



नेपाल सरकार
श्रम तथा रोजगार मन्त्रालय



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Case Studies



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INTRODUCTION

Labor migration is a major livelihood choice of a large section of the population in Nepal. There has been a constant surge in the number of Nepali citizens leaving the country for foreign employment in the past decade. With the increased number of people leaving the country, the Government of Nepal and stakeholders face major challenges in ensuring the rights of migrants and managing migration.

Thus, in July 2011, the Safer Migration Project, popularly known as SaMi, was started. The project is an initiative of the Government of Nepal and the Government of Switzerland. The activities are implemented by the Ministry of Labour and Employment (MoLE) and HELVETAS Swiss Intercooperation Nepal. SaMi works in 18 districts and in Kathmandu.

The overall goal of the project is safer and more beneficial migration for women and men who voluntarily choose foreign employment. The

project intends to neither discourage nor encourage Nepali citizens to seek work abroad. With this purpose, it provides potential migrants access to information and access to skills development. Families left behind, returnees and their families in distress are provided access to legal and paralegal services, and psychosocial counseling. The project also provides short-term shelter for returnee women migrant workers who have experienced severe exploitation in the destination countries. The project supports the MoLE, the Department of Foreign Employment (DoFE) and the Foreign Employment Promotion Board (FEPB) to improve their services.

The case studies in this publication provide an insight into how the project works with migrants and their families to help them cope better with the challenges and difficulties of foreign employment.

FROM DEPRESSION TO INSPIRATION

Although 28 year old Sharmila from Khotang knew that she and her seven year old daughter would be left at the mercy of her in-laws if her husband went abroad, she agreed to his plans to work overseas. As anticipated, soon after he left, she became the victim of her in-laws' cruelty. She suffered from violent attacks and had no one to support her morally or financially. The husband, whom she had supported all along, turned against her with the in-laws poisoning his mind. "They would exaggerate facts or would tell him untruthful things about me and he started verbally abusing me over the telephone", said Sharmila.

She soon suffered from severe depression. At one point, when it was too much for her to handle, she attempted suicide. And then again, and again. After three attempts, her parents took her home. Sharmila visited a psychiatrist who prescribed her medication. She was taking heavy drugs for her depression. She had to leave her daughter behind with her in-laws as the child refused to go with her mother. Her daughter, affected by the circumstances at home, started displaying symptoms like stubbornness, isolated herself from friends and family, stopped playing, and communicated less. At school, her performance plummeted.

At this point, a SaMi social worker came to know about Sharmila's situation and met her. Trust was gradually developed between the two. He encouraged her to express her suffering and traumatic experiences, explaining her that this would lessen the emotional burden she had been carrying. He used anxiety management techniques to support her and helped her deal with feelings of loss (mainly her relationship with her husband). With his help, she was able to analyze her experience and develop a more positive perspective. Gradually, Sharmila felt stronger and more confident. After about 10 sessions over the period of 5 months, she was able to deal with her problems.



Today, she makes her living by utilizing her handicraft skills which she was good at prior to marriage. She trains fellow women affected by the migration of family members in Diktal, the district headquarters of Khotang. Sharmila has stopped taking medication for depression as, in her own words, she feels happier, loves her work, loves interacting with people, and is able to give quality time to her daughter. Her daughter's behavior and school performance has also improved significantly as reported by the school teacher.

Sharmila is confident, independent and smiles a lot. But her traumatic experience and suffering was too deep to heal in such a short time. Once in a while, when she feels unable to cope with a difficult situation, she stops by ICC and asks for a session with the counselor. She knows that after talking to the counselor, she will feel stronger.



DEPARTURE

Sanjit Basyal farmer from Dhading agreed with his family that the best way to improve their situation was to seek work overseas. On 4 January 2013, he left for Malaysia with the hope of earning a decent salary in his new job as a security guard for a company named Safe Force (M) Sdn. Bhd. The recruiting agency that sent him via Tribhuvan International Airport had charged him NPR 180,000 (USD 2,044)¹ in recruitment costs.

In Malaysia, he was offered the same job and salary as per the signed agreement. Sanjit and his family members were satisfied with his job, his salary of MYR 950 (USD 312)² each month and other benefits. Except for the separation, Sanjit's wife was happy as she thought of a better future for their children and themselves after his return to Nepal.

Unfortunately, their happiness lasted less than a year. On 16 November 2014, one of Sanjit's friends in Malaysia informed the family about his death. Sanjit, who was healthy and had good working conditions had died of Myocardial Infarction³. This unexpected and untimely death of the only bread winner of the family put everyone in a state of shock.

But even in testing times, the family decided to act wisely. They visited the ICC in Dhading to get the necessary support in bringing the deceased back home. The ICC referred the case to Pravasi Nepali Coordination Committee (PNCC), a SaMi partner in Kathmandu. PNCC requested the ICC to assist the family members for preparation of all vital documents such as: relationship certificate, citizenship copy of the family members, photos and application letter for bringing the deceased from Malaysia, and for getting compensation from all possible institutions.

PNCC assisted the family to submit a written application to the Consular Service Department for the repatriation of the body. PNCC also contacted Sanjit's employer to request the return of the body for funeral rites and to inquire about his due salary. The company was positive towards PNCC's request. They submitted the required documents without any objection and completed the necessary procedures at the Nepal Embassy in Malaysia for the No Objection Certificate (NOC). On 23 November 2014, nine days after SaMi started to work on the case, the body was received by the family.

SaMi assisted the family to submit applications for compensation. They eventually received NPR 300,000 (USD 2,986) from FEPB and NPR 550,000 (USD 5,474) from Nepal Life Insurance. The company also forwarded his due salary to the family.

The entire process was expedited due to the cooperation of the company in Malaysia, the Embassy of Nepal in Malaysia, the Department of Consular Services, FEPB, the insurance company and Sanjits' family, all organized by ICC Dhading and PNCC. The short distance from Dhading to Kathmandu was also an important factor for diligent actions and early closure of this case.

Although, the family lost their bread winner, the compensation they had received provided some consolation and options for their economic survival.

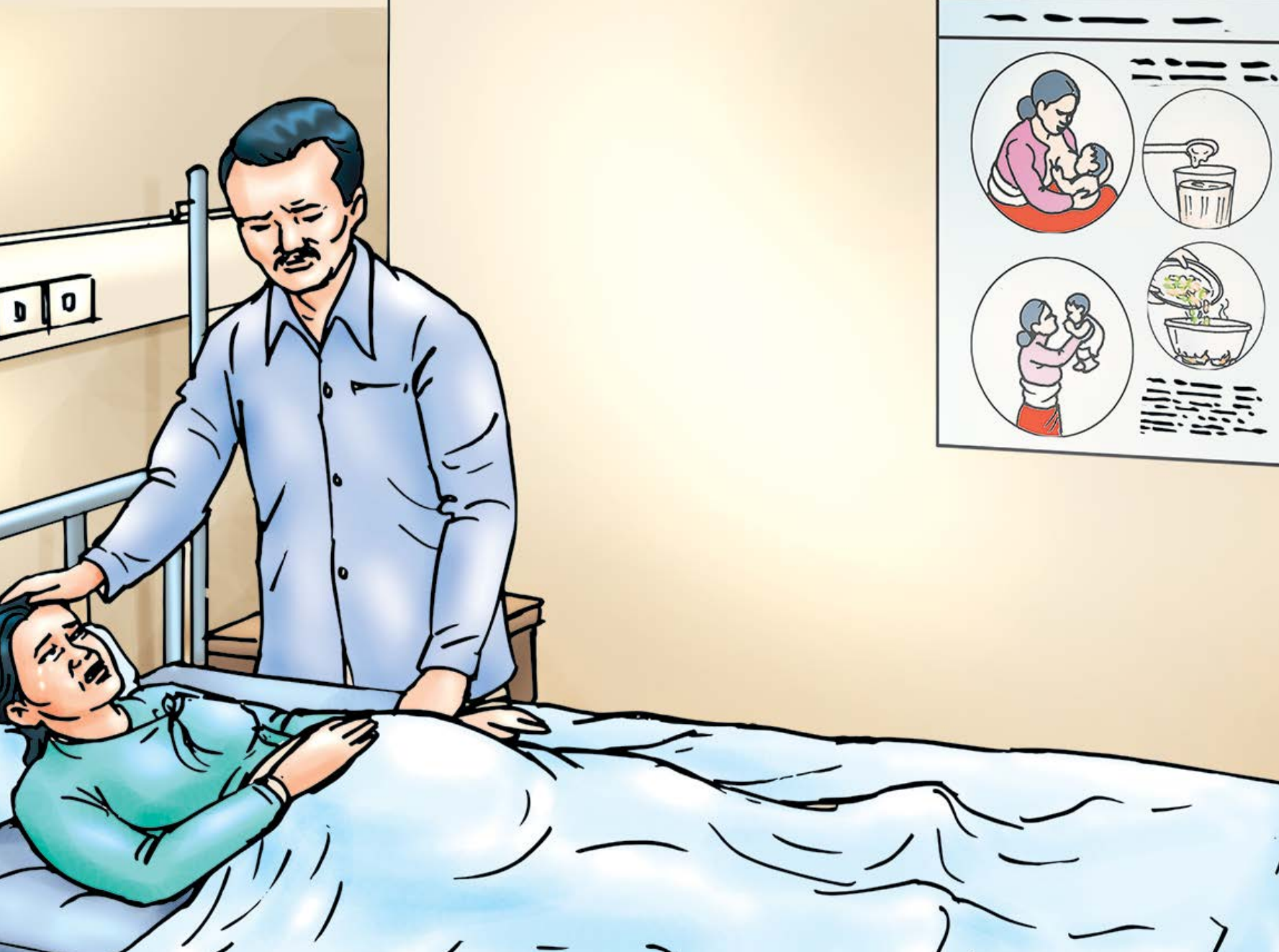
¹ Exchange rate as of January 2013 when USD1=NPR 88.05

Exchange rate conversions in this publication have been made pursuant to the year of transaction.

Source – Nepal Rastra Bank

² Exchange rate as of January 2013 when USD 1=MYR 3.10

³ As per the post mortem report.



THE FOLLY OF CONCEIT

Gita Rai from Khotang had lost her mother when she was very young. She grew up with her sisters and was responsible for household work from a very young age. Her father was the only earning member in the family. Owing to poor economic condition at home, Gita never went to school and got married at an early age. After marriage, she came to Kathmandu with her husband, Ajit, and started to weave carpets for a living while her husband pulled a rickshaw. In a few years, they had two sons and it started becoming increasingly difficult for the couple to feed and educate their children.

It was then, that the family explored the prospect of sending Gita for foreign employment and decided she should go to Saudi Arabia as domestic worker. She left in 2010 for two years. Upon her return, she wasn't satisfied with her husband's way of bringing up the children. Hence, she sent them to her father's house in Khotang and decided to return overseas.

This time, she consulted a local agent in Khotang and left for Dubai on 26 November 2012, with incomplete documentation. She took the medical clearance from Kathmandu but hadn't taken any training or foreign employment work permit from the Government. Her terms for the new job were only verbally agreed with the agent.

In Dubai, her employer received her at the airport. Her daily work involved cooking, laundry, ironing clothes, and cleaning the house. The employer treated her well. She would often talk to her husband and

children over the phone. She also sent home money on a regular basis. After about a year, she started having headaches and took medication for the excruciating pain. The expenses for the medical bill was borne by the employer. During the medication, her consciousness was muddled. She would go into deep sleep and woke up remembering nothing.

After completing 2 years and 8 months of service, she was transported to the airport while she was unconscious. Gita hadn't been informed of her return to Nepal and was confused when she found herself inside Dubai Airport, with a return ticket to Nepal in her hand and a small bag containing some of her belongings. She had no phone or phone numbers to call anyone.

Once she landed in Nepal, she headed home to Khotang. Her unannounced return took her family members by surprise. She was asked questions for which she did not have answers. Her family members suspected that she was pregnant. Since Gita didn't know what was going on in her life, she decided to take the pregnancy test upon her family's request.

The test was positive. Her neighbor, who was also a member of the SaMi radio listener's club, came to know about this and shared her problem with SaMi's local NGO partner for support.

The SaMi Counselor from Khotang met Gita and it was decided that she should be brought to Pourakhi shelter home in Kathmandu. There, Gita, her father and the Pourakhi staff discussed the next steps. Before the

father returned to Khotang, he and Gita made it clear that the baby would have to be given up for adoption.

Pourakhi took Gita to the Center for Mental Health and Counseling (CMC), another partner of SaMi, where she attended several counseling sessions. She shared her story of her abuse and reflected on her future. Although she wanted to keep the baby, she thought that this would not be socially acceptable in her village

Not even a month after she had come to Pourakhi, the police called to inform the shelter staff that Gita's husband, Ajit, had been found dead on the road.

Overwhelmed by this disturbing news, there was an upsurge in Gita's blood pressure. She was admitted to the hospital and soon gave birth to a baby girl. The baby was in good health but due to Gita's frayed health,

she had to remain in the hospital for a few more days. Upon release, she returned to the Pourakhi shelter home.

In subsequent counseling sessions, she addressed her grief and the insecurity about what to do with her daughter. Finally, she reached the conclusion that she wanted to keep the girl, that she was important to her.

At home too, Gita's father and sisters gradually accepted the baby girl into the family. Although Gita was in emotional pain about the loss of her husband, her daughter had given her something to look forward to. She now lives with her father and her two sons. Her father takes care of the grand-sons and

grand-daughter while Gita earns for the family by working at a grocery store in the village.



INFORMATION IS A WEAPON (THAT CAN CUT ALL OBSTACLES IN LIFE)

Kalpana visited the ICC in Khotang and spoke timidly. “The agent is someone from my village, someone I know. He has said he will send me to Dubai for domestic work”. The staff at the ICC told her about the pros and cons of going abroad for work and that there were opportunities in Nepal too. Then she said, “after listening to you, I don’t feel like going for foreign employment but I don’t know what to do now”. Kalpana was only 16 years old.

Kalpana’s father left the family when she was very young. Taking support from her parents, Kalpana’s mother raised the children. But as her health started deteriorating, Kalpana as the oldest child was responsible to make ends meet for the family. She was earning for the family, looking after her ailing mother and was responsible for the education of her younger sister. Then one of her relatives in the village told her that she would earn plenty if she opted for foreign employment, and that he could send her abroad. Kalpana started musing over a life that could be much better than what she was living.

The same person suggested that she should first make her citizenship for which she had to lie about her age⁴. She met an agent who lent her NPR 7,000 (USD 70) to have her citizenship made. He also lent her money to make her passport. When Kalpana reached the District Administration Office (DAO) accompanied by the agent’s younger brother, the DAO asked her to produce proof and documentation of any three persons preceding her generation who would identify her as a relative, as that is a practice in Nepal when single women apply for passport. The agent’s brother said he was a relative but when he was asked to produce his citizenship, he fled.

Kalpana was left all alone and clueless. Help Desk Counsellor at the DAO gave Kalpana information about the processes for foreign employment and referred her to the ICC. When she arrived, she was hesitant to disclose her case and told only half of it to the Counsellors. The staff was empathetic and patient with Kalpana. Encouraged, she told them how she had acquired the citizenship and how the agent’s brother had fled the scene at the DAO.

After the conversation, she said, “I do not want to go to Dubai for work but if I tell this to the agent, he will want his money and I do not have any money to pay him”. She added “Will you please call him and tell him that I am still a minor and cannot go abroad for work?”

The Counsellor spoke with the agent over the telephone. He said that he was initiating her process at her request and if she did not want to go, he would stop it.

Since Kalpana did not have enough money with her, SaMi made arrangements for her to stay overnight in a hotel. The next day, she was introduced to the Women Development Office. After listening to her story, a staff from the Women Development Office and two staff from SaMi took her to the Agriculture Development Office in the hope to find her work. She was told that a farm in Halesi was looking for a worker.

Today, Kalpana works at the farm and earns NPR 7,000 per month. She also repaid the money she owed to the agent.

⁴Nepali citizenship is granted when a person reaches 18 years.



ALLEYS OF PERIL NOW WELL FORGOTTEN

Happily married and a father of one daughter, 23 year old Kedar from Nawalparasi had been working in Malaysia for 16 months. One fateful day, he met with an accident at work and lost three fingers. Back home in Nepal, Kedar's woes had no end as he was unable to repay the loan he had taken before leaving for Malaysia. The loss of his fingers, the burden of his loan, and his responsibility for the family weighed too heavy for Kedar. The accident kept recurring in his mind and gave him nightmares. He felt no hope for the future. He felt worse when his neighbours commented on his disability and stigmatized him for being incapable of carrying out day-to-day activities. He experienced insecurity, anxiety, restlessness and was unable to focus on any productive activity. He stopped taking care of himself, lost weight and was physically weak.

A SaMi social worker visited Kedar, listened to his traumatic experiences, and assured to help him claim compensation. The social worker and one of the SaMi returnee volunteers explained the process of claiming compensation, and asked him to compile all necessary documents. The social worker helped Kedar to cope with insecurity, anxiety, restlessness by teaching him body and mind relaxation techniques.

Kedar began to better understand his symptoms and his negative thoughts. He was helped to remember positive experiences and sources of strength in his life. Slowly, Kedar started taking care of himself and the family, kept himself busy with household work, with making fishing nets and other work. He had proven his neighbours wrong and now those very people were glad to see positive changes in Kedar. His mother and wife were extremely happy to see Kedar gain his confidence back.

Kedar started giving interviews on the local radio channels on issues of foreign employment. He shared his experiences and the importance of being well informed on the issue of labour migration before migrating. Currently, he works as a daily wage labour and earns about NPR 300 (USD 3) per day.

Kedar also received NPR 125,000 (USD 1,256) as compensation from the Foreign Employment Board. It was a great help in repaying his loan. He also bought a sewing machine for his wife so that she could work and earn from home. He plans to use the remaining money to start-up a small business for regular income.

THE POWER OF PERSUASION

“I have been promised a job of butcher in Malaysia. I will be paid NPR 40,000 (USD 400) a month which will include remuneration for 4 hours of overtime per day,” said Khalid Ansari to the ICC Counsellor in Kailali in July 2014. “Actually, I am a tailor, and I make around NPR 20,000 (USD 200) a month in my shop, but I thought I should not miss this opportunity. What do you think?”

Khalid Ansari had been asked by a local agent to pay NPR 150,000 (USD 1,500) for the job. The Counsellor explained to Ansari that the Government of Nepal (GoN) had set a maximum of NPR. 80,000 (USD 800) to be paid for a job in Malaysia, and that it was not at all likely for a Nepali to earn more than NPR 20,000 in that country as a butcher. The ICC staff also informed Ansari that the information about overtime was incorrect as most companies don’t have any provision regarding overtime. The Counsellor asked Ansari why an agent would ask a tailor to work as a butcher. Khalid Ansari left the ICC convinced that it was better to continue working in his tailoring shop in Nepal.

“I have been promised a job of butcher in Malaysia. I will be paid NPR 40,000 (USD 400) a month which will include remuneration for 4 hours of overtime per day”

JUSTICE PREVAILS

A 68 year old man, Kesh Bahadur Gurung from Tanahu district, visited the People Forum legal aid clinic⁵ in Kathmandu on August 2014. His 24 year old son, Ek Bahadur Gurung, had paid NPR 150,000 (USD 1,530) to a recruiting company through the local agent in the village to go to Malaysia. Ek Bahadur was told that he would get an easy job in a factory and would be paid NPR. 35,000 (USD 357) per month. Upon reaching Malaysia, it turned out that there was no work in the factory and he was made to work elsewhere as a porter. The hardships and strenuous work made Ek Bahadur fall ill and he wanted to return home. He telephoned his father in Nepal and told him about the situation. “He sounded desperate to return”, said Kesh Bahadur Gurung.

Kesh Bahadur contacted the agent and was told that he’d have to pay NPR. 75,000 (USD 765) for the airfare from Malaysia to Nepal, only then his son could be brought back home. Kesh Bahadur somehow managed to pay the amount to the recruiting company through the local agent and Ek Bahadur was brought home. Ek Bahadur contacted the recruiting agency and demanded to be compensated for two reasons. First, his work was different than what had been promised. Second, he fell ill because he was made to carry bigger loads than his body could endure. But the agency refused to pay him any compensation.

People Forum filed a complaint against the recruiting company on behalf of Ek Bahadur Gurung. Upon receiving the complaint, the Department of Foreign Employment (DoFE) served a legal notice to the company to come to DoFE within seven days for an explanation as to why the compensation could not be paid. A representative of the recruiting company visited DoFE and paid NPR 225,000 (USD 2,295) as compensation in the presence of a Legal Aid Officer from People Forum.

⁵Clients are provided free of cost legal consultation and services from the Legal Aid Clinic managed by People Forum. The cost for the consultation and legal proceedings are funded by SaMi.

AGAINST ALL ODDS

The small farmland Jasmati's mother owned was swept off by a flood and was made infertile by the sand deposit. Jasmati lived with her mother, an elder brother and sister in Nawalparasi. Her father had died when she and her siblings were still very young. With a desire to join the Army, her brother left for Kathmandu when he was only 14. He struggled very hard in the capital, but fared well. However, he was unable to provide any support to his mother or sisters.

Jasmati's mother and sister found jobs every now and then but the income wasn't enough to buy them even basic supplies. One day, her sister said she wanted go abroad for work. Jasmati and her mother conceded. Within months, her sister was in Dubai. Prior to leaving for Dubai, her sister had borrowed NPR 90,000 (USD 902) from the villagers. In addition to the household expenses, Jasmati now had to pay the loan amount and interest every month. The family barely saved any money.

Within a year, her sister returned from Dubai, got married and moved to her husband's house in another city. The responsibility was now on Jasmati to look after her mother. Jasmati had managed to finish junior

school a few years ago. Relying on her school certificate, she tried finding work. But that wasn't enough to get a well-enough paying job, so she started working as daily wage labour at a neighbour's farm until she decided to go to Dubai

Jasmati approached the same agent who had sent her sister. Thereafter, she visited the ICC where she was informed about the right processes for safe migration. She was given information about free skills trainings for potential migrants. She also participated in the weekly group orientation and one time she came to the center with her mother.

After repeated visits to the ICC, she met the agent numerous times to ascertain that she was making the right decision. Subsequently, she left for Kathmandu to take the 30-day training that would enable her to work in a garment factory. In March 2015, she left for Jordan fully documented for a job in a garment factory that would pay her NPR 22,000 (USD220) per month. She often calls her mother and says that she is happy, safe and likes her work. She also informed the ICC that although she is required to work 8 hours, she works 10 hours to earn a little extra money. Jasmati sent home NPR 65,000 (USD 638) in the month of July, four months after her arrival in Jordan. On her day off, she's on an outing with her friends or just relaxes at her hostel.

ALL'S WELL THAT ENDS WELL

Sagar Prasad and Alam Ahsan from Malangwa, Sarlahi, were ecstatic that they were leaving for Qatar to work as electricians. The agent had promised them that it was a good company. Upon reaching Qatar, they were made to work in a garage. When they found out that the actual work was different from what had been promised, they requested the employer to change the job. As their chores became increasingly difficult, they stopped working. But that left them hungry. Without food and money, the helpless duo called home. Their parents visited the District Administration Office and filed a case against the agent. The lekhandas⁶ who prepared the papers, referred the case to the ICC in Malangwa.

Due to lack of evidence there was nothing the ICC could do initially. There had only been a verbal understanding between the migrant workers and the agent. The ICC Counsellor contacted the agent who assured that he would either change their job or bring them back. Three days after the first contact, the agent shared that the chances of changing the job were

slim, therefore he was trying to bring both of them back within five days. And that is what he did.

Since both the migrant workers did not get the job as promised, they demanded that the agent return NPR 185,000 (USD 1,850). They had paid NPR 100,000 to the agent and other expenses were incurred while purchasing clothes and other necessary items before flying. After several rounds of negotiations between both the parties in the presence of community leaders and ICC staff, the migrant workers and agent reached a compromise: the agent would return NPR 125,000 to each migrant worker.

A lot of agreements in the district are done without written documents and a formal complaint thus is not possible. But the coordination of the ICC allowed the two migrant workers to get their money back even without the evidence necessary to pursue a legal case.

⁶someone who prepares legal documents

TO BE SKILLED IS TO BE BLESSED

Within one year of his service in Qatar, in January 2015, Chandra Bhujel managed to save and send home NPR350,000 (USD 3,511). He works as an electrical helper and gets a monthly salary of QAR 1,100(USD 302). Including overtime, he manages to make about QAR 1,250 (USD 343) per month.

As a student, Chandra had attended orientation sessions about foreign employment in his school. He had visited the ICC for further information. Along with being fully informed about working abroad, he also took the 2-month skills training provided free of cost by SaMi in Kathmandu. He then followed the safe migration process as prescribed by the Government of Nepal. He paid NPR 55,000 (USD 553) to go to Qatar.

His father has bought farm land for NPR150,000 (USD 1,504.00) with the money Chandra sent. He used the rest of the money to pay off debts incurred while sending Chandra abroad and for household purposes.

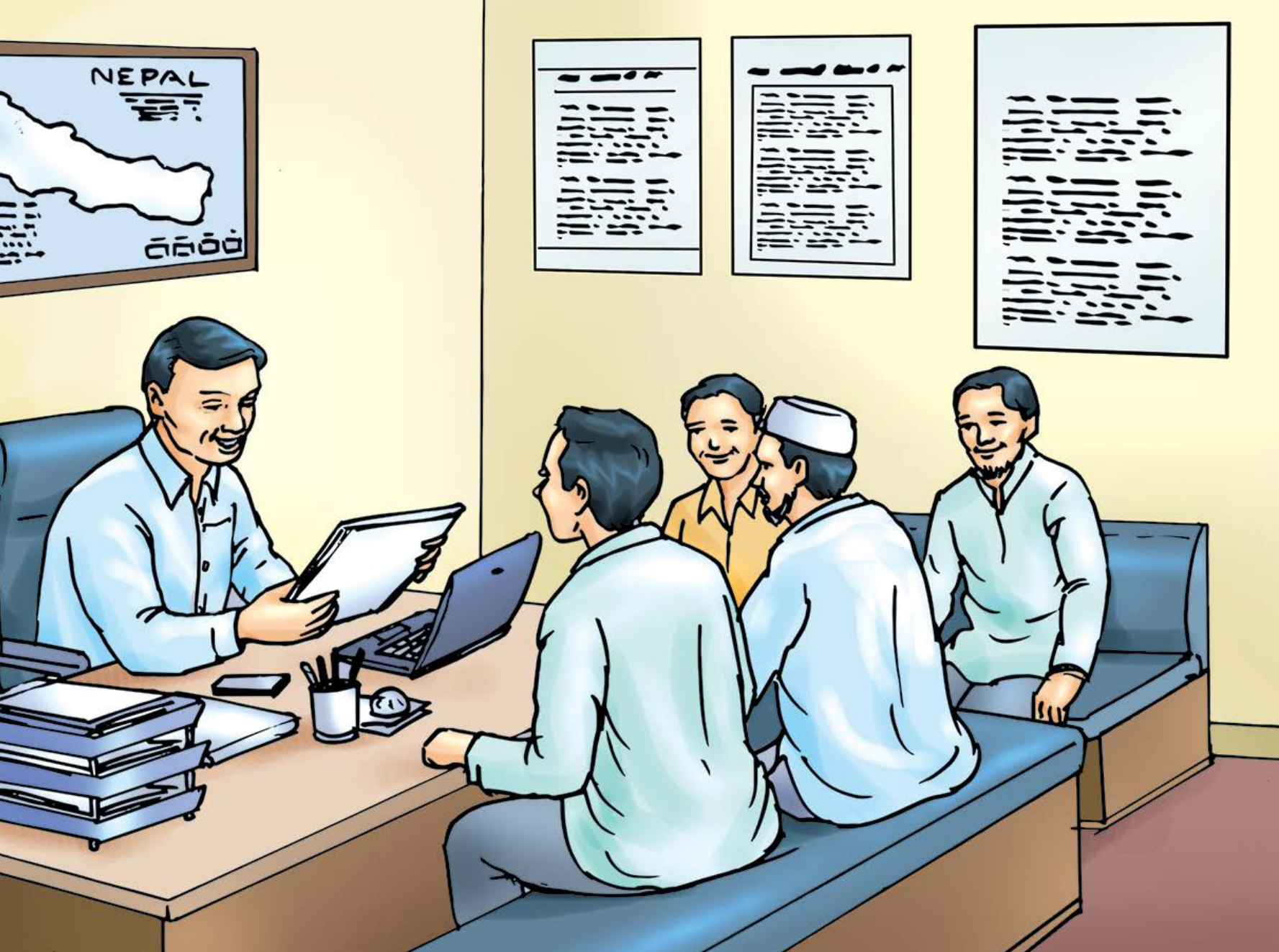
There are other Nepali migrant workers in Chandra's company but they get paid QAR 200 less as they aren't trained. They also had to pay more pre-departure money to the recruiting company than Chandra did.

A SECOND CHANCE

23 year old Sunila was abandoned by her husband after nine months of marriage. Her husband, a former migrant and returnee from Qatar, married one of Sunila's relatives. Sunila returned to her parents in Ramechap where she often remained sad, barely spoke, and worried too much about her future. She was aggressive towards her husband and his wife whenever she came across them. She lost interest in work, socially isolated herself and started suffering from insomnia and loss of appetite. Sunila regretted that she got married early but blamed her parents for it and was angry at them.

One day, she thought she too could go to a foreign land like her husband and earn money. She met a SaMi returnee volunteer for further information. Upon seeing her condition, the volunteer referred her to a social worker for psychosocial counselling. In the initial days, Sunila refused to have a conversation with the social worker and replied mostly in monosyllables. But the social worker never gave up. She continued to meet Sunila, and after a few sessions, she was able to win Sunila's trust. The social worker taught techniques to relax the mind and body and helped her identify her strengths. Sunila slowly was better able to deal with her emotions.

Bit by bit, Sunila started becoming confident and more positive towards life. She remembered her skills and began stitching clothes, made sweaters and home décor items. She changed her mind about going overseas for employment. She also started working as a facilitator in a literacy campaign to empower women where she often shares her own story to motivate women. Her students appreciate that she discusses with them options to gain an income near their home.



AND WE ALL SMILE IN THE END

This is a story of four Nepali migrant workers of Sarlahi district: Amjad Sheikh, Jabbar Hussein Sheikh, Krishna Nandan Mahato, and Safaqt Seikh. They were employed in Saudi Arabia in a very difficult and dangerous work. The work they were forced to do after reaching Saudi Arabia had not been mentioned in their contract.

Unemployed at home, like tens of thousands of other youths in the country, they thought it would be a good idea to fly abroad. In the process of seeking foreign employment, they came in contact with an agent named Allaudin, who introduced them to Venus Overseas Pvt. Ltd.

The work the agent had promised them was manual labour, and they were assured that it did not involve difficult or dangerous tasks. Convinced, each one paid NPR 140,000 (USD 1,406) for what they thought would 'buy them a better future'.

They left for Saudi Arabia on 20 October 2013. Contrary to what they were promised, their job involved climbing tall date trees to pick fruits. They immediately realized the work for which they had no prior experience was not only difficult but also dangerous. Every evening they

would return from work with scratches and wounds all over their bodies from the prickly thorns of the date trees. For few months, they continued their work hoping that a proper job would come up. But what hurt them more was the pain of being betrayed. Finally, when the situation became intolerable, they decided to share their problem with their family members.

The family members immediately registered a case at the ICC of Hariwon in Sarlahi, seeking help either to get their family members back to Nepal or help them get proper work in Saudi Arabia. The ICC staff collected all the available information, contact number and documents and referred the case to PNCC on 21 January 2014. PNCC spoke to the four men about their problems and its cause. Finally, on 12 February 2014, the four men were relocated into a different job, but only after PNCC had been dealing with the sponsor, the agent and the recruiting agency. Presently, they are working as gardeners. Additionally, as compensation, the recruitment agency gave NPR 20,000 (USD 203) to the family of each of them.

The four friends are satisfied with the work they are now performing.



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