the International Labour Organization and in consultation with IOM jointly published in July 2010 a code of

conduct for recruitment agencies. Drawn from national and international legislation, the code covers all phases of the migration process and aims to improve legal compliance, promote ethical recruitment practices and help prevent forced labour and human trafficking. As of this writing, 86 of the 132 VAMAS members have voluntarily adopted this code. These companies have to advertise the code to migrants and business partners in foreign countries to make them aware of their commitment. VAMAS plans to create an assessment council to evaluate compliance with the code of conduct; best practices will be disseminated among members. In case of repeated violations, VAMAS will inform stakeholders of the offender's malpractices. If no change is observed, the company will be publicly excluded from the list of registered enterprises applying the code. Is correctly applied (especially in its penalty mechanisms), this code of conduct could contribute to the effective implementation of national legislation and help protect Vietnamese migrants.

- ◆ **Validate contracts at diplomatic posts and provincial and state offices.** In China, every provincial commerce agency examines whether the contract signed by the worker, recruitment agency (known in China as International Labour Cooperation Company) and the foreign employer meets government standards. In the Philippines and Sri Lanka, labour attaches in countries of destination validate contracts filed by employers and migrants. The Philippine consular post in Dubai, for instance, verified around 1,000 employment contracts every month in 2009 to see if the contracts followed

Philippine overseas employment standards (Agunias, 2010a).

- ✦ **Sign contracts in front of government officials.** In 2010, Sri Lanka started a new system that requires all migrants to sign their contracts in front of an SLBFE official. The official uses this time to explain the terms and condition of the contract in either Tamil or Sinhala. In Indonesia, Ministerial Regulation 14/2010 requires migrant workers sign job contracts during the pre-orientation briefing (Pembekalan Akhir Pemberangkatan) and in the presence of an officer from the Ministry of Manpower and Transmigration.
- ✦ **Set up integrated one-stop services to facilitate the processing of required paperwork and documents.** Indonesia introduced an integrated one-stop service in West Nusa Tenggara in 2008 to reduce falsification of documents and overcharging of prospective labour migrants. The one-stop service includes issuance of passports, overseas fiscal exemption documents, overseas labour identity cards, insurance and other recruitment-related documents. Similarly, the Ministry of Overseas Indian Affairs has undertaken a comprehensive e-governance project that would include, among several elements, computerized registration of recruitment agencies and employers'

permits, performance ratings of recruiting agents and employers, monitoring of emigration offences and automated emigration clearance to mitigate harassment of migrants and reduce corruption.

## 2. Managing the recruitment process directly

In addition to regulating private recruiters, some CP governments conduct recruitment themselves. One approach is to recruit on behalf of private foreign employers. For instance, Thailand's Overseas Employment Administration Office (TOEA), under the Department of Employment, actively matches Thai workers with employers abroad.

However, most CP governments recruit directly from other governments using various schemes. The Philippines, for instance, has agreements to recruit directly for 17 government clients, including the Republic of Korea. Indeed the Republic of Korea operates one of the biggest government-managed migration schemes in the region today. Through its Employment Permit System (EPS), the Republic of Korea entered into formal recruitment agreements with 15 countries, 10 of which are CP members. Between 2004 and 2009, more than half a million migrants entered and work in Korea via EPS, the majority from Viet Nam, China, Thailand and the Philippines (see Box 2).

### Box 2. The Republic of Korea's Employment Permit System (EPS)

Introduced in 2004, the Employment Permit System (EPS) allows Korean employers to hire foreign workers in industries suffering from labour shortages. As of 2010, 15 countries had signed MOUs with Korea (Viet Nam, the Philippines, Thailand, Indonesia, Sri Lanka, Mongolia, Uzbekistan,

Bangladesh, Cambodia, Pakistan, Kyrgyzstan, China, Nepal, Myanmar and East Timor). By the end of July 2010, a total of 579,223 foreign workers had been hired through EPS.

The entire recruitment process is conducted through

designated agencies in Korea and the sending countries to guarantee transparency. Agencies in sending countries select suitable candidates based on work experience, skills and proficiency in the Korean language; the job seekers are then approved by the Republic of Korea Human Resources Development service. Korean job centres then match employers and candidates. Workers receive 45 hours of preliminary training in the Korean language and culture as well as information pertaining to their trade at origin; upon arrival they also receive 20 hours of employment training. Additionally, the

Korean government has created eight Support Centres for Foreign Workers to handle grievances and provide training in Korean language and orientation regarding customs and laws.

Under EPS, migrant workers are guaranteed the same rights as Koreans. They also have an employment contract and receive health insurance, industrial accidental compensation and a guaranteed minimum salary. Migrant workers are not tied to a single employer and may seek new employment up to three times over a period of three years.

### *Innovative elements*

Experiences in government-run recruitment in Thailand, the Philippines and among CP Member Countries that joined EPS point to some interesting features critical to making government-managed recruitment work better:

- ◆ **Register or accredit employers.** Employers wishing to hire Thai workers must register at TOEA and prove capability by showing various documents, such as a certificate of business registration permit, a model or standard form of employment contract, and visa forms for workers. Once registered, employers have access to a pool of registered workers.
- ◆ **Maintain a ready pool of workers.** TOEA maintains a pool of workers ready for deployment, minimizing the wait time for employers and allowing workers to access more employers.
- ◆ **Require the foreign government to create a trust fund.** The Philippines require all foreign governments wishing to recruit directly from the Philippine government to establish a Guarantee Trust Fund to cover workers' monetary claims arising from

breach of contractual obligations (POEA, 2010).

- ◆ **Use a standard labour contract.** Korea introduced a standard labour contract for all countries in EPS.

Furthermore, managing recruitment between governments of countries of origin and destination is another important element.

- ◆ **Launch projects between countries of origin and destination to test and identify best practices for managing temporary contractual employment.** In 2009, the governments of India, the Philippines, and the United Arab Emirates launched such a project. Catalysed by the Abu Dhabi Declaration,<sup>19</sup> the pilot project intends to develop a series of interventions that protect workers from all forms of exploitation; guarantee fair and safe working conditions and the ability of workers to seek redress of legitimate grievances; prepare workers for return once they fulfil their contracts; and help workers reintegrate successfully in their home countries. The intended beneficiaries are the governments of origin and destination countries, employers and approximately 3,000

19. This document calls for a collaborative approach to better managing temporary mobility and maximizing its benefits for foreign workers and the development of both countries of origin and destination including Afghanistan, Bahrain, Bangladesh, China, India, Indonesia, Kuwait, Malaysia, Nepal, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates, Viet Nam and Yemen.

temporary contractual workers from India and the Philippines employed in the construction, health-care and hospitality sectors in the United Arab Emirates. The lessons learned from the pilot project, which is ongoing, are to form the basis for developing a comprehensive regional framework that can be used with other countries of origin in South and South-East Asia and the Gulf Cooperation Council states.

### 3. Matching labour-market demand and skills accreditation

CP governments have also worked on ensuring a better match between labour demand and supply. Indeed, CP Member Countries are recognizing the need to upgrade migrants' skills and better forecast demand in destination countries.

#### *Innovative elements*

- ◆ **Ensure skills accreditation or standardization.** Workers' possession of job-appropriate skills is increasingly considered the best protection against workplace vulnerability. Therefore, some CP Member Countries have taken steps toward skills standardization, assessment and certification. India, for instance, launched a national skill-upgrade programme to improve skills in key sectors so that workers could meet international standards. India employs a standardized training curriculum, accredits training providers and provides independent skills assessments and standard certifications. Interestingly, the government provides financial assistance to implementing agencies, such as the Ministry of Micro, Small and Medium Enterprises, local and state governments, and NGOs and industry associations.

- ◆ **Create market research units (MRUs) in countries of destination.** The Bangladesh government – under the direct supervision of the Bureau of Manpower Employment and Training (BMET) and in coordination with the labour sections of Bangladesh missions abroad, the Ministry of Expatriate Welfare and Overseas Employment and IOM – recently created MRUs to collect information on the current labour needs of destination countries, recommend relevant skill-development programmes to BMET or potential migrants and forecast future labour-market needs. Such information allows governments to ensure their workers have the appropriate skills to match demand and better target certain labour-market sectors in destination countries.

### 4. Key challenges

Despite numerous regulations for the recruitment process, challenges remain, particularly in six areas.

**First, the cost of migration remains high for many migrants.** Private recruitment agencies still resort to charging migrants' excessive and unauthorized fees despite government regulations against such practices. IOM country assessments for Bangladesh, India, and Nepal found that placement fee caps are not always followed. Fees charged to migrants depend on many variables, such as the country of destination, the type of work and prospective salary. In general, migrants pay higher recruiting fees if the job carries prospects for settlement abroad, migrating via social networks or irregularly is difficult, more workers want to go abroad than there are contracts available (Martin, 2006:16).

Low-skilled migrants in general pay more in placement fees relative to their prospective



income. In India, a joint-study by the Public Accounts Foundation and Goa Migration estimates that low-skilled migrants pay an average of between INR 55,000 (USD 1,200) to INR 64,000 (USD 1,500). Female domestic workers from South-East Asia, who typically earn between SGD 200 (USD 134) to SGD 250 (USD 167) a month, pay about SGD 600 (USD 403), or three months' salary, to recruitment agents to get contracts in Singapore (Kaur, 2006:22). Chinese construction workers bound for Japan and Singapore reportedly pay agents between USD 3,000 and USD 10,000 (Biao, 2008a:4). A forthcoming report by the Migration Policy Institute looking into the recruitment of Filipinos and Sri Lankans to Jordan finds that male factory workers from Sri Lanka and the Philippines pay recruiters between USD 500 to USD 1,400 in placement fees or between 3 and 10 months of expected salary (Agunias, 2011a).

Even highly skilled migrants pay more than government-prescribed fees. Research on China suggests that nurses aiming to enter the Australian and United Kingdom pay recruiters between USD 4,000 and USD 15,000 (Fang, 2007). Filipino teachers recruited to the United States pay between 7 and 15 per cent of their annual salary as a placement fee, on top of documentation and training costs (Barber, 2003:14).

Even agencies that advertise a “no placement fee” policy to entice applicants may end up charging “recruitment-related costs” deducted from the person's future salary. Some migrants do not know exactly what they are paying for (Agunias, 2010a). Indeed, an IOM mission report in Indonesia finds that the breakdown of cost is not clear to many migrants; in Nepal, migrants sometimes pay excessive medical fees (Country assessment).

Studies have shown that excessive fees often start the cycle of dependency and coercion (Andrees, 2006:183). In order to pay recruitment and processing fees, migrants may take out large loans at extremely high interest rates or agree to a salary-deduction scheme that holds the first three to five months of salary as payment (Martin, 2010; Agunias, 2010a). In some cases intermediaries collect security bonds and housing or property certificates from migrants before their departure, as a form of collateral (Biao, 2008b).

### **Second, fraud and deceit are still common.**

Some agencies do not provide complete and honest information about job responsibilities, work conditions, or where and how migrants can turn for help while at the destination. Some migrants do not understand their net pay or its real worth. For instance, field work in the United Arab Emirates recently found that unexpected deductions for airfare and accommodation reduced the net salary of Filipino migrants by as much as half in some cases (Agunias, 2010a).

Fraud related to contracts is also believed to be common, particularly contract substitution – a practice in which migrants sign a new contract in the destination country with inferior or radically different stipulations than the contract signed in the origin country. Typically, the new contract has a lower wage. For instance, although a domestic worker bound for Jordan signs a contract in Sri Lanka stating that she will receive USD 200 in monthly wages (the minimum salary required by Sri Lankan regulations), agencies would verbally inform her to expect a much lower salary upon arrival, around USD 125 to USD 150. A similar problem has been observed in the Philippines (Agunias, 2011a).

Paperwork, including skill certificates and passports, has been a problem as well. Despite efforts to stop deployment of unqualified and underage workers, passports and documents can easily be forged and certificates can be “bought.” For instance, recruitment agencies in Bangladesh usually process a large number of passports at any given time. In cases where agents sign the forms, migrants are at risk in the destination country when immigration officials find that signatures do not match passport signatures (Agunias, 2009b).

The worst type of fraud involves deploying workers to different or even nonexistent jobs. This practice is so rampant in many Filipino destinations that it is known in the Philippines as “repro,” short for reprocessing. In a repro case, migrants follow the Philippine requirements, such as paying the legally prescribed placement fee, undergoing medical examination and attending the required PDOS. Once they reach the destination, however, they enter as workers in a different occupation or with a different employer than that stated in their Philippine contracts (Agunias, 2010a).

Indeed, some agencies bypass checking systems for work permits and transport migrants under improper visas. Cases of professionals, particularly in the health sector, leaving under student visas have been documented. In Bangladesh, where the sale of visas is common, there have been documented cases of a visa being sold to a worker other than the one to whom it was issued. The migrant bearing the fraudulent visa becomes an undocumented worker at the destination (Agunias, 2009b).

**Third, informal brokers and sub-agents continue to work for licensed recruitment agencies.** Private recruitment agencies rarely work on their own. Many use a host of mostly informal sub-agents or brokers to find prospec-

tive migrants or employers, creating additional layers of intermediaries. In Bangladesh, recruitment agencies work with brokers in destination countries; many of the brokers are Bangladeshi, Indian or Pakistani. These brokers typically work for factories looking for foreign employees (Business for Social Responsibility, 2008:16). At the same time, private recruitment agencies also work with local sub-agents, known colloquially as dalals, who find and refer prospective migrants from villages and areas far from city centers.

In other words, the recruiters for recruiters, sub-agents or brokers are not formally connected to the agencies they work with and are rarely accountable to them or to the migrants they eventually help to deploy. IOM field mission reports from Bangladesh, India, Thailand, Indonesia, the Philippines and Nepal all mention the difficulty in regulating sub-agents and their operations.

Governments in almost all CP Member Countries essentially ban sub-agent operations, but such bans are difficult to enforce. Since sub-agents perform critical roles, government regulators worry that enforcing bans would negatively affect deployment figures and further drive sub-agents underground (Agunias, 2011a).

**Fourth, illegal recruiters' operations are hard to control.** Curtailing the growth of illegal recruiters, including those with valid licenses who commit illegal activities, or stopping previously banned agencies from re-registering presents a large challenge for many government. The number of such agencies or their share of the market in CP countries is unknown, but various stakeholders suspect that illegal recruiters' businesses are thriving.

For one, slow and expensive formal recruitment procedures make irregular migration more



attractive to migrants. IOM country assessments for Thailand, Nepal and Indonesia found that formal government procedures discourage migrants from using the legal route. Some migrants find it cheaper and less time consuming to leave without documentation than to meet government requirements (Country assessment).

Also, migrants prefer to remain silent and not file a formal case against illegal recruiters. If they do come forward, they often are quick to drop a criminal case and/or settle out of court. Since illegal recruitment is a criminal offense in many CP Member Countries, every case must go through the criminal justice system, which can be slow and inefficient. Even those cases successfully brought to prosecution are frequently dismissed because the principal witnesses did not attend the hearings or the complainants lost interest or, more commonly, left the country to work abroad again. Illegal-recruitment cases are complicated because they are transnational offenses that require high-level coordination and intervention among government authorities (Agunias, 2010a).

**Fifth, the recruitment process can lead to negligent practices surrounding mandatory health assessments.** Negligent practices may include prospective migrant workers undergoing pre-departure medical testing without their informed consent or access to the test results. These practices not only violate their rights but could also impede the empowerment and awareness-raising critical to migrants taking responsibility for their own health when abroad. Furthermore, some migrant women have reported that labour agents forced them to take long-term contraception to prevent pregnancy during employment. Beyond the potentially serious negative effects on reproductive health, forced contraception is a form of abuse as the applicant is often not fully

informed. Finally, when migrants are declared medically unfit to work or test positive for pregnancy, HIV or other conditions that preclude them from migrating, governments generally do not provide the needed treatment and other follow-up services (UNDP Regional Centre in Colombo, 2008).

**Sixth, government-managed migration is difficult to scale.** Movements through programmes such as EPS are relatively small, raising questions about whether the approach can work in large-scale deployments. The Philippines, which currently deploys over 1 million temporary migrant workers annually, initially envisioned complete government control of overseas recruitment. Public employment agencies were set up in 1974 to replace private agencies (which were at that time blamed for widespread cases of abuse) through a four-year plan. However, by 1977, the government reversed course and opted for regulation, citing limited government capacity. Currently, the government handles less than 1 per cent of annual deployment, or just around 9,000 workers per year (Agunias, 2008). The same can be said of other large labour-exporting countries, such as Sri Lanka, Indonesia, Pakistan and Bangladesh, where agency-mediated deployment dominates outflows.

Given their current capacities, CP governments can realistically facilitate movement among only a limited number of migrants. Many simply cannot fully meet the demand of a dynamic global labour market. Private recruitment agencies are simply indispensable actors in labour migration today.

**Lastly, origin countries' unilateral measures remain difficult to enforce without the cooperation of destination countries.** All too often, good practices such as minimum wage standards, standard contracts and job descriptions

are unilateral efforts not easily enforced at destination. Bilateral or multilateral discussions and agreements on such matters can help ensure that migrant workers rights are effectively protected.

## C. PROVIDING WELFARE SUPPORT AT ORIGIN AND DESTINATION

How to ensure that migrants receive government support when problems arise is another overriding concern for all governments in the CP region.<sup>20</sup> Developments in this area focuses on creating welfare funds and insurance scheme that can support migrants, both at origin and destination, and on strengthening support services that diplomatic missions in destination countries provide.

### 1. Welfare fund and insurance schemes

Providing welfare support to migrants, especially when at the destination, is a priority of CP Member Countries. Many of the region's governments have taken steps to create government-managed welfare funds financed by migrants or their employers and/or recruiters. These funds, which can be found in Thailand, India, Bangladesh, Pakistan, the Philippines, Sri Lanka and Nepal, provide a range of services to migrants, including pre-departure orientation seminars, loans, emergency repatriation, life and medical insurance, and reintegration assistance (see Table 7). Welfare funds can also help migrants' families in the country of origin, such as through schools for workers' children or scholarship programmes.

Table 7

Migrant welfare funds

| Country/name of fund/implementing agency | Premium   |  | BENEFITS               |                                     |       |                          |  |
|--|---|--|------------------------|-------------------------------------|-------|--------------------------|--|
|  | Amount  | Who pays?  | Emergency repatriation | Insurance (medical/life/disability) | Loans | Reintegration assistance | Others   |
| <b>Bangladesh</b>                        | BDT 100/ under a group visa   | Subscription of migrant workers  | Yes                    |                                     |       |                          | Grant to families of deceased (BDT 200,000).   |
| <b>Wage Earners Welfare Fund</b>         | BDT 300 for an individual visa with the attestation of Bangladesh missions in the country concerned | Interests on bonds of recruiters<br>10 per cent surcharge on fees charged by Bangladeshi missions abroad |                        |                                     |       |                          | Repatriation of remains.<br><br>Families also get BDT 35,000 to cover burial expenses. |
| <b>BMET</b>                              | BDT 800 for an individual unattested visa   |  |                        |                                     |       |                          | Two welfare desks at airport (one-stop service).<br><br>Pre-departure orientation.     |

20. This section considers initiatives that governments in countries of origin take to provide support to migrants while at home and abroad. The role of destination governments is also key though beyond the scope of this section.

| Premium                                       |  |  | BENEFITS               |                                     |       |   |   |
|---|--|--|------------------------|-------------------------------------|-------|---|---|
| Country/name of fund/implementing agency      | Amount   | Who pays?  | Emergency repatriation | Insurance (medical/life/disability) | Loans | Reintegration assistance                                      | Others  |
| <b>India</b>                                  |  | MOIA funds are raised by the Indian missions, which levy a nominal service charge on consular services and through voluntary contributions from the Indian community.  | Yes                    | Yes                                 |       |   | Boarding and lodging for distressed overseas Indian workers in the domestic sector and unskilled labourers. |
| <b>Indian Community Welfare Fund (ICWF)</b>   |  |  |                        |                                     |       |   | Legal assistance at destination.  |
|   |  |  |                        |                                     |       |   | Repatriation of remains.  |
|   |  |  |                        |                                     |       |   | Protection of women migrant workers.  |
| <b>MOIA</b>                                   |  |  |                        |                                     |       |   | Air passage for stranded migrants. Emergency medical care   |
| <b>Nepal</b>                                  | NPR 1,000 (USD 13.51)  | Contributions from migrants only.  |                        | Yes (disability/injuries)           |       |   | Grant to families of deceased NPR 100,000 (USD 1,351.35).   |
| <b>Foreign Employment Welfare Fund (FEWF)</b> |  |  |                        |                                     |       |   | Blood money.  |
| <b>FEPB</b>                                   |  |  |                        |                                     |       |   |   |
| <b>Pakistan</b>                               | USD 25 per employment contract or per two years (whatever is shortest) | Migrants   | yes                    | Yes (death/disability/medical)      | yes   | Yes   | Repatriation of remains.  |
| <b>Welfare Fund</b>                           |  |  |                        |                                     |       | Livelihood projects or small businesses; vocational training. | Scholarships for children of migrant workers.   |
| <b>OPF</b>                                    |  |  |                        |                                     |       |   | Blood money.  |
| <b>Philippines</b>                            | USD 25 membership fee  | 73 per cent of the fund is constituted of migrants' contributions, the rest comes from contributions of foreign employers and investment and interest income. Entirely self-funded: no budget allocation from the national government. | yes                    | Yes (death/disability/medical)      | yes   | Yes   | Scholarships for children of migrant workers.   |
| <b>Welfare Fund</b>                           |  |  |                        |                                     |       | Livelihood assistance.  | Repatriation of remains.  |
| <b>OWWA</b>                                   |  |  |                        |                                     |       | Training on entrepreneurship.                                 | Shelters for distressed overseas Filipino workers.  |

| Premium  |   |  | BENEFITS               |                                     |       |   |   |
|--|---|--|------------------------|-------------------------------------|-------|---|---|
| Country/name of fund/implementing agency   | Amount  | Who pays?  | Emergency repatriation | Insurance (medical/life/disability) | Loans | Reintegration assistance  | Others  |
| <b>Sri Lanka</b>   | USD 25 or LKR 2,500 plus an additional LKR 200 (approx. USD 2) facilitation fee | Migrants<br>Foreign employers  | Yes                    | Yes (death/medical)                 | Yes   | Yes<br>Livelihood projects or small businesses; vocational training | Scholarships for children of migrants.<br><br>Repatriation of remains.  |
| <b>Overseas Workers Welfare Fund</b>   |   |  |                        |                                     |       |   |   |
| <b>SLBFE</b>   |   |  |                        |                                     |       |   |   |
| <b>Thailand</b>  | THB 300 to 500 or USD 10 to 17  | Government contributions.  |                        | Yes (death/medical)                 |       |   | Pre-departure orientation.  |
| <b>Overseas Workers aid Fund</b>   |   | Recruitment agencies, employers or job seekers (according to Employment and Job Seekers Protection Act B.R. 2528 (1985)) |                        |                                     |       |   | Emergency shelters for women workers in Hong Kong SAR.  |
| <b>MOL</b>   |   |  |                        |                                     |       |   |   |
| <b>Viet Nam</b>  | VND 100,000/person/contract/ (also covering the extended contract duration).    | Service enterprises.<br>Migrants.<br>Balance transferred from the Labour Export Support Fund.                            |                        | Yes (accident/life/medical)         |       |   | Training courses (languages, skill training and general knowledge) pre-departure.   |
| <b>Overseas Employment Support Fund</b>  | 1 per cent of annual service revenue (recruiting agencies).                     | State budget support in special cases under the Prime Minister's decision.   |                        |                                     |       |   | Monetary support for families of deceased overseas workers.   |
| <b>The Ministry of Labour, War Invalids and Social Affairs and the Ministry of Finance</b> |   | Other sources (deposit interests, funds of domestic and foreign organizations and individuals)                           |                        |                                     |       |   | Support for exploring new labour markets.<br><br>Support for enterprises to explore new labour markets.<br><br>Support for disseminating information to Vietnamese guest workers. |

Source: IOM country assessments.

The Philippines manages one of the largest welfare funds in the developing world. The Overseas Workers Welfare Administration (OWWA) collects a mandatory USD 25 membership fee from foreign employers and workers and receives no budget allocation from the national government. Because OWWA has brought in more money than it has spent, its surplus is added to the fund's equity. As a result, the fund grew more than fourfold in 13 years, from PHP 2.2 billion (USD 47 million) in 1995 to nearly PHP 12 billion (USD 266 million) in 2008 (OWWA, 2009).<sup>21</sup> To place this amount in the Philippine context, OWWA's total assets are nearly twice the budget of its mother agency, the Department of Labour and Employment, and almost three times the budget of the Office of the President during the same period (Republic of the Philippines, 2008).

A membership-driven welfare fund like OWWA can benefit migrants in a number of ways. First, it allows the government to raise sufficient revenue to finance inherently expensive needs. Indeed, cash-strapped countries like the Philippines would be hard pressed to allocate sufficient resources from the national budget. Second, a welfare fund also enables a government to provide critical on-site services, especially repatriation, in emergency situations. Finally, a welfare fund, if managed effectively, has the potential to financially support activities that can leverage migrant resources for development, such as business entrepreneurship and career development among returning migrants (Agunias, 2008; IOM, 2003, 2005; IOM et al., 2006).

### *Innovative elements*

Experiences in many of these countries point to innovative elements that CP Member Countries may consider adopting:

- ◆ **Make contributions towards legal aid and recourse.** Nepal's government has established a Seed Money Fund to provide legal support to migrant workers who desperately need legal aid in the destination country. After establishing the Foreign Employment Promotion Board, the Foreign Employment Welfare Fund was created, funded by contributions from documented migrant workers.
- ◆ **Subsidize medical services and health care.** The "Healthpro" scheme in the Philippines provides subsidized medical and hospitalization services for foreign workers both while in the country of destination and at home, in addition to benefits for disabilities, mental health and death. India's Pravasi Bharatiya Bima Yojana, a mandatory insurance scheme for overseas workers, includes medical insurance in addition to the emergency medical assistance available under the Indian Community Welfare Fund.
- ◆ **Finance pre-departure and related trainings.** The Bangladesh Welfare Fund offers pre-departure briefing sessions at the Bureau of Manpower Employment and Training Briefing Center prior to departure. Similarly, the Vietnamese Overseas Employment Support Fund provides trainings courses and skills training.
- ◆ **Provide education and scholarships for the children of migrant workers.** Both the Pakistani Welfare Fund and insurance services offered under the Sri Lanka Bureau of Foreign Employment (SLBFE) include scholarships for the children of migrant workers. In addition, SLBFE has a special unit dedicated to the welfare and protection needs of migrant workers' children.

21. For additional background on OWWA, see Agunias and Ruiz, 2007.

- ◆ **Maintain welfare desks at the departure and arrival lounges of international airports in the home country.** In Bangladesh, these desks operate under the Bangladesh Welfare Fund, providing services to migrant workers regarding emigration clearance and other procedures. All migrants returning to Indonesia should go through so-called Migrant Service Posts located in most of the country's major airports and seaports. Province-level National Board for the Placement and Protection of Indonesian Overseas Workers (BP3TKI) officers staffing the posts record each returning migrant and screen them to determine if they have experienced abuse or violence during their deployment. If migrants report problems, BP3TKI officers should provide preliminary assistance and, if necessary, refer them to other service providers for follow-up assistance. This system has been put in place partly to better identify trafficking victims, often deported as irregular migrants from destination countries.
- ◆ **Partner with other insurance providers.** In Sri Lanka, the National Insurance Trust Fund was established in 2006 under the Ministry of Finance and Planning to raise the living standards of Sri Lankan citizens. The fund has now implemented a Migrant Workers Insurance scheme that focuses on migrants bound for the Middle East. The fund covers claims related to medical expenses upon return in the event of abuse or other illness and the reimbursement of airline tickets, among other items (National Insurance Trust Fund, 2009).
- ◆ **Use new technology to streamline migrant support services.** In February 2010, Bangladesh's government introduced the smart card, a tag with a small

computer chip developed by BMET with assistance from the Bangladesh University of Engineering and Technology. The smart card contains all the information available in the migrant's passport, the migrant's fingerprints and the name and license number of the recruiting agency the migrant used so that authorities can identify all the parties involved in the migration process. When leaving Bangladesh, migrants with smart cards simply insert them in a card reader at the airport and their embarkation forms can be printed out. This is particularly beneficial as most migrants have little education and often cannot read or write. In cases where workers' passports may be seized and recourse difficult without proper documentation, the card contains enough information to get the support required despite the loss of original documents. Between February 2010 and February 2011, the government issued more than 300,000 smart cards.

## 2. Support from diplomatic missions

Welfare support in destination countries largely depends on what destination countries provide. However, diplomatic missions remain the most important resources for migrant populations abroad, especially for those in vulnerable situations. A 2005 survey of IOM member governments revealed that 76 per cent had consular services interacting with citizens abroad (IOM, 2008b).

A number of CP Member Countries not only have expanded their diplomatic presence to places with large migrant populations but have diplomatic staff dedicated to accommodating migrants' needs and interests. Of the 11 CP Member Countries, 9 have welfare and/or labour attachés tasked to specifically attend to distressed and abused workers (see Table 8).

Table 8

## Government Support Services for Overseas Workers

| Country            | Has labour attaché?                 | Runs shelter?                                | Legal aid at destination   |
|--------------------|-------------------------------------|--|--|
| <b>Afghanistan</b> | No data                             | No data                                      | No data  |
| <b>Bangladesh</b>  | Yes                                 | 3 shelter homes in Riyadh, Dubai and Lebanon | Legal aid is available at different labour wings in Bangladesh missions abroad.  |
| <b>China</b>       | No data                             | No data                                      | Recruiting agencies are the first line for handling legal disputes. If the problem is not solved, they might take it to the embassy level. |
| <b>India</b>       | Yes                                 | Yes  | Yes, through Indian missions.  |
| <b>Indonesia</b>   | Yes                                 | Yes  | Yes  |
| <b>Nepal</b>       | Yes                                 | Yes  | Yes.   |
| <b>Pakistan</b>    | Yes<br>(Community Welfare Attachés) | No data                                      | Through Overseas Pakistani Foundation (OPF)  |
| <b>Philippines</b> | Yes                                 | Yes  | Yes  |
| <b>Sri Lanka</b>   | Yes                                 | Yes  | Yes, through the missions.   |
| <b>Thailand</b>    | Yes                                 | No data                                      | Yes, through OLA.  |
| <b>Viet Nam</b>    | Yes                                 | No data                                      | Yes, consular protection through Ministry of Foreign Affairs.  |

Source: IOM country assessments.

*Innovative elements*

Experiences in this nine countries points to a number of good practices. CP governments may choose to do the following:

- ◆ **Provide legal recourse, counselling and grievance redressal.** Thailand's Office of Labour Affairs (OLA) has 13 offices in 11 different countries.<sup>22</sup> OLA provides support services through its labour attachés, who aim provide advice, counselling and assistance to Thai workers who encounter problems regarding wage payments, health issues or personal safety. Furthermore, OLA provides some

access to legal recourse for Thai migrants faced with such problems while working overseas. For example, OLA will negotiate directly with litigants, and should negotiations fail, OLA will enlist the assistance of lawyers and/or government agencies in the host country (Country assessment).

Like Thailand, diplomatic posts in Sri Lanka, Indonesia and the Philippines also accept migrant complaints against employers and recruiters, make referrals to relevant local authorities and preside over conciliation proceedings if parties request their involvement.

22. Brunei, Germany, Republic of Korea, Singapore, Saudi Arabia (two offices), Taiwan Province of China (two offices), Hong Kong SAR, Malaysia, Japan, Israel and Switzerland.



India's Ministry of Overseas Indian Affairs established the Indian Community Welfare Fund (ICWF) in the 43 Indian missions worldwide that provide "on site" welfare services, including legal assistance.

♦ **Monitor the migrant's workplace.**

Philippine labour attachés in the United Arab Emirates and Jordan routinely conduct inspections to determine if the accommodations and working conditions are in line with contracts. The labour attachés interview employers and workers alike to ascertain discrepancies in salary and job responsibilities. Aside from visiting workplaces and accommodations, labour attachés also visit Filipino workers in jails and hospitals (Agunias, 2010a).

♦ **Provide shelters within embassy grounds for migrants in distress.**

Providing such shelters is an important service since embassy or consulate grounds are not under the jurisdiction of the destination country, making them a safe haven for distressed migrants with few options. Generally, migrants seek refuge not only for cases involving physical and sexual abuse but also problems related to delayed or reduced wages that are further exacerbated by extremely long working hours, lack of food and verbal abuse.

Five of 11 CP Member Countries run shelters for migrants who have escaped abusive employers and have no place to stay. In Nepal, the Foreign Employment Promotion Board FEPB, maintains safe houses in Malaysia, the United Arab Emirates, Kuwait and Qatar, with plans for a shelter in Saudi Arabia. Interestingly, the budget for the shelter comes from the Foreign Employment Welfare Fund, financed by contributions from documented workers.

♦ **Train labour attachés in migration issues.**

IOM, in cooperation with the governments of Sri Lanka and Bangladesh, has trained labour attachés in migration issues. Such trainings aim to equip labour attachés with a working knowledge of legal and normative frameworks, as well as the specific needs of migrant workers. Thai labour attachés are involved in a programme in cooperation with the Ministry of Health to enhance the mental health of migrant workers. Doctors and psychiatrists from Thailand come to give counselling as well as train volunteers to be counsellors to Thai migrant workers (ILO, n.b:13). In Thailand, labour attachés are required to go through several trainings, one of which is a village immersion programmes where they get to local conditions (Ibid.).

♦ **Partner with service providers, including civil society, to support the work of diplomatic missions.**

The Indian Workers Resource Centre (IWRC), an outsourced facility in Dubai, assists the Indian Embassy in Abu Dhabi and the Indian Consulate in Dubai with issues pertaining to Indian workers in the United Arab Emirates. IWRC services include a 24/7 helpline and counseling sessions for the Indian community and Indian workers on legal, financial and medical issues. It also manages a shelter for runaway domestic workers. Some Indonesian embassies have made efforts to partner with civil society, including Indonesian community groups, to assist migrant workers and sensitize local communities to migrants' protection issues. The Indonesian Embassy in Malaysia works closely with the Indonesian Community Association in Malaysia to establish representative



associations and advocate for the protection of Indonesian labour migrants. After IOM training, the Indonesian Embassy in Malaysia has increasingly referred trafficking victims to relevant service providers, including IOM.

### 3. Key challenges

Maximizing the benefits of welfare funds, labour attachés and shelters described and increasing their access and scope remain challenges for many CP Member Countries for several reasons:

**First, providing welfare support is inherently expensive.** Some CP governments share the cost of protection by creating institutions and programmes that can provide immediate, cost-effective and financially sustainable services to migrants in distress. Such partnerships need the involvement the private sector and civil society. In addition, maintaining shelters is particularly expensive in destinations where distress cases are common. In Jordan, for instance, a total of around 500 migrants took shelter in the Philippine, Indonesian and Sri Lankan embassies at any given time in 2010. An overwhelming majority of these migrants left their abusive employers after experiencing pay-related problems (Agunias, 2011a).

**Second, origin countries have limited experience in effectively administering welfare funds and insurance schemes to mobile and highly vulnerable populations.** Many migrants are not aware that welfare funds even exist, much less the benefits such funds can provide. Even in cases where migrants know about these services, some do not appreciate their value, noting that welfare funds are just another way for governments to make money off migrants. Furthermore, the processing and settling of insurance claims represents another challenge. LBH Kompar, an affiliate of BNP2TKI in

Indonesia that provides legal services for migrants, reports that only 30 per cent of insurance claims can be processed while 70 per cent are backlogged (IOM, 2010e).

**Third, proper allocation of funds is another key issue.** Sri Lanka and Indonesia, for example, have questions about properly allocating the benefits of insurance schemes and ensuring timely payments. One specific challenge relates to whether those who have not contributed to the fund can receive benefits. The Philippine government has faced criticism from civil society and migrant groups for distinguishing between migrants in distress who did and did not pay premiums. This is an important issue since many migrants who need assistance are undocumented. By not going through the official channel, they may have missed the opportunity to pay the required premiums.

**Fourth, access to welfare funds and insurance is sometimes limited to documented workers.** Ensuring that irregular and undocumented migrant workers, among the most vulnerable, are afforded protection remains a challenge.

**Fifth, migrant workers continue to face barriers to accessing health services.** Migrant workers often cannot fully access available medical services in the destination country, and they may have access to fewer or more costly services than the local population. Barriers can be legal, administrative, organizational or socio-economic; they may result from migrants' own health beliefs and health-seeking behaviour, or from cultural and linguistic challenges.

**Sixth, government capacity to provide direct support is limited.** Providing direct support in the destination country requires an infusion of resources, particularly investments in personnel. Backlogs in grievance redressals are another key issue as personnel cannot keep up with volume.

**Seventh, an even larger issue is the training of diplomatic personnel.** There is a concern that traditional diplomatic training does not prepare diplomatic personnel to effectively deal with migration issues and in particular with migrants in distress. In cases where diplomatic personnel receive training in migration issues, training materials do not always adequately address gender-specific issues.

**Lastly, maintaining an open dialogue with destination countries regarding migrant welfare can be a challenge.** Since destination countries often do not adequately address by countries of issues related to migrants' welfare and protection, maintaining an open dialogue, in addition to formal agreements, can help to voice such concerns.

## D. MAXIMIZING THE BENEFITS OF LABOUR MIGRATION WHILE ABROAD AND UPON RETURN

For many CP Member Countries, making sure labour migration benefits migrants and their families left behind, as well as the countries that send and receive, them has been a priority for some time. The focus in the last five years has been on interrelated fronts: how to maximize the benefits of remittances while migrants are still abroad, and how to successfully reintegrate migrants once they return home.

### 1. Remittances

Worldwide, remittances have become more important to many policymakers over the last several years. Policy developments in CP Member Countries have concentrated on reducing transactions costs, increasing the volume sent through formal channels and using technology to address distribution challenges.

### *Innovative elements*

Based on experiences in a number of CP Member Countries, governments may choose to do the following:

- ◆ **Support remittance transactions through mobile phones.** An emerging technology pioneered in the Philippines enables remittance transactions by mobile phone. Called G-Cash, mobile phone subscribers in the Philippines register by keying in personal information, including their mother's maiden name for ID purposes. Their relatives abroad can then visit an authorized G-Cash outlet in their neighborhood, fill out a form, present an ID and credit money to the phone account. The fee per transaction is very small at only 1 per cent or a minimum of PHP 10 pesos (USD 0.20). The money can also be transferred to another phone in the Philippines using the sender's PIN, a simple code and the recipient's phone number (Agunias, 2006).

This technology has been adopted in other CP Member Countries. For instance, Malaysia's Maxis Communications Bhd introduced mobile-phone-to-bank remittances for the Malaysia-Indonesia remittance corridor after studying the Philippine model. Vodafone, with Afghan mobile operator Roshan, launched a similar product in 2008 (Country assessments).

- ◆ **Provide remittance cards.** Another new development is the use of card-based systems that allow migrants to send remittances faster and safer to their relatives back home. In Bangladesh, migrants can send their relatives a Probashi Remittance Card, a pre-paid

reloadable card that can be used at the point-of-sale (POS) or at any Electroways automated teller machine (ATM). Interestingly, the cardholders can receive a monthly statement and obtain account information at ATMs and POS terminals or by calling the customer care number. India's Financial Information Network and Operations Ltd. (FINO), a Mumbai-based biometric-enabled smartcard solutions provider, provides a similar service in India.

- ◆ **Use banks and postal systems to increase formal remittances.** Pakistan, introduced a foreign-exchange remittance card that gives benefits to migrants who have remitted at least USD 2,500 through banks within a year of use. Benefits include free and expedited passport issuance and renewals, tax exemptions and access to special counters and lounges at various international airports. In India, the Department of Posts and Western Union Financial Services, a money-transfer operator based in the United States, collaborated on a project that enables Indian migrants in 185 countries to instantaneously send remittances using India's postal system. The money is available for collection within minutes at post offices across India (Country assessment).
- ◆ Facilitate investment of migrants and diasporas abroad. India has created several institutions, namely the Overseas Indian Facilitation Centre and the India Development Foundation of Overseas Indians, to facilitate investment in India, encourage economic engagement and create links with development initiatives in India.

## 2. Reintegration of migrants

Though reintegration remains one of the least developed policy areas, CP governments have initiated programmes to reintegrate migrants upon their return. Such programs encourage return migrants to actively contribute to the economy and society, mainly by helping them find business and employment opportunities. Successful reintegration considers the needs of migrants on several levels: economic (business creation, new employment, reskilling or skills upgrading) and psychosocial (adaptation after prolonged absence, reunification of the migrant family).

Some CP governments have also focused on ensuring that returnees will have access to the social security earned while working abroad – an issue more relevant for migrants who worked in Western countries. India and the Philippines have social security agreements with destination countries that give returnees continued access to pensions and other benefits earned at the destination. India has signed bilateral social security agreements with Belgium, France, Germany, Switzerland, Luxembourg, Netherlands, Hungary and Denmark while the Philippines has similar arrangements with Austria, the United Kingdom, Spain, France, Canada, the Netherlands, Switzerland, Belgium and South Korea.

### Innovative elements

Some of the programmes CP governments adopted have innovative elements others may choose to adopt or replicate:

- ◆ **Provide preferential access to start-up investment.** Indian returnees, for instance, benefit from preferential access to capital goods and raw material imports. India created the Indian Investment Centre (IIC), a mechanism within the government

investment promotion authority that specifically targets migrants as potential investors or trade partners. IIC, described as a free “single-window” agency, assists investments, technical collaborations, and joint ventures as well as provides a range of services tailored to attract and assist migrant investors (Johnson and Sedaca, 2004:41-42).

Pakistan has a roughly similar scheme with a focus on attracting investments in rural areas and export processing zones (Lucas, 2004:43). In collaboration with a foundation, the Pakistani government also offers a non-repatriable investment scheme and investment and business set-up advisory services (Sander, 2003: 21). Similarly, Thailand's Bangkok Bank provides counseling on local investment opportunities (Agunias, 2006).

- ◆ **Offer loans for new businesses at the local government level.** Local governments have also introduced schemes to help returning migrants. In Kerala, one of the largest sources of migrants from India, the local government offers loan packages to help returnees from Gulf countries who lost their jobs start small businesses (Country Assessment).
- ◆ **Provide entrepreneurship training for migrant women.** Many returnee programmes do not consider the different needs of migrant women, who may have gendered issues in relation to accessing credit or financial services as well as regarding their perceived role within a given local context. The government of Nepal partnered with UNIFEM (now UN Women) and two NGOs in an Entrepreneurship Development Training programme. This training was specially

designed and conducted for female returnees. Launched in three districts of Nepal – Kathmandu, Kaski and Sunsari – the programme has trained 659 returnee migrants, 97 per cent of them women. Of that group, 441 have already started their own business in areas such as painting, artisanal handicrafts, animal husbandry, retail and hotel services.

- ◆ **Support private-sector efforts to provide job-matching services to returnees.** Private actors can also play a vital role in ensuring migrants are fully reintegrated upon return. The Overseas Manpower Supply Service Company, one of the biggest recruitment agencies in Viet Nam, also helps migrants find jobs upon their return. Furthermore, it is committed to providing migrants with job opportunities tailored to the skills they acquired abroad, in other words evaluating them based on their experience abroad, not on the education level achieved in Viet Nam (Country assessment).
- ◆ **Support reintegration support services that civil society actors provide.** Serikat Buruh Migran Indonesia (SBMI) is an Indonesian trade union formed by and composed of former and active Indonesian migrant workers. Its current membership is estimated at about 25,000, with 15 focal point organizations throughout Indonesia. SBMI pursues various programmes and activities to protect migrants' rights, raise awareness of migrants' concerns and issues, and empower migrants and their family members. These programmes are pursued through direct interventions at both national and local levels, including dialogues with national and local government agencies. SBMI links migrant groups to

such programmes either with the private sector, such as microfinance institutions, or in some cases to local government programmes that are often handled by the district or provincial social affairs office (as in West Java, Central Java, Lampung and East Java). Financial literacy is a priority for SBMI in Java and other districts experiencing heavy remittance inflows (IOM, 2010f).

### 3. Key challenges

Despite improvements in facilitating remittance transactions and providing reintegration

assistance, a number of challenges still remain.

**First, remittance costs in some corridors remain high.** Although CP Member Countries are home to some of the most competitive remittance markets in the world, remittance costs in some corridors are quite high (see Tables 9 and 10). Cost differences can be large. Migrants sending USD 200 from the least costly corridor, the United Arab Emirates to Pakistan, on average pay only USD 3.24 per transaction while migrants sending the same amount from Japan to India, pay nearly USD 38 per transaction – almost a fifth of the amount remitted.

Table 9

Top 20 Least cost-effective remittance corridors

| For sending USD 200 among 10 CP countries, third quarter 2010 |                 |                   |         |                           |
|---|-----------------|-------------------|---------|---------------------------|
| Rank  | Sending country | Receiving country | Percent | Average total cost in USD |
| 1   | Japan           | India             | 18.79   | 37.59                     |
| 2   | Japan           | China             | 17.62   | 35.24                     |
| 3   | Germany         | India             | 16.59   | 33.18                     |
| 4   | Japan           | Philippines       | 13.58   | 27.16                     |
| 5   | Singapore       | Pakistan          | 12.37   | 24.73                     |
| 6   | United States   | Thailand          | 12.21   | 24.42                     |
| 7   | Germany         | China             | 11.64   | 23.29                     |
| 8   | Spain           | China             | 11.23   | 22.45                     |
| 9   | United Kingdom  | China             | 10.70   | 21.40                     |
| 10  | United States   | China             | 10.69   | 21.38                     |
| 11  | France          | Viet Nam          | 10.55   | 21.09                     |
| 12  | Italy           | China             | 10.27   | 20.55                     |
| 13  | Canada          | Viet Nam          | 10.12   | 20.23                     |
| 14  | Canada          | India             | 10.09   | 20.19                     |
| 15  | France          | China             | 10.08   | 20.17                     |
| 16  | Netherlands     | Indonesia         | 9.72    | 19.43                     |
| 17  | France          | India             | 9.59    | 19.17                     |
| 18  | Switzerland     | Sri Lanka         | 9.31    | 18.62                     |
| 19  | United States   | Pakistan          | 8.97    | 17.93                     |
| 20  | Canada          | Philippines       | 8.81    | 17.62                     |

Source: World Bank.

Note: Out of 16 sending countries to 10 receiving countries, Afghanistan excluded. Average total cost includes the transaction fee and exchange-rate margin.

Table 10

## Top 20 most cost-effective remittance corridors third quarter 2010

| For sending USD 200 among 10 CP countries, third quarter 2010 |                 |                   |         |                           |
|---|-----------------|-------------------|---------|---------------------------|
| Rank  | Sending country | Receiving country | Percent | Average total cost in USD |
| 1   | UAE             | Pakistan          | 1.62    | 3.24                      |
| 2   | Singapore       | Philippines       | 2.42    | 4.84                      |
| 3   | Singapore       | Bangladesh        | 3       | 5.99                      |
| 4   | Qatar           | India             | 3.13    | 6.26                      |
| 5   | Saudi           | Nepal             | 3.27    | 6.55                      |
| 6   | UAE             | Nepal             | 3.27    | 6.55                      |
| 7   | UAE             | Sri Lanka         | 3.29    | 6.59                      |
| 8   | UAE             | Philippines       | 3.74    | 7.48                      |
| 9   | Malaysia        | Philippines       | 3.83    | 7.65                      |
| 10  | Saudi Arabia    | Pakistan          | 4.12    | 8.24                      |
| 11  | Saudi Arabia    | Bangladesh        | 4.19    | 8.39                      |
| 12  | Italy           | India             | 4.31    | 8.62                      |
| 13  | UAE             | India             | 4.33    | 8.67                      |
| 14  | United Kingdom  | Pakistan          | 4.42    | 8.85                      |
| 15  | Singapore       | Indonesia         | 4.47    | 8.94                      |
| 16  | Saudi Arabia    | Philippines       | 4.5     | 9                         |
| 17  | Malaysia        | Bangladesh        | 4.68    | 9.36                      |
| 18  | United Kingdom  | India             | 4.78    | 9.56                      |
| 19  | United Kingdom  | Sri Lanka         | 4.92    | 9.84                      |
| 20  | Saudi Arabia    | India             | 5.05    | 10.1                      |

Source: World Bank.

Note: Out of 16 sending countries to 10 receiving countries, Afghanistan excluded. Average total cost includes the transaction fee and exchange-rate margin.

According to the World Bank, remittance prices are high for numerous reasons, including less developed financial infrastructures in some countries, regulatory obstacles and lack of access to the banking sector by remittance senders and/or receivers (2010). The single most important factor, however, is the lack of transparency, which reduces market competition. Migrants continue to use traditional service providers because they do not know about other services and/or because they cannot compare the fees, services and speed of one service against another. Clearly, competition in

some CP corridors needs to be improved, particularly by increasing transparency in pricing.

**Second, financial education for overseas earnings is often lacking.** As mentioned in Section A, financial education and literacy are a critical part of the training and information that migrants need as part of their preparation to migrate and return home. Lack of financial literacy has been cited a major challenge for returning migrants who may be unaware of how to manage their overseas earnings.



**Third, reskilling and employment of returnees pose reintegration difficulties.** Migrants, even on the lower end of the skill spectrum, gain valuable work experience and new skills that the home country can use. The challenge for governments is to recognize the skills returnees bring and enhance placement services for them.

**Fourth, extending social security portability to more countries is difficult.** Although the idea of social security portability is ideal, full portability of pension and other social security benefits is far from the norm. One study suggests that only 20 per cent of migrants worldwide work in host countries where full portability of pension benefits is assured (Ruhs, 2005:20). Although many destination countries have social security systems in place, migrants are not necessarily contributing to them. Forging social security arrangements with destination countries also takes time and resources. Negotiations are even more difficult in cases where the destination and origin countries have vastly different systems in place.

**Fifth, lack of access to support services (legal and health) can negatively affect the reintegration process.** Labour migrants who experience problems abroad or are unable to solve cases abroad often wait to return home to do so. A report by the Institute for Ecosoc Rights in 2007 found that Indonesian labour migrants who did report cases once they were home had not reported their situation to anyone with legal authority. Local and regional governments do not yet have the adequate resources or systems in place to handle labour-migrant case management upon return (IOM, 2010e).

Similarly, health systems in countries of origin may not have the capacity to provide treatment

and care to migrants who may have developed medical conditions while abroad. For example, many migrant workers report that their mental health deteriorated after migrating abroad, only to return home where little support is available. In addition, if a migrant began treatment in the destination country, for HIV care for example, it is important that he receive the same treatment upon return. Health-insurance schemes may not be available or linked between countries of origin and destination, creating additional costs for migrants with health needs.

**Sixth, social reintegration services remain few and undeveloped.** Services that prepare returning migrants to reintegrate and support migrants upon return are limited. Such services may include psychosocial support for men and women who were victims of abuse. The IOM Thailand Assessment also points out that female migrants who married men abroad were unsure of how their families and communities would react when they returned. Clearly, households and communities need to be made aware of migrants' experience in order to sensitize them to such issues.

**Lastly, full reintegration still depends on the overall social, economic and political conditions at home.** Many observers and migrant NGOs believe that political, economic and/or social conditions in origin countries are a major handicap for any reintegration initiative. As Mai Dizon-Anonuevo, a Filipino scholar and community organizer, puts it in the context of the Philippines, the dream of migrants to reintegrate back into their communities will “remain a dream unless the conditions that pushed them to work abroad are reversed” (Dizon-Anonuevo, 2002:151). Indeed, a strong development policy should accompany reintegration policy.

# Conclusion: Thinking and moving forward

The issues surrounding labour migration are complex. The opportunities waiting for countries willing and ready to answer the demand of a dynamic and growing global labour market are clear, but so are the challenges.

This report highlighted how Colombo Process countries have addressed many of these challenges. Since 2005, when the previous Colombo Process Ministerial Consultation took place, a number of governments have introduced new policies and regulations concerning labour migration. Some created special government bodies to streamline efforts, and all forged more formal international cooperation with each other and key destination countries.

Many in the Colombo Process have also introduced specific programmes and activities to disseminate essential information to migrants at all stages of the migration cycle, regulate the recruitment process, provide welfare and other support services at origin and destination, and maximize the benefits of labour migration for migrants and their families. Many can be considered good practices worthy of being replicated in other settings and/or scaled up.

However, as already discussed at length in the previous section, despite success in important areas, difficult challenges remain.

**First,** efforts to disseminate information are hampered by gaps between the actual needs of

migrants, migrants' access to pre-departure orientation and related services, and the quality and scale of interventions. Broadly speaking, pre-departure orientations are not always effective. Some do not fit the specific needs of different workers, and some are not widely offered. Furthermore, accurate and up-to-date information from destination countries is often lacking.

**Second,** the cost of migration remains high for many migrants despite government efforts from to regulate private recruiters' operations. Licensed recruitment agencies still charge migrants excessive and unauthorized fees. Fraud and deceit are still common, and government control of informal brokers, sub-agents and illegal recruiters remains limited. While the cost of migration is relatively well known, further research is required to ascertain how much debt migrants and their families accumulate. Migrants may fall into irregular migration situations as a result or may turn to irregular routes when the formal migration process appears overly cumbersome to navigate. Government efforts to manage recruitment directly provide a good model but are difficult to scale.

**Third,** it is difficult to ensure that migrants (and their families) have the support they need at origin and destination in large part because governments have limited experience in administering welfare funds, insurance schemes



and other support services to a mobile and highly vulnerable population. In addition, migrants do not know how to access them. Undocumented or irregular migrants often fall off the radar of such systems. Limited government capacity to provide support at destination - either through labour attachés or government-run programmes - directly affects migrants' welfare. Providing welfare support almost always requires an infusion of adequate resources, particularly investments in personnel.

**Lastly**, maximizing the benefits of labour migration starts with a very basic premise that remains difficult to achieve: ensuring that the wages and social security benefits earned abroad can be fully transferred back home with minimal costs. For some corridors involving CP Member Countries, remittance costs remain quite high, and extending social security portability to more countries can be difficult. Furthermore, successful reintegrating migrants depends on both the services available and improvements in the overall social, economic and political conditions at home.

## A. POTENTIAL STEPS FORWARD: A MENU OF 10 VIABLE SETS OF ACTIVITIES

In addressing these challenges, CP Member Countries may choose to build on progress already made and focus on improving current initiatives through more rigorous implementation, monitoring and evaluation. Only by working more closely with relevant stakeholders at the national level (national, regional, local government, civil society and private sector), other CP Member Countries, key destination countries and international states and actors can significant progress be made.

Governments may choose to continue focusing their efforts on the four areas highlighted in the

last section of this report and more specifically on the following 10 sets of activities.

### a. Disseminating information

#### 1. Improve existing pre-departure orientation programmes.

Governments can undertake efforts to improve upon existing pre-departure interventions by addressing several common weaknesses.

- ♦ Improve the content of the information provided, how effectively it is delivered and how widely it is available and accessible. This can be achieved in many ways, such as supporting evaluation of existing programmes and sharing experiences and lesson learned among CP governments.
- ♦ Improve and/or develop programmes for vulnerable groups, such as domestic workers and other migrants working in unskilled and low-skilled sectors.
- ♦ Explore bilateral arrangements for country-specific training and orientation. Towards this end, destination governments and foreign employers can provide technical support and financial resources for pre-departure orientations to increase outreach and quality. CP governments that send to the same countries can also work together and share the cost of developing country-specific curriculum and training manuals.

#### 2. Develop and expand existing migrant resource or information centers and related services.

Resource and information centers that dispense information to migrants and their families are an important service. However, more broadly, prospective migrants need to know the realities and risks of migration. This type of education can form an essential part of migrant resource

centers but should also be part of a government's wider public awareness effort either through information campaigns or interventions at the local community level.

- ◆ CP governments that already have such centers may focus on expanding to more locations or providing mobile services so that prospective migrants do not have to leave their communities or travel far to get information. Governments that have yet to develop such centers could establish one.
- ◆ Providing real-time, updated and easy to understand information is also critical but can be resource consuming. Destination countries can help in this regard by building new centers or supporting existing ones and providing them with accurate information. For example, this could be achieved by developing concise destination country profiles that outline employment conditions, required documents, health information and government contacts and services in a language migrants can readily understand. IOM has developed similar products in other countries and regions.
- ◆ CP Member Countries may also work with each other by sharing information among themselves and collating them in one CP-wide resource hub. Similarly, standardized training materials could help ensure that migrants across the region receive the same quality of services.

### *b. Regulating recruitment*

## **3. Develop and harmonize regulations concerning recruitment agencies.**

Excessive and complex regulations, especially without meaningful enforcement, have created

additional incentives and opportunities for unscrupulous actors to game the system, especially recruitment agencies, corrupt officials and exploitative employers.

- ◆ CP Member Countries may start by sponsoring a mapping exercise to understand how countries in the region and key destinations regulate or control recruitment agency operations. This exercise would identify gaps and policy inconsistencies and highlight good practices and lessons learned. Supplementing this mapping could be a systematic analysis of the reasons for the variations, the effect of these different systems on each stakeholder and the impact of recently introduced innovations, if known. A particularly promising policy area to explore is the use of joint and several liability provisions.

## **4. Expand the use of standard contracts with explicit provisions on mutually acceptable placement fees, minimum or reference wages, job descriptions and skills accreditation.**

The regulatory and enforcement efforts of CP governments are mostly likely to be effective if origin and destination countries are equally committed to introducing and enforcing compatible rules. Inconsistencies on placement fees, wages, job descriptions and skill requirements have distorted incentives for all actors involved, especially the recruiters.

CP governments may choose to identify existing rules and regulations that make reprocessing and other types of contract-substitution cases so prevalent. For instance, one problem seems to stem from the routine practice of signing contracts before departure and again upon

arrival. Countries of origin and destination cannot control what happens at the other end, leading to contract-related fraud. One clear solution is to develop standard contracts that countries at origin and destination use and recognize. These contracts must reflect mutually acceptable provisions on appropriate placement fees, minimum or reference wages, job descriptions and skills accreditation. A further step would be for CP Member Countries to consider adopting CP-wide standard contracts, with negotiations possibly starting on vulnerable occupations, such as domestic work.

### 5. Support self-regulation among agencies.

Efforts focused on controlling recruiters' operation are important but may not be sufficient.

- ◆ CP Member Countries may consider supporting efforts among agencies to regulate themselves. As already discussed, one route is developing and enforcing voluntary codes of conduct or ethical recruitment guidelines among agencies nationally and also at the transnational level, such as the Commitment to Action in Pursuit of Ethical Recruitment signed by 17 recruitment agencies across Asia in 2008.
- ◆ Another self-regulation tool that receives little attention but could prove more effective is rating or labeling (Agunias, 2009b). Governments, for example, may provide incentives for recruitment agencies to earn international standard certification, such as the ISO 9000 label of quality management developed by the International Standards Organization. Agencies can use the ISO label in their advertising and marketing campaigns as a

guarantee of quality, since ISO 9000 emphasizes the satisfaction of clients (ILO, 2007:43). The standards can also be set nationally. Governments, preferably in cooperation with independent, non-government bodies, may introduce a ranking system that recruitment agencies may voluntarily subject themselves to. Results may then be made available to foreign employers and migrants.

### 6. Further develop government-managed labour-migration schemes.

The benefits of properly managed government-to-government recruitment system are not hard to see. Giving migrants an alternative to agency-managed migration may mean a much cheaper and safer way to migrate. As already noted, CP governments can realistically facilitate movement among only a limited number of migrants. Still, the value of government-managed labour migration should not be dismissed.

- ◆ Experiences and lessons learned from these government schemes can offer valuable insights for improving the operations of their much larger, profit-oriented counterparts and can harness existing networks such as local employment services for information provision and job-matching.
- ◆ In developing government-managed labour-migration schemes, CP governments may choose to start small, such as through pilot projects between origin and destination countries that can test ideas, both old and new. However, it is important to ensure that government-managed recruitment schemes are transparent to avoid suspicions of corruption.

### *c. Providing welfare support to migrants*

#### 7. Improve administration of welfare funds and insurance schemes.

Managing welfare funds and offering insurance schemes are innovative government solutions for sharing the cost of protecting migrant workers.

- ◆ Improving their administration may start with reviewing and evaluating existing systems to understand how well they are meeting migrants' demands and to identify gaps and ways to fill them.
- ◆ CP governments may also choose to explore with destination-country governments, as well as foreign employers, areas where they can provide support, from providing technical and financial assistance to contributing to the fund themselves.
- ◆ To maintain transparency, governments administering welfare funds may also consider examining formal mechanisms for periodically informing fund members about the fund's financial standing and the services offered in a given period. This effort could include ways for members to effectively communicate with the fund's board and relevant officials (Agunias and Ruiz, 2007).
- ◆ An important goal in managing welfare funds is how to more effectively include undocumented migrants, who are most vulnerable and would more than likely need support than those migrating through documented channels, while ensuring the system's integrity.

#### 8. Enhance welfare support provided at destination.

Providing welfare support at the destination is one of the most important services CP Member

Countries can offer their citizens abroad. Central to this task is ensuring that consular and diplomatic posts are equipped to meet the demands of migrants within their jurisdictions.

- ◆ CP Member countries may start by measuring capacity at key diplomatic posts in terms of manpower, facilities and other resources, and then find ways to augment capacity in both the short and long term. This may involve not only diverting financial resources to posts abroad if needed but also periodically training labour attachés and other relevant personnel on migration issues.
- ◆ CP governments may also choose to seriously explore how they can work with other CP Member Countries and most especially destination-country governments to complement efforts and share costs, especially regarding shelters and legal aid. Clearly, CP Member Countries can only expect their diplomatic posts to bear part of the burden of monitoring and protecting migrant workers. The destination country should bear responsibility since it too benefits greatly from migrant labour. Indeed, some destination governments already offer critical services to migrants. The government of Kuwait, for example, in 2007 opened a shelter for domestic workers and victims of trafficking. Streamlining efforts among CP Member Countries and between origin and destination countries could result in better outreach and improved services.
- ◆ Furthermore, active health-promotion measures, prevention services and access to health care when they are available and readily accessible to the migrant at destination are additional important measures for ensuring the overall well-being of migrant workers.

#### *d. Maximizing labour migration's benefits*

### 9. Reduce remittance transaction costs on remaining “high-cost” corridors.

- ◆ In reducing remittance transactions costs on remaining corridors, CP governments may choose to explore increasing competition among remittance providers, especially by evaluating regulatory obstacles and providing information to migrants on the most cost-efficient service providers.
- ◆ Another tested means to reducing costs is increasing the access of migrants and their families to the banking sector and associated financial products and savings options. In more costly remittance corridors, studies have found that migrants do not always have the identification documents needed to enter the financial mainstream. Governments outside the CP region addressed this problem by issuing official identification cards through their diplomatic posts. The most popular example is Mexico's *matricula consular*.
- ◆ Since lack of transparency is the most important factor in high remittance prices, CP governments may also choose to create a publicly available database containing detailed information on the cost of sending remittances. Data can be collected at a national level and updated frequently. The database can allow remitters to easily compare services while pushing the market towards efficiency and lower costs.

### 10. Facilitate reintegration of returning migrants.

Maximizing the benefits of labour migration also requires concerted efforts to reintegrate migrants socially, not just economically.

- ◆ To this end, CP Member Countries may choose to expand efforts to assist returnees interested in establishing businesses and finding employment and, where necessary, access to re-training as well as financial literacy training.
- ◆ Depending on existing government resources, CP governments may play various roles, from just providing information or referral services to managing projects that actually provide funds to migrants. To share the cost, these efforts can be implemented with the help of international organizations and even the private sector. For instance, the World Bank, in cooperation with select African governments, initiated the Development Marketplace for African Diasporas in Europe. The project, known as D-MADE, awarded 16 grants of EUR 40,000 each to support the innovative businesses of African returnees. Western Union, a leading remittance provider, has a similar programme managed in cooperation with the United States Agency for International Development.
- ◆ CP Member Countries may also choose to expand social security portability by forging agreements with key destination countries.
- ◆ Current reintegration efforts do not include psychosocial assistance for migrants and their families. CP Member Countries could fill this gap by streamlining psychosocial care within local health-care systems as well as by extending such support to migrant families. Furthermore, facilitating social integration also requires raising awareness of the migration experience for migrant families and the local community to sensitize them to returnees' needs.

## B. DEVELOPING CAPACITIES FOR EFFECTIVE IMPLEMENTATION

Far from being exhaustive, these 10 sets of activities are just a sample of avenues CP governments can take as they create better labour-migration systems. As highlighted in IOM's 2010 World Migration Report, successfully undertaking any of these activities, however, requires serious investments in capacity-building (2010a). A government's agenda is only as good as the ability of institutions to implement them. Building institutional capacity, especially for institutions with expansive and multiple roles, must be a top priority.

In thinking, designing and implementing policies and programmes, CP governments may consider adopting a three-pronged strategy to building capacity: generate and exchange knowledge and forge meaningful partnerships.

### 1. Knowledge generation and exchange

Generating the information, knowledge and policy relevant research is an important foundation for smart labour-migration systems.

- ◆ CP governments may choose to start with an honest assessment of their capacity and available resources. Knowing one's limitations as well as strengths at the very outset is key to making informed decisions about viable programmes. Some governments have tried many programmes highlighted in this report but with very little success due in large part to limited capacity to implement measures or ensure their sustainability.
- ◆ CP Member Countries may consider supporting a systematic survey of government capacities required to implement programmes more effectively. Specific

areas of inquiry could include the level of coordination among various government agencies, sources of funding and key personnel's level of technical expertise.

- ◆ Further research may also consider more explicitly how destination countries interact with CP Member Countries in terms of migrant recruitment, welfare and protection and their role in helping to harness migration's development impacts.

CP countries may also **consider efforts in identifying and developing strategies to address data gaps and produce the evidence required to inform policy.** Governments can still improve their data on basic stocks and flows of international migrants, particularly sex-disaggregated data and data on return and irregular migrants.

- ◆ One particular issue CP governments may focus on relates to how origin and destination countries can effectively use migration data collected for administrative purposes. CP Member Countries may also begin seriously addressing key challenges in harmonizing migration information collection among each other, such as incorporating migration-related questions in national censuses.
- ◆ Beyond collecting data, CP governments may also be interested in thinking more seriously about more fully integrating data into policymaking. One initiative that could be of interest is a Migration Profile, a tool developed by IOM that assists in collecting country-specific information and data that can directly feed into programming and national policymaking.<sup>23</sup>

Governments interested in tapping into global labour markets also need to **effectively monitor, gather and share information on projected**

23. More information about the Migration Profile at <http://www.iom.int/jahia/Jahia/policy-research/migration-research/migration-profiles>



**labour-migration requirements** so that they can meet these demands.

- ◆ The 2005 CP convening recommended establishing labour-market research units (MRUs) at the national level to help governments understand current and future migrant-labour demands in both traditional and emerging markets. A further step would be connecting these national units to a CP-wide network for more streamlined information sharing among Member Countries and potentially with countries of destination.
- ◆ Additionally, further steps could be taken to improve skills matching through quality-assurance systems for the assessment, validation and certification processes. Such mechanisms could be linked with wider efforts to negotiate bilateral or multilateral recognition agreements between CP Member Countries.
- ◆ **Incorporating monitoring and evaluation as an integral component of policies and programmes** is also important. Monitoring and evaluation enable governments to better understand whether measures are producing the desired effects at a reasonable cost. Few of the programmes mentioned in this report have been properly evaluated because of a lack of investment in impact assessments. Because evaluations are often perceived to be costly, complex and inconclusive, they are rarely included in the programme design. The complexity and extent of the monitoring and evaluation, however, can be adapted to fit the programme's needs.
- ◆ Although a monitoring and evaluation system would ideally include gathering baseline data or establishing a counterfactual (the cost to the country of

not having the programme), CP governments may choose to adopt simpler and less expensive monitoring and evaluation systems that do not require specialists or grand calculations but still provide critical measures of success. Results of evaluations could then be shared with other CP Member Countries to generate best practices and lessons learned. Building a culture of evaluation therefore ensures that policymakers need not always start from scratch when designing and implementing interventions.

## 2. Practical dialogue

In developing their capacity to implement programmes, governments may also choose to take advantage of the wealth of expertise within CP Member Countries by initiating practical dialogues at various levels of governments and with other non-government actors, especially employers, recruitment agencies and civil society groups. Governments could institutionalize the convenings in various ways.

- ◆ One option is to convene a CP-wide advisory council or consultative body that brings together leading senior past and current policymakers who examine vital policy issues and inform migration policymaking processes. Complementary to such a council could be a deliberative body that combines government and non-government actors. This multi-stakeholder group – composed of migrants, civil society leaders, employers, recruitment agencies and key government officials, including those from destination countries – could provide independent advice on matters concerning labour-migration policy, feedback and technical expertise.
- ◆ Discussions in these types of deliberative bodies could be informal, and participants



could represent themselves as individuals rather than the institutions they come from. Models include the Transatlantic Council on Migration, which brings together leading past and current policy makers in North America and Europe to deliberate on key migration issues on an informal but periodic basis.

Since most issues involving migration management are technical in nature, CP governments may also choose to establish technical working groups composed mostly of mid-level and high-level government officials who could discuss specific issues in greater detail and develop a common understanding on fundamental issues of concern. Working groups could be established based thematically or by occupation. CP Member Countries may, for instance, establish a technical working group of labour attachés working in one destination country to discuss how regulations on recruitment at both origin and destination affect their day-to-day operations and how these regulations can be improved. By convening periodic dialogue at the technical level, governments can generate important feedback from the field that can inform policymaking, such as operational guidelines that make sense on the ground.

**Continuing dialogue with destination countries** is another important avenue that CP Member Countries must continue to pursue.

- ◆ Several ongoing dialogues already exist, such as the EU–Asia Dialogue and the Abu Dhabi Dialogue, which offer a forum of mutual exchange between countries of origin and destination. CP Member Countries may wish to further such dialogues on the technical level through dedicated workshops on certain thematic topics or specific migration corridors.

- ◆ Learning from and/or linking up with other Regional Consultative Processes, such as the Bali Process or the Puebla Process (focused on labour migration and development in Latin America), would also open the discussion to relevant thematic areas, such as irregular migration or the labour-migration experiences of other global regions.

### 3. Meaningful partnerships

Developing capacity also requires pursuing meaningful partnerships with various actors. The challenges of labour migration are transnational, and so are many of the solutions. Several problems highlighted in this report are better solved through partnerships with governments in destination countries as well as among CP Member countries and with non-government actors, such as the private sector and civil society.

As discussed at length earlier, CP governments have signed memorandums of understanding (MOUs) and bilateral agreements (Bas) with an increasing number of destination countries, many just in the last five years. Given the momentum for forging such partnerships, and CP Member Countries must continue their efforts. A typical criticism of MOUs is that they are not necessary legally binding since they are often understood to be only “declarations of intent” and thus require additional contractual agreements to enforce concrete actions or obligations. Despite this limitation, however, MOUs can be an effective and less threatening tools that can “open doors” for a continuing discussion between origin and destination countries. Indeed, in the absence of international protocols, MOUs offer the second-best option for many governments.

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- ◆ The next challenge facing CP governments who have successfully signed MOUs with destination countries is fully operationalizing the agreements. This can be done by issuing mutually agreed protocols and operational guidelines. Without such efforts, MOUs may have limited impact on the ground. Another key challenge for governments is to ensure that periodic discussions continue at the technical or cabinet level in order to monitor implementation of the principles agreed in the MOU.
  - ◆ The increasing number of MOUs between CP Member Countries and key destination countries is clearly an encouraging development. Unfortunately, similar arrangements among CP Member Countries remain limited. In fact, only two agreements have been forged between CP Member Countries. As this report shows, countries in the CP region share many concerns. Also, the characteristics of migrants, the type of work they do and the countries they migrate to are quite similar. The challenges CP Member Countries face and - even more importantly - the solutions are also similar in many cases.
  - ◆ Formal partnerships among one other, through signing MOUs or BAs, are therefore a natural extension of the shared concerns CP Member Countries have. These formal partnerships could be very useful since they would allow members to leverage their aggregate numbers when they negotiate with destination countries. A key challenge for any migrant-sending country is how to increase its bargaining power. Negotiating as a group and speaking on behalf of a “critical mass” of migrants could result in more influence, especially over highly contentious issues such as irregular migration, minimum or reference wages and portability of visas and benefits.
  - ◆ Finally, partnerships go beyond government-level partnerships to those with groups often on the front lines of assisting migrants. Fruitful areas for partnership include orientations and trainings, recruitment, provision of welfare services and reintegration assistance, to name but a few. Formalizing such partnerships ensures a level of legitimacy and commitment from all partners, who dedicated to the protection and well-being of migrant workers.

## Annexes

### Annex 1

#### Legislation on migration

| Country            | Main statute   | Subsequent decrees  |
|--------------------|--|---|
| <b>Afghanistan</b> | Labour Code (2007)   | Regulation for Sending Afghan Workers Abroad  |
| <b>Bangladesh</b>  | Emigration Ordinance (1982)  | Emigration Rules (2002)   |
| <b>India</b>       | Emigration Act 1983  |   |
| <b>Indonesia</b>   | Law No. 39/2004 Concerning the Placement and Protection of Indonesian Workers Abroad | Presidential and Ministerial Regulations  |
| <b>Nepal</b>       | Foreign Employment Act (2007) as amended on 31 May 2007                              | Foreign Employment Regulations, 2064 (2008)   |
| <b>Pakistan</b>    | Emigration Ordinance 1979  | Rules and procedures made by BOEOE  |
| <b>Sri Lanka</b>   | Sri Lankan Bureau  |   |
| <b>Thailand</b>    | Employment and Job-seeker Protection Act of 1985 (revised in 2003)                   |   |
| <b>Viet Nam</b>    | Law on Vietnamese Guest Workers (2007)   | Decree 126/2007/NĐ-CP guiding the implementation of the Law on Vietnamese Guest Workers |

## Annex 2

### Institutions for the management of migration

| Country     | Institutions  | Level                | Function  |
|-------------|---|----------------------|---|
| Afghanistan | Ministry of Labour, Social Affairs and Martyrs and the Disabled (MOLSAMD) | Hybrid ministry      | Overall supervision of the migration process.<br><br><b>Source:</b> Ministry of Labour, Social Affairs, Martyrs and Disabled  |
|             | Labour Migration Unit   | Sub-ministry         | Developing policies and processes to regulate workers going abroad.<br><br><b>Source:</b> Ministry of Labour, Social Affairs, Martyrs and Disabled  |
|             | Employment Service Centres (ESCs)   | Center               | Identify job-seekers to match demand for workers at any skill level (not fully operational).<br><br><b>Source:</b> Ministry of Labour, Social Affairs, Martyrs and Disabled   |
| Bangladesh  | Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) (2001)  | Ministry             | Exploring foreign employment opportunities and markets, registering recruiting agencies, coordinating public sector institutions and companies, dealing with overseas employment, administering labour wings of diplomatic missions, addressing complaints of migrant workers and looking after the welfare and rights of Bangladeshi expatriates.<br><br><b>Source:</b> Ministry of Expatriates' Welfare and Overseas Employment |
|             | Bureau of Manpower, Employment and Training (BMET) (1976)                 | Sub-ministry         | Regulating and licensing recruiting agencies and providing clearance to migrant workers<br><br><b>Source:</b> Bureau of Manpower, Employment and Training   |
|             | Bangladesh Overseas Employment and Services Limited (BOESL) (1984)        | State-owned company  | Recruitment of workers for overseas employmentmigrant workers<br><br><b>Source:</b> Bangladesh Overseas Employment and Services Limited   |
| China       | State Council, Overseas Chinese Affairs of the State Council (1978)       | National institution | Study and formulate the guidelines, policies and regulations concerning the works on overseas Chinese affairs; assist the Premier in the administration of overseas Chinese affairs; protect the legitimate rights and interests of the   |

| Country   | Institutions  | Level                                  | Function  |
|-----------|---|--|---|
|           |   |  | overseas Chinese; draft and formulate, together with relevant departments, the guidelines and policies concerning the work of returned overseas Chinese and their family members.<br><br><b>Source:</b> Overseas Chinese Affairs of the State Council   |
| India     | Ministry of Overseas Indian Affairs (MOIA) (2004)   | Ministry                               | Formulating policies for improving emigration management; proposing legislative changes; implementing emigration reforms; formulating welfare schemes for emigrants; promoting bilateral and multilateral cooperation in international migration.<br><br><b>Source:</b> Ministry of Overseas Indian Affairs |
|           | Protector General of Emigrants (PGE)  | Sub-ministry                           | It is the authority responsible for protecting the interest of Indian workers going abroad. PGE is also the registering authority to issue Registration Certificate to the recruiting agents for overseas manpower exporting business<br><br><b>Source:</b> Ministry of Overseas Indian Affairs             |
| Indonesia | Ministry of Manpower and Transmigration   | Hybrid Ministry                        | Formulating policies on the placement and protection of Indonesian labour migrants, with offices in the provinces and districts<br><br><b>Source:</b> Ministry of Manpower and Transmigration   |
|           | National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) (2006) | Non-ministerial governmental authority | To manage the placement and protection of Indonesians working overseas; to provide services, coordination and monitoring of the migration process in its various stages<br><br><b>Source:</b> National Authority for the Placement and Protection of Indonesian Overseas Workers                            |
| Nepal     | Ministry of Labour and Transport Management (MoLTM)   | Hybrid Ministry                        | Overall supervision of the migration process<br><br><b>Source:</b> Ministry of Labour and Transport Management  |
|           | Department of Foreign Employment (DoFE)   | Department                             | Exercises regulatory functions<br><br><b>Source:</b> Department of Foreign Employment   |

| Country            | Institutions   | Level                | Function  |
|--------------------|--|----------------------|---|
|                    | Foreign Employment Promotion Board (FEPB)  | Autonomous authority | Deals with the welfare of migrants, promotes overseas employment, monitors pre-departure orientation and conducts research.   |
|                    | Foreign Employment Tribunal (2010)   | Autonomous authority | Deals with cases related to foreign employment in an expeditious manner   |
|                    |  |                      | <b>Source:</b> Foreign Employment Promotion Board.  |
| <b>Pakistan</b>    | Ministry of Overseas Pakistanis (2008)   | Ministry             | Providing better services to overseas Pakistanis; setting up suitable schemes in housing education and healthcare sectors; facilitating the rehabilitation of returning overseas Pakistanis.  |
|                    |  |                      | <b>Source:</b> Ministry of Overseas Pakistanis  |
|                    | Bureau of Emigration and Overseas Employment (BOEOE) (1971)                                | Government authority | Regulates, facilitates and monitors the emigration process conducted by the Overseas Employment Promoters (OEPs), in the private sector   |
|                    |  |                      | <b>Source:</b> Bureau of Emigration and Overseas Employment   |
|                    | Overseas Pakistanis Foundation (OPF) (1979)  | Foundation           | Enhance the welfare of overseas Pakistanis through scholarships, establish and manage vocational training institutes and manage the welfare fund.   |
|                    |  |                      | <b>Source:</b> Overseas Pakistanis Foundation   |
| <b>Philippines</b> | Office of the President, Commission on Filipinos Overseas (CFO) (1980)                     | Commission           | Provide assistance to the President in formulating policies, develop programmes for Filipinos overseas and enhance cultural ties with Filipinos abroad.   |
|                    |  |                      | <b>Source:</b> Office of the President, Commission on Filipinos Overseas  |
|                    | Department of Labour and Employment, Overseas Workers Welfare Administration (OWWA) (1981) | Sub-ministry         | A welfare fund to provide a wide range of health-care, disability and death benefits, scholarships and financial assistance for education and training, workers assistance and on-site services, and social services and family welfare assistance. |
|                    |  |                      | <b>Source:</b> Overseas Workers Welfare Administration  |

| Country         | Institutions   | Level           | Function  |
|-----------------|--|-----------------|---|
|                 | Department of Labour and Employment, Philippine Overseas Employment Administration (POEA) (1982) | Sub-ministry    | Promote overseas employment, protect the rights of migrants and regulate recruitment and placement agencies<br><br><b>Source:</b> Overseas Workers Welfare Administration   |
|                 | Department of Foreign Affairs, Office of the Undersecretary for Migrant Workers' Affairs (1995)  | Sub-ministry    | Aids the Secretary of Foreign Affairs and provides advice on matters relating to the formulation and execution of Philippine foreign policy relating to the protection of the dignity, fundamental rights and freedoms of Filipino citizens abroad.<br><br><b>Source:</b> Department of Foreign Affairs       |
|                 | <b>Sri Lanka</b> Ministry of Foreign Employment Promotion and Welfare (MFEPW) (2007)             | Ministry        | Overall supervision of migration management.<br><br><b>Source:</b> Ministry of Foreign Employment Promotion and Welfare   |
|                 | Sri Lanka Bureau of Foreign Employment (1985)  | Sub-ministry    | Promote foreign employment; regulate foreign employment agencies; assist in the growth and development of these agencies; ensure the welfare and protection of migrant workers; and train and document migrant workers prior to their departure.<br><br><b>Source:</b> Sri Lanka Bureau of Foreign Employment |
| <b>Thailand</b> | Ministry of Labour, Department of Employment   | Hybrid          | Monitors procedures for deployment and protection of migrant workers.<br><br><b>Source:</b> Ministry of Labour, Department of Employment  |
|                 | Thailand Overseas Employment Administration (TOEA)   | Sub-ministry    | Regulates and monitors recruitment and training services for migrant workers<br><br><b>source:</b> Thailand Overseas Employment Administration  |
| <b>Viet Nam</b> | Ministry of Labour, Invalids and Social Affairs (MoLISA)   | Hybrid Ministry | Lead ministry on labour-migration management.<br><br><b>Source:</b> Ministry of Labour, Invalids and Social Affairs   |
|                 | Department of Labour   | Sub-ministry    | Implements labour-migration policies and practices, collects statistics and data on Vietnamese migrant workers and monitors training.<br><br><b>Source:</b> Ministry of Labour, Invalids and Social   |



### Annex 3

#### Bilateral agreements and memoranda of understanding

| Country            | Bilateral agreements   | Memoranda of understanding   | In process   |
|--------------------|--|--|--|
| <b>Afghanistan</b> | Agreement with Etisalat UAE for the Graduate Trainee Induction Program (2010); agreement with Iran for cooperation on social affairs (2010), technical labour dispatch protocol with Qatar | n.a.   | UAE, Kuwait, Iran  |
| <b>Bangladesh</b>  | Kuwait (2000/2008)<br>South Korea (2007)   | Qatar (1988/2008), Malaysia (2003/2006), UAE (2007), Oman (2008), Libya (2008)   | Jordan, Bahrain and Italy  |
| <b>China</b>       | Russia (2000), Bahrain, UAE, Australia, Mauritius (2005) and Malaysia (2003)   | United Kingdom (2005), Republic of Korea (2007), Marianna Islands (2004)   | Qatar  |
| <b>India</b>       | Jordan and Qatar in 1980's and 2007, respectively  | UAE (2006), Kuwait (2007), Oman (2008), Malaysia (2009), and Bahrain (2009)  | Yemen, Libya, Poland, Republic of Korea and Saudi Arabia   |
| <b>Indonesia</b>   | n.a.   | Kuwait (1996, renewed 2001, discussions in process for another renewal), Jordan (2001, renewed 2009), Japan (2004 and 2008), Republic of Korea (2004 and 2010), UAE (2007, renewed 2010), Malaysia (2004 (formal sector workers), 2006 (domestic workers), 2010 (private sector)), Australia (2005); Japan (2008), Qatar (2008, renewed 2011 for the formal sector, 2010 for the health sector) and between IETO (Indonesia Economic and Trade Office in Taipei, Taiwan Province of China) and TETO (Taipei Economic and Trade Office in Jakarta) (2004, renewed 2011) | Syria, Lebanon, Lybia, Brunei Darussalam (draft submitted to the Government of Brunei Darussalam), Australia and Japan |
| <b>Nepal</b>       | n.a.   | Japan (JITCO - 2003), Qatar (2005), UAE (2007), Republic of Korea (2007) and Bahrain (2008)  | Lebanon and Malaysia   |

| Country            | Bilateral agreements  | Memoranda of understanding  | In process   |
|--------------------|---|---|--|
| <b>Pakistan</b>    | Hashemite Kingdom of Jordan (1978); Qatar (1978, 2008)  | Kuwait (1995), Malaysia (2003), UAE (2006), and South Korea (2008)  | Italy and Bahrain                                    |
| <b>Philippines</b> | United States (1968); Iraq (1982); Jordan (1988); Qatar (1997); Norway (2001); Switzerland (2002)   | Papua New Guinea (1979), Libya (1979, 2006), Jordan (1981, 2010), Commonwealth of Northern Mariana Islands (1994, 2000), Kuwait (1997), Taiwan Province of China (1999; 2001; 2003), United Kingdom (2002, 2003), Indonesia (2003), Korea (2004, 2005, 2006, 2009), Lao DPR (2005), Spain (2006), Saskatchewan (2006), Bahrain (2007), UAE (2007), Alberta, British Columbia, Manitoba (2008), New Zealand (2008), and Japan (2009) | n.a.   |
| <b>Sri Lanka</b>   | UAE (2007); Qatar (2008); Libya (2008); Jordan (2006); Bahrain (2008); Republic of Korea (2004,2010)  | n.a.  | n.a.   |
| <b>Thailand</b>    | n.a.  | Lao PDR (2002), Taiwan Province of China (2002), Cambodia (2002), Myanmar (2003), UAE (2007), Republic of Korea (2009), Japan (IMM 2010), Japan (JITCO - Record of discussion 1994, updated 2010)   | n.a.   |
| <b>Viet Nam</b>    | Russia (1992 BA updated in 2008); Lao PDR (1994 BA last updated in 2009); Czech Republic (1994); Taiwan Province of China (1999); Qatar (2008); Kazakhstan (2009) | Malaysia (2004), Republic of Korea (2004, MoU updated in 2008), Oman (2007), Bulgaria (2008), Slovakia (2008), UAE (2009), and Saskatchewan (2006)  | Japan (1992 updated in 2010) and Saudi Arabia (2006) |

Source: IOM country assessments.

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