

# **Good Governance in the Labour Migration Process: Challenges and the Way Forward**

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**9 March 2017**

## **Good Governance in the Labour Migration Process: Challenges and the Way Forward**

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### **Acknowledgements**

We hereby thank and express gratitude for providing us with important information to the Ministry of Expatriates' Welfare and Overseas Employment, officials and employees of government partner organizations, information providers of recruiting agencies and diagnostic centers, journalists and experts in the field. For conducting this research and giving valuable comments on preparation of the report, we express gratitude to TIB Executive Director Dr. Iftekharuzzaman, Deputy Executive Director Professor Dr. Sumaiya Khair, Director of Outreach and Communications Dr. Rezwana-ul-Alam, Director of Research and Policy Mohammad Rafiqul Hassan and other colleagues who helped enriching this research report by providing valuable feedback.

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## Foreword

Transparency International Bangladesh (TIB) is working to make the citizens aware and vocal for creating a congenial atmosphere for establishing a countywide anti-corruption movement for good governance. TIB carries out research activities focusing on issues that are barriers to effectiveness, transparency and accountability of the sectors crucial for the country's economy and institutions concerned and thereby undertake advocacy programmes.

Labour migration is an important sector for the Bangladesh economy. Overseas employment plays a critical role in reducing the pressure of employment generation at home as well as in increasing supply of foreign currency and reserve. Labour migration is a sector which is mainly based on private organisations, as services are taken basically from the individuals and private recruiting agencies. These agencies work as medium/ catalyst for completing the process of migration. The key function of the concerned government agencies is to approve and process the relevant documents with regard to labour migration.

Different problems in the labour migration sector in Bangladesh have been identified in different research and newspaper reports. Establishment of good governance in migration has been given emphasis in different studies and conclusions have also been made that shortcomings of good governance in this sector have instigated risky, irregular migration and human trafficking. This research has been conducted considering labour migration as a sector of employment generation for a huge number of people, earning of foreign exchange through remittances and as the key driver of the national economy and accordingly. Different challenges relating to good governance in labour migration process have been identified through this study.

This research was conducted by TIB's researchers Manzoor E Khoda and Shahzada M Akram. Golam Mohiuddin provided assistance in collecting information. We cordially thank and express gratitude to the Ministry of Expatriates' Welfare and Overseas Employment, officials and employees of the concerned public agencies, information providers of recruiting agencies and diagnostic centres, journalists and experts in the field. Above all, we express our sincere gratitude to the migrant workers who provided assistance in this regard.

We are grateful to TIB Trustee Board Chairperson Advocate Sultana Kamal for providing overall guidance for conducting this research. We specially thank Deputy Executive Director of TIB Professor Sumaiya Khair for providing valuable opinions and assistance from time to time to raise the quality of this research. We express gratitude to Director of Research and Policy section of TIB Mohammad Rafiqul Hassan for reviewing the draft report and to other colleagues for giving valuable opinions on presentation of the report.

Our efforts will be useful if the policymakers concerned take policy measures in preventing corruption in the labour migration process in the light of the findings and recommendations of this research.

Suggestions from readers are welcome in expansion, revision and correction of this report.

Iftekharuzzaman  
Executive Director

### 1.1 The Context of Labour Migration

Those who go out of their cities/towns or country seeking jobs are called migrant workers. Those who go to other places within the country for jobs are called ‘internal migrant workers’ and the ones who travel to a foreign country for a particular period for similar purpose are ‘international migrant workers’. These workers may migrate either under government-sponsored programmes, under private recruitment schemes, or on their own account in search for employment (Stalker, 2008). According to the Overseas Employment and Migrants Act 2013, a ‘migrant worker’ means any citizen of Bangladesh who, for wages, (a) is in the planning process to migrate for work or is departing to any foreign country for work; (b) is employed in a trade or profession in any foreign country; or (c) has returned to Bangladesh at the end of the tenure of employment or without having completed the tenure of employment in a trade or profession from a foreign country.<sup>1</sup>

Labour migration is an important sector for the Bangladesh economy. Overseas employment plays a critical role in reducing the pressure of employment generation at home as well as in increasing supply of foreign currency and reserve.<sup>2</sup> Firstly, overseas employment itself represents over one-fifth of the annual addition to the country’s total labor force and over half of additional manufacturing jobs created in recent years.<sup>3</sup> Secondly, through earning of foreign exchange, it helps maintain balance of payments in external transactions. The country received remittances amounting to US\$ 14.53 billion in 2015-16 fiscal year and US\$ 15.31 billion in 2014-13 fiscal year.<sup>4</sup> The inflow of remittances has exceeded foreign exchange earnings from other sources such as official development assistance and net earnings from exports.<sup>5</sup> Remittances accounted for 77 per cent of foreign exchange reserves in 2012-2013 and 61 per cent in 2014-2015.<sup>6</sup> In 2015, the amount remitted by the migrant workers stood at 7.83 per cent of the gross domestic product (GDP) of Bangladesh.<sup>7</sup> Besides, the contribution of the investment and use of technical skills by incoming migrants to the national economy cannot be undermined.

Bangladesh has a long history of migration abroad seeking jobs. The migration from Bangladesh to the West began in the 18<sup>th</sup> and early 19<sup>th</sup> century when people from this region (mainly from Chittagong and Noakhali) joined as cooks and seamen at the British trading ships. A section of landless farmers of the Sylhet region started working at the dockyard and trading ship of Hooghly of Kolkata. The rise in oil price in the middle of 1970s led to boom in

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<sup>1</sup> *Overseas Employment and Migrants Act 2013*, Article 2 (3). However, the dependents who would be staying abroad with the migrant workers would also be considered as migrant workers.

<sup>2</sup> Mentionable, the number of migrant workers went abroad with jobs in 2016 was 757,731 and the number was 555,881 in 2015. For details, see <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=20> (23 January 2017).

<sup>3</sup> For details see, ADB, ‘Overseas Employment of Bangladeshi Workers: Trends, Prospects, and Challenges’, Brief 63, August 2016, <https://www.adb.org/sites/default/files/publication/190600/overseas-employment-ban-workers.pdf> (5 March 2017).

<sup>4</sup> *Daily Prothom Alo*, 5 September 2016.

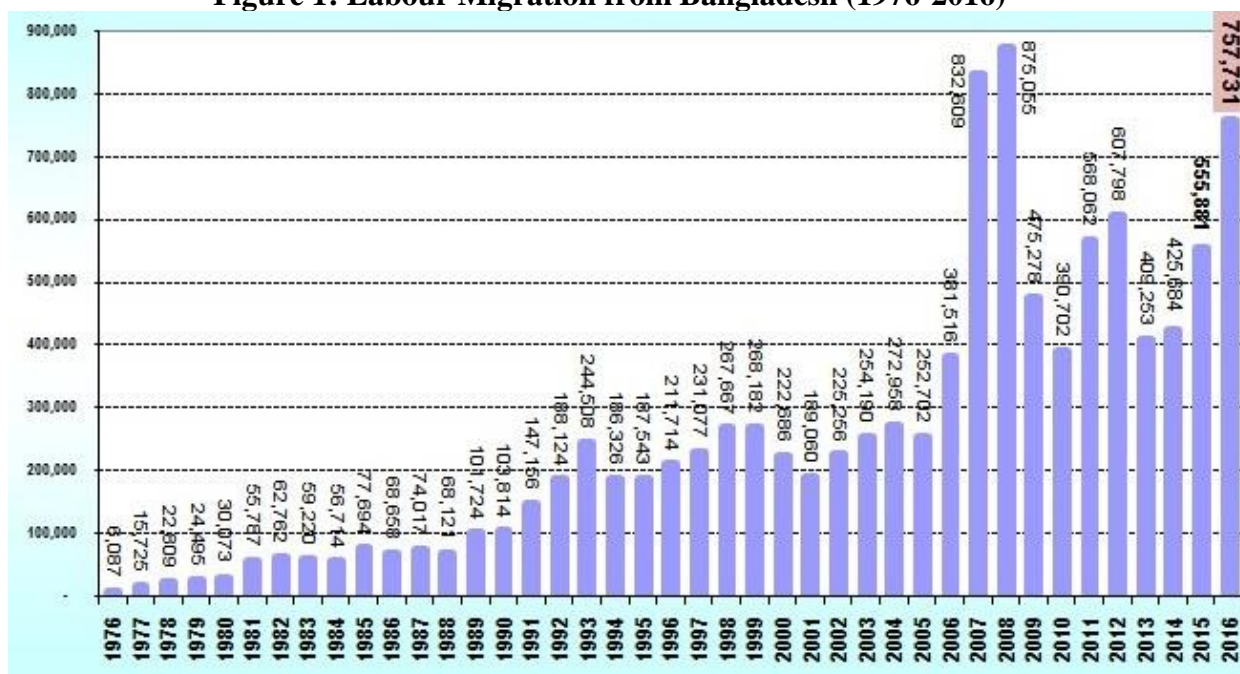
<sup>5</sup> For details see the Ministry of Finance, *Bangladesh Economic Review*, 2016, p. 8.

<sup>6</sup> ADB, *ibid*.

<sup>7</sup> The Gross Domestic Product (GDP) in Bangladesh was worth 195.08 billion US dollars in 2015 when the country received an amount of US\$ 15,270.99 million remittances. Source: <http://www.tradingeconomics.com/bangladesh/gdp> (8 February 2017).

infrastructure development in the Middle Eastern countries, which needed a lot of migrant workers for these activities. They met the demand of labour through importing workers from the South and Southeast Asian countries including Bangladesh. Almost simultaneously, the demand for migrant labour was also created in the newly industrialised countries in Southeast Asia (Siddiqui, 2009). According to a report, the world's fifth largest migrant community is Bangladeshi nationals. About seven million Bangladeshis are staying in different countries around the world.<sup>8</sup>

**Figure 1: Labour Migration from Bangladesh (1976-2016)**



Source: BMET website: <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=20> (23 January 2017).

Beginning formally in 1976, international labour migration from Bangladesh marked consistent rise despite occasional downward trends. Analysis of the trends of the past decades show the number of labour migration has remarkably fluctuated since 2008 and was not stable. The number of migrant workers from Bangladesh was 390,702 in 2010 and although the number increased in the next two years, it came down significantly in 2013 and 2014. However, the number again rose in 2015 and 2016 (Figure 1). The main reason for such fluctuation was the suspension of importing Bangladeshi manpower by some key receiving countries. For example, there was a ban on export of workers to Saudi Arabia for about six years and it was withdrawn on 1 February 2015. However, Saudi Arabia permitted only workers as domestic help alongside female workers. Eventually on 11 August 2016 the country's Ministry of Labour and Social Development withdrew the ban on imports of all types of workers.<sup>9</sup> Also, after about four years of ban, Kuala Lumpur signed a G2G (Government to Government) agreement with Dhaka on 26 November 2012 to resume imports of Bangladesh manpower to Malaysia. However, only 10,000 workers went there under this agreement. The governments of Bangladesh and Malaysia signed a memorandum of understanding (MoU) on 18 February 2017 to hire Bangladeshi workers through G2G-plus (government and private initiatives) method. Within 12 hours of signing the MoU, Malaysia conveyed Bangladesh that it would not bring any

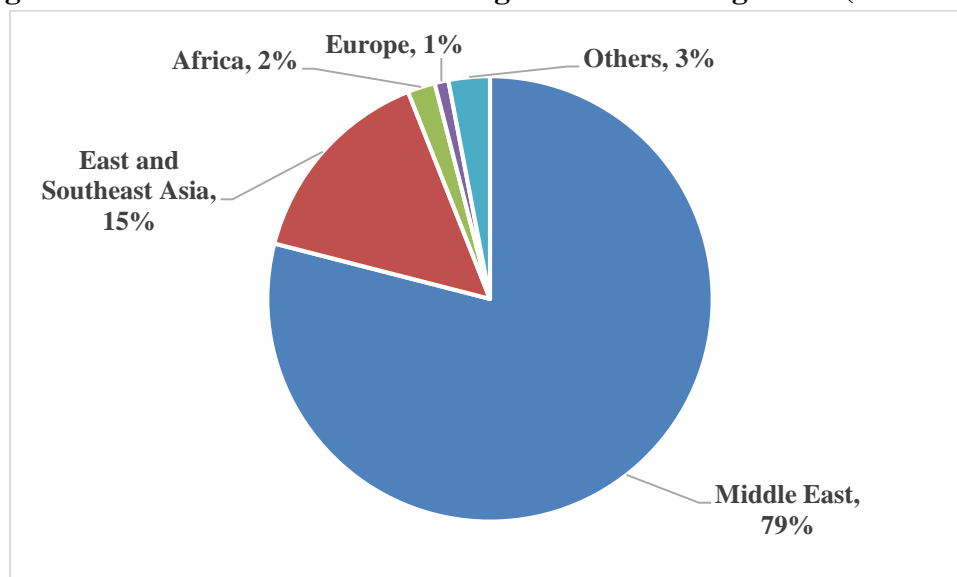
<sup>8</sup> For details, see McKinsey Global Institute, 2016, *People on the Move: Global Migrations' Impact and Opportunity*, <http://www.mckinsey.com/global-themes/employment-and-growth/global-migrations-impact-and-opportunity> (9 February 2017).

<sup>9</sup> *Daily Prothom Alo*, 30 August 2016

workers at the moment.<sup>10</sup> Besides, export of manpower to a number of Middle Eastern countries including the United Arab Emirates (UAE) remained suspended or is still suspended.

The major portion of the Bangladeshi migrant workers have gone to different countries of the Middle East (79 per cent) (see Figure 2), of which Saudi Arabia and the UAE are the top destinations.<sup>11</sup> Most of Bangladeshi migrant workers are employed as unskilled workers, followed by skilled and semi-skilled workers and those in other categories.<sup>12</sup> After the start of labour migration, there was a restriction on export of female workers in the first few decades. Since the withdrawal of such restriction in the later part of the 1990s, the rate of female migrant workers has been increasing for the past few decades.<sup>13</sup>

**Figure 2: Destination-wise Labour Migration from Bangladesh (1976-2016)**



**Source:** Prepared from BMET data: <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=20> (23 January 2017).

Labour migration is mainly a sector which is based on private organisations. Services are taken mainly from the individuals and private organisations in this sector. Private recruiting agencies work as medium/catalyst for completing the process of labour migration.<sup>14</sup> The key function of the government agencies concerned is to approve the migration and process the relevant documents. The key stakeholders include the Ministry of Expatriates' Welfare and Overseas Employment and different government organisations under the Ministry, the Ministry of Home Affairs and government organisations under this Ministry, Bangladesh embassies abroad/

<sup>10</sup> *Daily Prothom Alo*, 10 September 2016.

<sup>11</sup> According to BMET data, of the Bangladesh migrant workers who went abroad with jobs between 1976 and 2016, 27 per cent have been hired by Saudi Arabia and 23 per cent by the UAE. Among other important destinations of Bangladesh migrant workers, Oman accounts for 12.03 per cent, Malaysia 7.56 per cent, Singapore 6.24 per cent, Qatar 5.64 per cent, and Bahrain 3.66 per cent. Source: <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=20> (23 January 2017).

<sup>12</sup> Among the Bangladeshi migrant workers who went abroad during 1976 to 2016, 48.95 per cent were unskilled, 32.51 skilled, 15.2 per cent semi-skilled, 2.18 per cent professional, and 1.17 per cent others. In 2016, 40.08 per cent of the Bangladeshi migrant workers are unskilled, 42.08 per cent skilled, 15.83 per cent semi-skilled, 0.61 professional, and 1.4 per cent others. Source: <http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=35> (1 February 2017).

<sup>13</sup> It may be mentioned that the rate of female migrant workers was 18 per cent in 2014, and it was 13.78 per cent only the year before (2013). For details see <http://www.bmet.gov.bd/>

<sup>14</sup> For details, see Siddiqui and Rashid (2009).

Labour Attachés, and the private organisations including recruiting agents, brokers, and travel agents.<sup>15</sup>

The Bureau of Manpower, Employment Training (BMET) was established under the then Ministry of Labour and Employment in 1976, and in 1982 the ‘Emigration Ordinance 1982’ was adopted to facilitate, regulate and monitor labour migration from Bangladesh. The Ministry of Expatriates’ Welfare and Overseas Employment was formed in 2001 to ensure development of this sector. Subsequently, a number of laws and rules have been framed in this regard. Bangladesh has also signed and ratified a number of international conventions.<sup>16</sup> By signing and ratifying these international conventions Bangladesh is pledge-bound to encourage equity-based and humanitarian positions for protection of the rights of all migrant workers and members of their families, be willing to play role in regular and safe repatriation of the migrants and their families, and create congenial atmosphere for their rehabilitation. To help develop the sector more efficiently, more initiatives have been taken later on.

## 1.2 Review of Literature on Labour Migration

A lot of research on labour migration has been carried out in Bangladesh. The subjects of discussion of such research projects encompass reasons of labour migration from Bangladesh, process of decision-making of labour migration, gender gap in labour migration and its results, cost of migration and sources of expenditure, problems in migration process, role of different stakeholders, post-migration problems and role of stakeholders in overcoming such problems, process of remitting money and its use, status of migrant workers in the country of destination, areas of expenditures, impacts of remittances on the families of the migrant workers, reintegration of the migrant workers upon their return, and above all, ascertaining the highest level of effectiveness of the labour migration.<sup>17</sup>

Good governance in migration is a complex concept where a wide range of stakeholders including individual, the government and the private organisations are involved. That is why there are a lot of debates in defining good governance in migration. According to Betts (2011), good governance in migration includes “global governance includes a range of norms, rules, principles, decision-making procedures that exist over and above the level of a single nation-state.” On the other hand, Kunz, Lavenex and Panizzon (2011) argued that migration governance “migration governance explores the emerging concept of ‘migration partnerships’ in the political management and governance of international migration flows. The partnership approach to migration seeks to balance the responsibility and benefits of migration more evenly between source, transit and destination countries.”

Poorly managed migration can lead to harm, danger and insecurity. It can encourage migrant smuggling and human trafficking, as well as social unrest, xenophobia and discrimination. Effective migration governance has always been essential for promoting the benefits of migration while reducing its costs (Economist Intelligence Unit, 2016). While discussing issues relating to migration such as refugee, illegal immigration, and labour migration, Betts (2010) identified challenges on this. His recommendations to overcome such challenges include institutional framework for migrants’ security, developing global migration governance based on coherent pluralism, a universally inclusive forum for dialogue on migration and a well-coordinated system. In another research (2011), he tried to explain theoretical framework of migration which helps to explore the institutional, political, and normative dimensions of

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<sup>15</sup> For legal and institutional framework, see the second chapter of this report.

<sup>16</sup> For legal framework of the labour migration, see the second chapter of this report.

<sup>17</sup> For details see Afsar *et al* (2001), Afsar (2009), Siddiqui (1998, 2000, 2009), Siddiqui and Rashid (2009), Siddiqui and Mahbub (2015), Siddiqui and Abrar (2001), Siddiqui *et al* (2010), RMMRU (2002), Murshid *et al* (2001), BILS (2014), Asia Foundation (2013), Rahman (2011).



global migration governance in relation to different aspects of international migration. The research reviewed the configuration of interests, power, and ideas that explains the existing institutional framework and determines the international politics of each area of migration and discussed a normatively desirable and politically feasible framework for global migration governance based on efficiency, equity, legitimacy and rights.

The importance of good governance in Bangladesh's labour migration was discussed by Siddiqui (2002). She termed labour migration as a complex process, and recommended for a regulated recruitment process. In a research by RMMRU (2002), it was found that labour migration from Bangladesh remained a complex process. Firstly, multiple individuals, organisations, and agencies are involved in it – the government, private, local or foreign partners. Secondly, the entire process is run by a group of middlemen; some of them are formal and some informal, while others play dual roles. Thirdly, there are formal authorities who have rather made the process further complex. The study identified the two most important factors in labour migration process – transparency and accountability. The areas of transparency include costs, terms of overseas jobs and remittances about which information are hardly available. For these information, there was no institutional arrangement other than briefing by BMET.

In the conference of the International Organisation for Migration (IOM) in 2014, the good governance framework on migration was formulated based on three principles: (1) good migration governance would require adherence to international standards and the fulfilment of migrants' rights; (2) migration and related policies are best formulated using evidence and overall government approach; and (3) good migration governance relies on strong partnerships. Later on, the Migration Governance Index (MGI) was formulated aimed at making conformity with the Sustainable Development Goals (SDGs). The index covered 15 countries including Bangladesh, selected to provide a broad representation of levels of economic development and type of migration profile. Five domains were identified as the building blocks of effective migration governance: 1) institutional capacity, 2) migrant rights, 3) safe and orderly migration, 4) labour migration management, and 5) regional and international co-operation and other partnerships (Economist Intelligence Unit, 2016).

Recruitment constitutes an important part of the process of temporary labour migration in Asia. Existing literature explicitly suggests that the rapid development of recruiting agencies and migrant networks has accelerated the growth of labour migration in this continent. However, most of the existing literature tend to focus on either the role of agencies or the role of networks in the recruitment process, not both simultaneously. Likewise, the economics of recruitment is almost inseparable from labour recruitment in Asia but it remains an area of peripheral interest in existing literature. Rahman (2011), in his study, argued that a holistic approach, meaningfully combining migrant networks and recruitment agencies, to highlight both the operational and economic aspect of recruitment, is needed to better understand the complexity of migrant recruitment dynamics.

Focusing on the recruitment experiences of Bangladeshi migrants in the GCC states, Achacoso (2002) made a comparative analysis among Bangladesh, India, Sri Lanka and the Philippines, based on standard framework of migration system and enforcement, monitoring of the private recruiting agencies, disputes and settlement of claims, and welfare activities. The labour migration management and development governance of a country is determined by national laws, bilateral arrangements for labour, code of conduct, inter-agency coordination and cooperation, responsibility of the affected person and the watchdogs.

Because of the problems in labour migration process, exploitative working atmosphere with crisis-prone hiring is created in some cases. These problems include visa trade, role of the labour attaché, formal and informal appointment of workers, and high cost of labour migration. How the visa trade is conducted, and how the cost of securing visa increases has been discussed in a few research reports (Siddiqui *et al*, 2012; Rahman, 2011; and Siddiqui, 2011). In a research on recruitment of labour migrants for Gulf countries and its economic implications, Rahman (2011) showed that 77 per cent of the aggregate cost of migration went to the pocket of the *dalals* (brokers).

Despite substantial improvements in the national and international legal framework for labour migrants, the implementation of these is said to be extremely problematic. Corruption and influence mongering exist at almost every operational level of the migrant's recruitment, administrative and departure process.<sup>18</sup> As per existing legislation, the state should not only regulate the institutional framework of labour migration, but also monitor the process and arbitrating grievances. However, due to the severe lack of implementation of policies and legislation and an absence of monitoring, Bangladeshi migrants are said to often pay double the amount paid by their counterparts in neighbouring countries for the migration process which is long and complex, involves intervention of illegal middlemen (Rashid, 2015). According to findings of a research, the average cost of migration is Tk 0.676 million for Saudi Arabia, Tk 0.26 million for Malaysia and Tk 0.25 million for Oman (Siddiqui and Mahmud 2015). Bangladeshi migrant workers have to spend seven times higher than the actual cost required (ILO, 2014).

The rate of falling victim to corruption, while receiving service in this sector, is remarkable. The National Household Survey by Transparency International Bangladesh (TIB) found that 77 per cent of the recipients of the services in the labour migration sector faced corrupt practices and the average additional payment than the required one, for meeting the cost of migration was Tk 199,676 (TIB, 2012).

The post-migration problems include non-payment of salaries and other benefits as per commitments and contracts, making migrants confined by confiscating passport or using slave labour, forcing them to work more through repression, violation of human rights such as absence of decent housing, necessary healthcare and health services, and non-payment of compensation in case the workers are sent back before completion of the contract period (Afsar *et al*, 2001; Afsar, 2009; Siddiqui, 2009; BILS, 2014). It is worth mentionable that most of these problems are related to the process of migration. Besides, the migrant workers have to face various problems due to lack of good governance in the sector.

### **1.3 Rationale of the Study**

The above discussion suggests that in-depth research on good governance in migration-related institutions, legal framework and migration process is lacking although there are a good number of research works on migration process, cost pattern, effects of migration etc. covering labour migration from Bangladesh. Despite various initiatives by the Government, different pre- and post-migration problems are still prevailing. It has not been possible to ensure transparency in this sector (RMMRU, 2016).

To make the impacts of good governance in migration positive for all and the right of migrants have been inserted into the targets of the Sustainable Development Goals (SDGs).<sup>19</sup> Migration is expected to play a very important role in attaining the goals of SDGs. In the 9<sup>th</sup> Global Forum on Migration and Development held in Dhaka on 8-10 December 2016, good governance and

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<sup>18</sup> Md Harun-Or-Rashid, 'Ensure Better Governance for Safe Migration', *The Daily Star*, 15 December 2015.

<sup>19</sup> Targets 8.7, 8.8, 10.7, 10 C and 17.8 may be mentioned.

ethical recruitment in migration sector was a key focus of discussion. The forum had detailed discussion on widespread mismanagement in the recruitment process around the world, victimisation of migrants in the receiving country, and similar negligence in the sending country as well. The incidence of fraudulence has not been stopped although the government of Bangladesh has framed laws and policies.<sup>20</sup> Issues related to labour migration and recruitment process and migration management were discussed at the ‘Global Conference on Migration, Development and Human Rights’, as a part of the Global Forum on Migration and Development. Ensuring ethics and transparency in the recruitment of the migrant workers featured prominently in the recommendations made at the People's Global Action (PGA).<sup>21</sup> Besides, the issue of establishment of good governance in the labour migration sector came up in the statements from different stakeholders including the government.<sup>22</sup>

In spite of legal and institutional frameworks on labour migration in Bangladesh, varieties of problems in the migration sector have been identified and dug out in different research and newspaper reports.<sup>23</sup> Moreover, establishment of good governance in migration has been emphasised in research papers and conclusions have also been made that shortcomings in the labour migration sector have instigated risky, irregular migration and human trafficking (Parvez *et al*, 2016; The Economist Intelligence Unit, 2016; Rashid and Ashraf, 2015; IOM, 2015; McKinsley Global Institute, 2016).

This research has been conducted considering labour migration as a sector of employment generation for a huge number of people, earning of foreign exchange through remittances and as the key driver of the national economy, and accordingly, different challenges relating to good governance in labour migration process have also been identified.

#### **1.4 Objectives of Research**

The major objective of this research is to review the challenges of good governance in Bangladesh's labour migration sector and work out the ways to overcome them. Its specific objectives are to:

1. Review the legal and institutional frameworks on the labour migration from Bangladesh;
2. Define the role of the concerned organisations in labour migration process and areas of coordination among them, their management and accountability;
3. Identify patterns and reasons of existing irregularities and corruption in labour migration process; and
4. Make recommendations for creating atmosphere of good governance and proper accountability.

#### **1.5 Scope of Research**

This research will encompass:

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<sup>20</sup> RMMRU, presentation at the press conference on ‘Trends of Migration from Bangladesh 2016: Successes and Challenges’, 28 December 2016.

<sup>21</sup> *Ibid.*

<sup>22</sup> Sheikh Hasina, ‘Global Consensus: Migration management has to be correct’, *Daily Prothom Alo*, 21 September 2016; ‘Public lecture on global migration: Emphasis on correcting migration management by the Swedish minister’, *Daily Prothom Alo*, 12 May 2016.

<sup>23</sup> See ‘Consequence of Non-Transparency’, *The Daily Star*, 21 February 2016; Rifaet Ullah Mridha, ‘75 per cent workers receive lower wages than promised’, *The Daily Star*, 9 December 2016; Parimol Palma, ‘Worker Migration to ME, Malaysia: Overseas touts jack up costs’, *The Daily Star*, 11 December 2016; Syed Mansur Hashem, ‘Why must we pay more’, *The Daily Star*, 27 December 2016; Ahmed Dipto, ‘Disappeared with Tk 21 lakh after promising assistance for migration’, *Daily Prothom Alo*, 5 December 2016; ‘Cost increases due to purchase of demand notes’, *Daily Prothom Alo*, 2 December 2016; ‘Manpower Exports plagued by looting’, *Daily Prothom Alo*, 17 December 2016.

1. Labour migration from Bangladesh – going abroad with jobs only by following formal process;
2. Reviewing good governance structure on international labour migration which includes relevant national and international laws and policies, government and non-government institutional and informal structures, management and capacity;
3. International labour migration process, its value chain, problems, corruption and irregularities in this process and causes of such irregularities.

### **1.6 Methodology**

The current research is qualitative in nature. Interview with key informants, in-depth interview and focus group discussions (FGDs) have been used as method of this research. Officials of the Ministry of Expatriates' Welfare and Overseas Employment and the Bureau of Manpower, Employment and Training, local and foreign recruiting agents, representatives of the organisation of recruiting agents (BAIRA), the organisation of diagnostic centres meant for GCC countries (GAMCA), sub-agents/ brokers, experts, researchers, and media professionals were interviewed. FGDs were held with migrant workers and aspiring migrants. Besides, policies relating to labour migration, laws and rules, published and unpublished research papers, articles, government and private sector information and documents, and news items published in newspapers and other media have also been reviewed.

The findings of the research were presented before the officials of the Ministry of Expatriates' Welfare and Overseas Employment on 12 February 2017 where the relevant bodies under it were also present. Based on their opinions, some information was updated and some others verified before finalising the report.

It should be mentioned that since this research is not based on survey, its findings were not equally applicable to all concerned or its generalisation is not possible. However, this research indicates a picture of the existing situation in the sector.

### **1.7 Duration of Research**

Collection of information, analyses of data, and preparation of the report have been completed in a period between March and December 2016.

### **1.8 Structure of the Report**

This report has been divided into five chapters. The context of the research, its rationale, objectives and scope, methodology and duration have been discussed in the first chapter. In the second chapter, legal and institutional frameworks on labour migration have been reviewed. The third chapter has explained the process of labour migration and identified the problems, corruption and irregularities involved in the process. Causes and effects of challenges of good governance in the labour migration process have been discussed in the fourth chapter. Finally, the fifth chapter contains the overall observations of the research and the ways to overcome the existing problems.

## Labour Migration: Legal and Institutional Framework

Different international and domestic laws and rules play a critical role in defining the basis for labour migration from Bangladesh. Besides, the role of other stakeholders is also important in this process. It is important to know about the structure and management of the sector before reviewing the process of labour migration. In this chapter, legal and institutional frameworks on labour migration have been discussed.

### 2.1 Legal Framework of Labour Migration

#### 2.1.1 Global conventions on labour migration signed and ratified by Bangladesh

A number of international conventions and declarations have articulated the protection of the rights of the migrant workers. Bangladesh has so far signed and ratified ten such conventions.

#### **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990**

This is the most important international document to protect the rights of the migrant workers and their families. It was adopted by the UN General Assembly on 18 December 1990 and came into effect from 1 July 2003.<sup>24</sup> The rights affairs of different kinds of migrant workers have been applied in this convention incorporating provisions of human rights enshrined in other UN conventions on human rights including the International Convention on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and International Labour Organisation's various conventions on migrant workers (Convention 93 and 143) and Recommendations (86 and 151). Bangladesh signed this convention in 1998 and ratified it in 2011.

This convention discourages illegal migration and similarly speaks of protection of rights of the victims of illegal migration. According to this convention, migrant workers and members of their families shall have the right at any time to enter and remain in their state of origin.<sup>25</sup> Before their departure, migrant workers and members of their families shall have the right to be fully informed of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities.<sup>26</sup> This Convention recognises migrant workers' right to freedom of thought, conscience and religion and holding opinions.<sup>27</sup> It stipulates the migrant workers and their families' entitlement to effective protection by the state against violence, physical injury, threats and intimidation.<sup>28</sup> Besides, employment shall be restricted to public services or bodies of the state in which such operations take place and subject to any authorisation, approval and supervision, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations.<sup>29</sup>

<sup>24</sup> <http://www.humanrights.ch/en/standards/un-treaties/migrant-workers/> (30 November 2016). The number of signatory to this convention was 48 as of 29 September 2015. However, none of the Western industrialised countries signed this convention.

<sup>25</sup> *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990*, Article 8.

<sup>26</sup> *Ibid*, Article 37.

<sup>27</sup> *Ibid*, Article 12, 13.

<sup>28</sup> *Ibid*, Article 16.

<sup>29</sup> *Ibid*, Article 65, 66.

### **Universal Declaration of Human Rights (UDHR), 1948**

Adopted in 1948, the Universal Declaration of Human Rights (UDHR) recognised equal rights of all human being, which is the foundation of freedom, justice and peace in the world. According to Article 3 of UDHR, everyone has the right to life, liberty and security of person. Moreover, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.<sup>30</sup> The declaration also stipulates that all are equal before the law and are entitled without any discrimination to equal protection of the law.<sup>31</sup> According to this declaration, everyone has the right to freedom of movement and residence within the borders of each state.<sup>32</sup> And everyone has the right to leave any country, including his own, and to return to his country.<sup>33</sup> Bangladesh has ratified this declaration.<sup>34</sup>

### **Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), 1979**

The Convention on the Elimination of all forms of Discrimination Against Women was adopted in 1979 to protect female migrants' rights and remove violence against them bringing both sending and receiving countries under accountability. The convention emphasises measures, including legislation to suppress all forms of traffic in women and exploitation of prostitution of women,<sup>35</sup> and speaks of eliminating discrimination against women in the field of employment and all activities as citizens.<sup>36</sup> Bangladesh ratified the convention in 1994, albeit raising objection to Article 2, 13(a), and 16(1) (c)(f), in view of its contradiction with the Shariah laws.<sup>37</sup>

## **2.1.2 Bangladesh's policies and laws relating to labour migration**

### **The Expatriates' Welfare and Overseas Employment Policy 2016**

The Government of Bangladesh formulated the 'Overseas Employment Policy' for the first time in 2006. Later in the context of post-SDG perspective, inclusion of migration into the 7<sup>th</sup> Five-Year Plan, formulation of the 'Overseas Employment and Migrants Act 2013' by the government, and considering the ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990, the 'Expatriates' Welfare and Overseas Employment Policy 2016' was formulated by scrapping the previous policy in January 2016.

The current policy is aimed at encouraging and securing self-chosen overseas employment through safe and dignified migration. In accordance with Article 2(3) of the Overseas Employment and Migrants Act 2013, migrant workers and the Bangladeshi Diaspora<sup>38</sup> staying abroad for a longer period of time are both covered by the Expatriates' Welfare and Overseas Employment Policy 2016. This policy has six major objectives:

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<sup>30</sup> *Universal Declaration of Human Rights 1948*, Article 5.

<sup>31</sup> *Ibid*, Article 7.

<sup>32</sup> *Ibid*, Article 13(1).

<sup>33</sup> *Ibid*, Article 13(2).

<sup>34</sup> For details, see [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf) (30 November 2016).

<sup>35</sup> *Convention on the Elimination of all forms of Discrimination Against Women*, Articles 5 and 6.

<sup>36</sup> *Ibid*, Articles 3,9 and 11.

<sup>37</sup> *Daily Prothom Alo*, 'Government will not back out from objection to 2 CEDAW articles', 12 December 2016.

<sup>38</sup> Someone who has accepted or is willing to accept citizenship of another country but interested in keeping in touch with Bangladesh and is staying abroad for a long period of time shall be considered as a migrant of Bangladesh.

1. To create opportunities for men and women, who are willing to get employed abroad, to work independently with safety and human dignity as a matter of right to choose employment independently;
2. To provide protection to all migrant workers and their families irrespective of male and female at every step of migration process by applying the laws and rules of the country in keeping with international labour standard and legal documents;
3. To ensure welfare services and benefits for empowering migrant workers and their families and encouraging their participation at all spheres of labour migration cycle;
4. To ensure gender equality in labour migration process by encouraging participation of more women in safe and decent overseas employment and maintaining conformity with national and international standards and CEDAW, other international conventions/ documents against discrimination against women or for protection of women;
5. To incorporate labour migration into national development and planning structure by bringing more compatibility between labour migration policy and other economic, social and labour-related national policies;
6. To introduce an efficient and inclusive labour migration governance structure in order to regulate labour migration.

The challenges that have been discussed in this policy include safe labour migration, protection of rights of migrant workers and their families, welfare and beneficial services to the migrant workers, labour migration of female workers, linking national development to the labour migration, and regulating labour migration. Guidelines to come out of the challenges have also been provided in this policy. The involvement of government and different private sector stakeholders with labour migration has also been discussed in detail in this policy.

### **The National Skills Development Policy 2011**

The National Skills Development Policy 2011 is a supplementary policy relating to matters of labour migration. In this policy, the importance of extensive training for migrant workers has been recognised. It is said that migration assistance services are essential for safe migration and livelihoods.

### **The Overseas Employment and Migrants Act, 2013**

The ‘Overseas Employment and Migrants Act, 2013’ was adopted on 27 October 2013, in order to promote opportunities for overseas employment and to establish a safe and fair system of migration, to ensure rights and welfare of migrant workers and members of their families, to enact a new law by repealing the Emigration Ordinance, 1982, and for making provisions in conformity with the ICRMW 1990 and other international labour and human rights conventions and treaties ratified by Bangladesh. In this law, a migrant worker is defined as any citizen who is planning to migrate for work and even has returned to Bangladesh without having completed the tenure of employment.<sup>39</sup> According to this law, migrant workers shall have the right to be informed about the migration process, employment contract or the terms and conditions of the work overseas, and the right to know about their rights as per the law before his departure, and upon their return, may get access to development programmes.<sup>40</sup>

This act has mentioned that the Bureau, any other organisation or entity established by the Government, and a recruitment agent may conduct recruitment related activities,<sup>41</sup> and that no person shall operate any activity relating to recruitment unless issued a license under this Act.<sup>42</sup> Provisions for eligibility for license, suspension and cancellation of license and revocation of

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<sup>39</sup> *Overseas Employment and Migrants Act 2013*, Article 2(3).

<sup>40</sup> *Ibid*, Article 26-30.

<sup>41</sup> *Ibid*, Article 3(2).

<sup>42</sup> *Ibid*, Article 9(1).

license have been included in this Act,<sup>43</sup> and duties of the recruitment agent have also been defined.<sup>44</sup>

The most important feature of this Act is that it has entrusted a migrant worker with the right to file a civil suit, if affected by violation of any employment contract.<sup>45</sup> This Act has also kept provisions for penalties for sending migrant workers overseas in unlawful manner, charging unlawful amounts of fees, publishing unauthorised advertisements, using unlawful means for collecting demand note, visa or work-permit for overseas employment, for trading in such documents, arranging for departure through places other than the specified place of departure, and other offences.<sup>46</sup> This Act has kept provisions for specific punishment subject to types of offences. This Act has divided offences into different categories – cognizable, non-bailable and non-compoundable, and also non-cognizable, bailable and compoundable -- again subject to types of offences.<sup>47</sup> Besides, this Act has said that offences under this Act shall be triable by the Judicial Magistrate of First Class, or, as the case may be, the Metropolitan Magistrate,<sup>48</sup> and the trial under this Act shall be concluded within four months from the date of framing of charge in the concerned case.<sup>49</sup>

A number of constraints have been identified in this Act, based on different research reports, discussions and interviews with key informants and experts:

- The major weakness of this Act is that it has included only about the legal and regular migrant workers. It has not mentioned anything about the issue of migration at personal initiatives.
- Many provisions of this Act are directives, not mandatory, which weakens the strength of a law. It does not have a provision like “Whatever is said in any other acts, this Act shall be given priority.”<sup>50</sup>
- This Act does not recognise the role of the *dalals* (brokers) in the labour migration process and they are not also covered by this Act, as it has recognised only the authority of any government agency or recruiting agent to send migrant workers abroad. Moreover, it has mentioned the control of all activities relating to recruitment and emigration of workers from Bangladesh for the purpose of overseas employment shall be vested in the Government or its delegated authorities,<sup>51</sup> but does not mention how far it would be controlled.
- This Act has given authority of trying offenders as per Article 14 to First Class Judicial Magistrates, or the Metropolitan Magistrate in some cases – a provision which affects the effectiveness of Article 33 and 34 since punitive measures specified under the two articles are beyond the jurisdiction of the mobile court. For example, according to the Code of Criminal Procedure 1898, the First Class Judicial Magistrate or the Metropolitan Magistrate in some cases can give a maximum sentence of five years of imprisonment and fine of Tk 10,000. This Act has been included into the category of mobile court. However, the mobile court cannot give more than two years of imprisonment.<sup>52</sup>
- Appeal petition challenging the mobile court’s judgement can be filed with the District Magistrate and appeal against the District Magistrate’s verdict can be filed with the District and Sessions Judge. If it is dismissed at this level, no criminal case can be filed with any other

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<sup>43</sup> *Ibid*, Article 10-13.

<sup>44</sup> *Ibid*, Article 15.

<sup>45</sup> *Ibid*, Article 28.

<sup>46</sup> *Ibid*, Article 31-35.

<sup>47</sup> *Ibid*, Article 39.

<sup>48</sup> *Ibid*, Article 38(1).

<sup>49</sup> *Ibid*, Article 38(2).

<sup>50</sup> RMMRU, *Ensuring Prosecution under the Overseas Employment and Migration Act 2013*, Policy Brief 20, 2016.

<sup>51</sup> *Op Cit.*, Article 3(1).

<sup>52</sup> RMMRU, *op cit*.



court. Because, according to Article 35(2) of the Bangladesh Constitution and also section 403 of the Code of Criminal Procedure, a person cannot be brought under criminal suit and punished more than once.

- No provision has been included in this Act to punish government officials and person responsible for labour wing.<sup>53</sup>
- Besides, this Act, in Article 18, has mentioned about revocation of license and compensation for affected migrant workers, there is no compulsion in it.

According to the Overseas Employment and Migrants Act 2013, if a person or a recruitment agent arranges for, or assists in departure of a worker from Bangladesh through a place other than the specified place of departure, such an action shall be deemed as an offence.<sup>54</sup> By this provision, human trafficking has been addressed.

### **The Prevention and Suppression of Human Trafficking Act, 2012**

The government formulated the 'Prevention and Suppression of Human Trafficking Act, 2012' in order to ensure prevention and suppression of human trafficking and protection and implementation of rights of the persons who fall victim of human trafficking and safe migration. This Act has been given priority compared to other acts. Accordingly, the trial of cases relating to human trafficking shall be held under the Prevention and Suppression of Human Trafficking Act 2012 instead of the Women and Children Repression Prevention Act 2000.

Under Article 18 of this Act, legal assumption on crimes has been changed. As per Bangladesh's legal system, if a case is filed against someone, s/he is generally considered as innocent (presumption of innocence). But someone sued under this Act should be primarily assumed as guilty (presumption of guilt). Under Article 5, this Act is given extra-territorial relevance, i.e., if a citizen falls victim of trafficking outside of the country, this Act shall still be applicable.

### **Rules on Labour Migration**

Along with the Overseas Employment and Migrants Act 2013, there are a number of rules such as 'Emigration Rules 2002', 'Wage Earners' Welfare Fund Rules 2002', 'Recruiting Agents Conduct and License Rules 2002', 'Selection of Commercially Important Persons (Non-Resident Bangladeshi) Rules 2015'<sup>55</sup>, 'Special Privilege Policy of Expatriate Bangladeshis for Remittance, 2008'<sup>56</sup>, and 'Medical Test Policy for Overseas Employment 2008'<sup>57</sup>. These rules were framed to ensure regulation of migration process, create overseas employment opportunities, role of recruiting agents in labour migration, and welfare of the migrant workers and their families.

However, some anomalies were noticed in these rules. For example, in the Emigration Rules, the role and tasks of immigrant registrar and labour attaches are mentioned but how to bring them under accountability has not been mentioned. The Recruiting Agents Conduct and License Rules speak of punishment for crimes and irregularities related to migration but no

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<sup>53</sup> *Daily Kaler Kantha*, 1 November 2015 (<http://www.kalerkantho.com/print-edition/muktadhara/2015/11/01/285425>).

<sup>54</sup> *Overseas Employment and Migrants Act 2013*, Article 34.

<sup>55</sup> <http://archive.dhakatribune.com/business/2015/may/14/conditions-eased-nrbs-avail-cip-card-quota-raise#sthash.7pQTryv5.dpuf> (11 December 2016).

<sup>56</sup> Abel Chikanda, Jonathan Crush, Margaret-Walton Roberts (eds), 2016, *Diasporas, Development and Governance*, IOM, Springer, Switzerland, p. 113.

<sup>57</sup> OKUP (Ovibashi Karmi Unnayan Program), *Policy Review: Mandatory Health Test of Migrant Workers*; <http://okup.org.bd/wp-content/uploads/2016/11/Mandatory-Health-Test-ofMigrant-Workers.pdf> (11 December 2016).

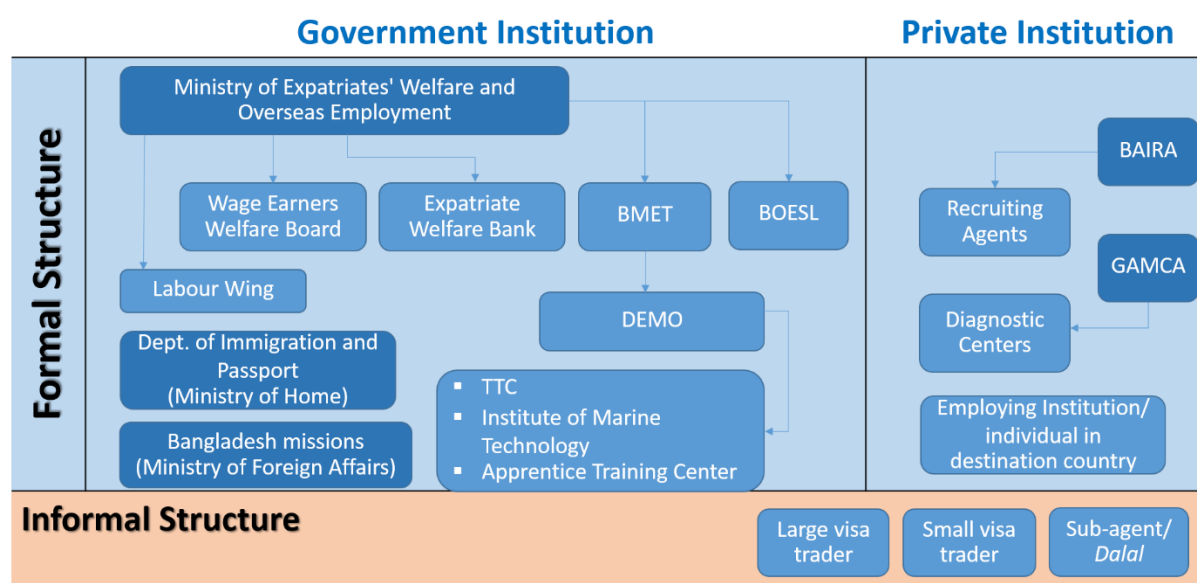
provision for compensation for the affected migration is included. Till date, no rules based on Overseas Employment and Migrants Act 2013 are framed, so the rules made in 2002 are still effective. As a result, the sector cannot be controlled and regulated in view of the present realities. Nothing special has been said in the Medical Test Rules of 2008 with regard to the process of declaring someone unfit on the ground of infectious diseases like HIV and AIDS, counselling, treatment and services, and expulsion.<sup>58</sup>

It is seen that different international and national laws and policies have spoken about ensuring rights of the migrant workers in the sending and receiving countries and simultaneously the private sector activities have been endorsed. An efficient and inclusive labour migration governance structure has also been suggested to regulate the labour migration. The institutional structure vis-à-vis policies and laws that exist in Bangladesh is discussed below.

## 2.2 The Structure of Labour Migration from Bangladesh

Bangladesh's labour migration structure can be divided into two categories: formal and informal. The formal institutional structure covers different government bodies under a number of ministries, at the one hand, and private recruiting agencies and diagnostic centres, on the other. It may be mentioned that these organisations are run and regulated by laws and rules of Bangladesh. On the other hand, there are a quite a number of stakeholders in this sector, which play independent roles outside the recognised institutional structure and which are called non-institutional structure (Figure 3). Different stakeholders involved in the labour migration structure have been discussed later on.

**Figure 3: Structure of Labour Migration from Bangladesh**



### 2.2.1 Formal Structure of Labour Migration: Government Organisations

#### The Ministry of Expatriates' Welfare and Overseas Employment

The Ministry of Expatriates' Welfare and Overseas Employment was formed on 20 December 2001 giving importance to ensuring welfare of the migrant workers and expansion of overseas employment. The functions of the Ministry<sup>59</sup> are to:

<sup>58</sup> *Ibid.*

<sup>59</sup> <http://www.probashi.gov.bd/site/page/69b716ae-5555-4eec-b003-73d2320c4d0a> (6 December 2016).

- Explore new labour markets alongside consolidating the existing ones, for the Bangladeshi nationals interested in overseas employment;
- Create a pool of skilled manpower in commensurate with the demand in the foreign labour market;
- Maintain communications and coordination with international organisations;
- Sign contracts and memorandum of understanding (MoU) on the affairs of this Ministry, with international organisations concerned with migration and government of other relevant countries;
- Formulate/Amend laws, rules and policies relating to activities of the Ministry;
- Monitor, evaluate and supervise the operations of the organisations concerned with the Ministry – BMET, Expatriates' Welfare Bank, BOESL, and Wage Earners Welfare Fund;
- Perform all administrative activities including appointment of officials and employees at the labour wings of the Missions abroad;
- Issue/ renew recruiting agency licenses and supervise their activities;
- Provide assistance to expatriate Bangladeshis for ensuring their participation in Bangladesh's economic and welfare activities and investment programmes;
- Help expatriates remit money back home;
- Preserve data on workers employed abroad, hiring countries and relevant matters;
- Ensure welfare and rights of expatriate Bangladeshis;
- Promote Bangladeshi culture among the expatriates;
- To establish good governance by ensuring transparency and accountability in overseas employment management.

According to the approved organogram of the Ministry, its functions are run through nine wings under four departments, 20 sections and a labour market research cell. According to the approved organogram, the size of manpower in this ministry is 139 of whom, 38 are first class officers, and the rest (101) are class II, III and IV officers.<sup>60</sup>

The functions of the Monitoring and Enforcement Wing of the Ministry include ensuring transparency and accountability of the recruiting agencies that involves investigation into violation of terms by recruiting agencies and irregularities in the recruitment process, monitoring of activities relating to migration expenses, preventing irregularities in migration process, recommending punitive measures for irregularities, monitoring of diagnostic centres that test health of migrant workers, and running publicity to create awareness about overseas employment process and control migration costs etc., in collaboration with the District Employment and Manpower Office (DEMO).<sup>61</sup>

Another important wing of the Ministry is that each of the Labour Wings at the Bangladesh missions abroad, which, taking necessary cooperation from Bangladesh embassies in those countries and the Ministry of Foreign Affairs, has continued to work in expanding labour market. Currently, the number of labour wings is 28 and the size of manpower is 182.<sup>62</sup> The countries where there are labour wings are Saudi Arabia (Abu Dhabi, Riyadh, Jeddah), Kuwait, Qatar, Oman, Libya, Bahrain, the United Arab Emirates (Dubai), Malaysia, Singapore, Iraq, Italy (Rome, Milan), Japan, Jordan, South Korea, Spain, Egypt, the Maldives, Brunei, Thailand, Greece, Russia, Australia, Switzerland (Geneva), South Africa and Hong Kong.<sup>63</sup>

The Ministry runs its overall activities through four departments/ organisations: (1) Bureau of Manpower, Employment and Training, (2) Bangladesh Overseas Employment and Services

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<sup>60</sup> Source: The Ministry of Expatriates Welfare and Overseas Employment, *Annual Report 2015-16*.

<sup>61</sup> *Ibid*, pp. 7-8.

<sup>62</sup> *Ibid*, p. 5.

<sup>63</sup> *Ibid*, p. 9.

Limited, (3) Wage Earners' Welfare Board, and (4) Expatriate Welfare Bank. The objectives and functions of these organisations are described below:

**The Bureau of Manpower, Employment Training (BMET):** The government established BMET as a section under the then Ministry of Labour and Employment in 1976. Its specific objective is to supply the manpower for meeting demand at home and exporting abroad. The specific functions<sup>64</sup> of the BMET are:

1. Process foreign demands for recruitment of Bangladeshi workers.
2. Control and regulate emigration clearance for recruited workers for overseas employment.
3. Regulate private Recruiting Agents that recruit Bangladeshi workers for foreign employers.
4. Implementation of self-employment programs.
5. Collection and dissemination of labour market information.
6. Look after the welfare of Bangladeshi workers abroad.
7. Registration of unemployed persons and referral to the vacancy positions.
8. Provide institution based vocational and technical training in different employable trades.
9. Plan and implement development programs to conduct training activities.
10. Conduct informal, formal and special training course.
11. Coordinate Apprenticeship training

The BMET has four wings: (1) Administration Wing; (2) Employment Wing; (3) Training Wing; and (4) Migration and Protocol Wing.<sup>65</sup> Besides, there are 42 DEMOs, 47 Technical Training Centres (TTC), three Institutes of Marine Technology, and three Apprentice Training Offices under it.<sup>66</sup> The BMET also runs the database network for migration management.

A major management weakness of the BMET is that the process of receiving complaints is complex and the system of settlement of complaints is plagued by bureaucratic red tape (Haque, 2010). Procrastination is generally observed in settlement of complaints and there is lack of transparency in receiving and settlement of complaints (Siddiqui and Billah, 2012:4). There are allegations relating to failure of the BMET in allocating adequate funds for running the TTCs, not updating and modernising the syllabus of the TTCs, and less involvement in the DEMOs compared to demand (Parvez *et al*, 2016).

**The Bangladesh Overseas Employment and Services Limited (BOESL):** The only recruiting agency of the state for migration, the Bangladesh Overseas Employment and Services Limited (BOESL) was founded in 1984. Its objectives were to assist foreign recruiters in selecting workers in proper trade, provide services as development partners based on mutual trusts, and reduce costs of migration. BOESL provides services on a 'no profit, no loss' basis. The government has created this kind of institution to encourage healthy and professional competition among the private recruiting agencies for bringing transparency and making migration safe. After its inception, this organisation has worked with the pledge to ensure migration at lower costs.<sup>67</sup>

The main functions of the BOESL<sup>68</sup> are:

1. To export manpower to the labour receiving countries around the world with minimum migration cost following the rules and regulation of IOM;

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<sup>64</sup> <http://www.bmet.gov.bd/BMET/index> (11 December 2016).

<sup>65</sup> <http://www.bmet.gov.bd/BMET/aboutAction> (11 December 2016).

<sup>66</sup> *Ibid*.

<sup>67</sup> <http://www.boesl.org.bd/> (12 December 2016).

<sup>68</sup> <http://www.boesl.org.bd/Activities.aspx> (12 December 2016).

2. To assist foreign employer to recruit the right person for the most suitable job;
3. To build a positive image of Bangladeshi workers in the world labour market by exporting skilled and efficient workers and eliminate poverty through overseas employment;
4. To improve the socio-economic condition of the country by earning remittances through exporting manpower;
5. To create the opportunity of overseas employment especially for the woman and poor;
6. To explore new overseas employment market for Bangladeshi workers.

Since its establishment, as many as 64,193 people have migrated to 27 countries through BOESL between January 1984 and June 2016.<sup>69</sup> It may be mentioned that the major portions of the Bangladeshi migrants who went abroad with jobs through BOESL are skilled (65.31 per cent) and semi-skilled (28.95 per cent). However, the percentage of BOESL's share in overall outward migration is negligible (only 0.62 per cent).

**The Wage Earners' Welfare Board:** The 'Wages Earners' Welfare Fund' was established in 1990 to extend welfare services to the migrant workers and their families, and it has subsequently been upgraded into and renamed as the 'Wage Earners' Welfare Board'. The fund is run by an 11-member Board of Directors comprising high-level representatives from different ministries. Led by the Secretary of the Ministry of Expatriates' Welfare and Overseas Employment, the Board is comprised of high officials of the Ministry of Home Affairs, the Ministry of Law, the Ministry of Justice and Parliamentary Affairs, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Civil Aviation and Tourism, the Bangladesh Bank, the BMET and the Bangladesh Association of International Recruiting Agencies (BAIRA).

The government has formed the Fund with certain amount of money deposited mandatorily by every migrant worker, as fixed by the government.<sup>70</sup> The migrant workers and their families are provided assistance from this Fund.<sup>71</sup> The Board's objectives<sup>72</sup> are to ensure overall welfare of the migrant workers by providing them legal assistance, help improve quality of lives of the family members of the workers who died abroad, bring the returnee migrant workers under social reintegration, and give financial assistance to the children of the migrant workers in pursuing the desired education. The key services provided by the Wage Earners' Welfare Board are giving pre-departure briefing to the migrant workers about laws, rules, customs, language, atmosphere, environment etc. and providing assistance to migrant workers in ensuring safe migration while departing and arriving at Bangladesh's international airports through Expatriate Welfare Desks.<sup>73</sup>

**Probashi Kallyan Bank (Expatriates' Welfare Bank):** The *Probashi Kallyan Bank* was formed in 2010 with a fund of Tk 1 billion, including Tk 950 million paid up capital made available from the Wage Earners' Welfare Fund and a lump sum of Tk 50 million from the government. It was inaugurated in 2011. The functions of the *Probashi Kallyan Bank* are to: (1) provide collateral free loan at nominal interest rate to workers going abroad for employment, (2) provide assistance to returnees to help them in self-employment within the country and encourage them to invest, and (3) provide them facilities to send remittances quickly and at a minimum cost by using information and communications technology.

<sup>69</sup> See <http://www.boesl.org.bd/UploadedDocument/NoticeboardAttachments/541.pdf> (12 December 2016) and The Ministry of Expatriates Welfare and Overseas Employment, *Annual Report 2015-16*.

<sup>70</sup> *The Emigration Ordinance 1982*, Article 19(1) and the *Overseas Employment and Migrants Act 2013*, Article 47.

<sup>71</sup> <http://www.wewb.gov.bd/site/page/41931875-0d57-42f1-a51c-b9f8a1a4c3dd/> (19 December 2016).

<sup>72</sup> <http://www.wewb.gov.bd/site/page/5ad0db13-594c-430a-8f4a-261175ce03c9/> (19 December 2016).

<sup>73</sup> Wage Earners' Welfare Board, *Annual Report 2015*, p. 10.

Currently, this bank has 54 branches (including seven divisional headquarters) across the country. The *Probashi Kallyan Bank* is providing one-stop services relating to deposition of registration fees, smart card fees, and finger print fees, daily to 200-300 migrants willing to go abroad with jobs.<sup>74</sup> The bank distributed loans worth Tk 788.8 million among 7,758 migrant workers in the 2015-16 fiscal year, while it also recovered loans amounting to Tk 449.2 million.<sup>75</sup>

**The Emigration and Passport Department:** The Emigration and Passport Department was established in 1973 in order to provide assistance to Bangladeshi citizens to travel abroad. At present there are passport offices in every district where passport is delivered and renewed. Besides, in 65 Bangladesh missions abroad, machine readable passports and visas are issued.<sup>76</sup>

## 2.2.2 Formal Structure of Labour Migration: Private Organisations

### **Bangladesh Association of International Recruiting Agents (BAIRA)**

Private recruiting agency or company is the means recognised by the government to complete the process of migration of Bangladeshi workers willing to go abroad.<sup>77</sup> Bangladeshi recruiting agencies carry out the main duties of labour migration starting from collection of demand notes for hiring migrant workers from the receiving countries, selection of migrant workers as per the demand notes, stamping of their visa from the embassy of the country concerned, and finally collection of emigration clearance certificates from the BMET. The government used to carry out the duties of migration in the middle of 1970s. Since the involvement of the private sector players in 1981, this sector has gone to the hands of the privately-owned organisations. These agencies work in the sector after taking license from the government. They collect information and demand notes for employment abroad at their own initiatives. Upon receiving approval from the BMET, the private agencies collect workers from the database of the BMET as per demand of the foreign recruiters and then completes the migration process of the migrant workers (Siddiqui, 2009:25). As per law, the duties of the recruiting agents are to protect the interest of migrant workers, to produce, when applicable, the migrant worker for registration and to collect migration clearance, to employ the migrant worker in the job offered and provide wages and other benefits and to ensure a good workplace conditions in accordance with the terms of the employment contract, and to maintain communication with the employer for these purposes.<sup>78</sup>

In order to ensure coordination among the government-approved recruiting agencies and welfare of the migrant workers, the association of the recruiting agencies, Bangladesh Association of International Recruiting Agents (BAIRA) was formed in 1984. BAIRA's major functions include: (1) promote and protect the rights and interests of the members of the association; (2) coordinate the activities of the licensed recruiting agents approved by the government and to create unity amongst the licensed recruiting agents; (3) advise the government to amend, alter or modify orders in this regard from time to time keeping the interest of the country; (4) undertake different programmes and steps for the welfare of the expatriate workers and their families; (5) take initiatives to provide employment of Bangladeshi citizens in different countries; (6) increase skills of the migrant workers by establishing training centres for exporting skilled manpower; and (7) provide assistance or compensation in case a migrant worker is injured or dies abroad and taking the body back home.<sup>79</sup> As of December

<sup>74</sup> The Ministry of Expatriates Welfare and Overseas Employment, *Annual Report 2015-16*, p 42.

<sup>75</sup> *Ibid*, p. 40.

<sup>76</sup> <http://www.dip.gov.bd/site/page/3352e2a4-1657-4f65-8079-5a2456ed4511> (22 December 2016).

<sup>77</sup> *Overseas Employment and Migrants Act 2013*, Article 3(2), 9.

<sup>78</sup> *Ibid*, Article 15.

<sup>79</sup> Source: <http://www.baira.org.bd/index.php/aims-a-objectives> (19 December 2016).



2016 there are 1,037 licensed recruiting agents in the country and approval for 89 agents remained suspended.<sup>80</sup>

### **GCC<sup>81</sup>-Approved Medical Centres' Association (GAMCA)**

GAMCA was established in 1999 in order to provide clearance certificates on health for sending manpower to six Middle Eastern countries. It is mandatory to carry out diagnostic tests from any of the GAMCA-approved medical centres for labour migration to these countries. The functions of GAMCA include: (1) diagnostic tests to be carried out in accordance with the policies and guidelines of the executive board of the Health Ministers' Council of the Gulf Cooperation Council (GCC) countries; (2) keeping quality of services of all the medical centres by coordinating and increasing cooperation between the members of GAMCA; and (3) taking necessary steps if members of the GAMCA are seen making any deviation or committing irregularity in compliance with the specific policies and guidelines.<sup>82</sup>

### **Appointing organisation/ individual, sponsor/ *Kofil***

The most important role in the recruitment of migrant workers is played by foreign recruiting organisation or employer. Basically, the demand placed by the recruiting organisation or employer creates the opportunity for migrant workers to enter overseas job market and work there.

In the Middle Eastern countries, the largest labour market for Bangladeshis, migrant workers are accepted under a special method called *Kafala* in which the appointing authority is called a *kofil*. In this case, the *kofil* as appointing organisation or employer must be a registered organisation or citizen of that country. All migrant workers in the Middle East work under contract with any *kofil*, who takes all kinds of the responsibilities of all migrant workers employed by him or his organisation for a certain period of time. It is also the responsibility of the *kofil* to send back the migrant workers on completion of the contract. In many cases, the *kofil* collects and preserves the passports and other documents of all the migrant workers in his custody. On the other hand, a migrant worker is obliged to work under a *kofil* for a certain period of time as per labour contract. In this cases, working any other organisations other than the *kofil* is considered illegal and if found doing so, a worker may be jailed, fined or deported. Recently, Qatar has cancelled the *kafala* system.<sup>83</sup>

The system like *kafala* is also common in some other destinations of Bangladeshi migrant workers such as Singapore and Malaysia where it is called sponsorship. The appointing authority who issues demand notes and with whom the contract is signed before the migration and based on which a migrant worker goes to that country, is called sponsor.

### **2.2.3 Informal Structure of Labour Migration**

The informal structure of the labour migration consists of employers or appointing organisations abroad, foreign recruiting agents, big or small visa traders or agents, and middlemen or brokers at different tiers in the country.

### **Foreign Labour-supplying Organisation/ Recruiting Agent**

There are supplying organisations or recruiting agents of foreign labourers or migrant workers in almost all the countries of the Middle East and Malaysia and Singapore. These agencies supply migrant workers to different government and private organisations and projects as per

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<sup>80</sup> Source: <http://www.bmet.gov.bd/BMET/raHomeAction> (19 December 2016).

<sup>81</sup> Cooperation Council for the Arab States of the Gulf. This is a coalition of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and UAE. Source: [https://en.wikipedia.org/wiki/Gulf\\_Cooperation\\_Council](https://en.wikipedia.org/wiki/Gulf_Cooperation_Council) (22 December 2016).

<sup>82</sup> Source: [http://www.gamcabd.org/index.php?cat\\_id=9](http://www.gamcabd.org/index.php?cat_id=9) (22 December 2016).

<sup>83</sup> *The Daily Star*, 'End of Kafala rules: Migrant Rights Activists Hail Qatar's Decision', 16 December 2016.

demand. The organisations have contacts with the recruiting agents in sending countries of migrant workers and through them they collect workers and supply them to the organisations that need their services. In some cases, the recruiting agencies carry out the duties of maintaining the formalities starting from taking permission from all authorities concerned for recruitment of migrant workers in the receiving countries and other legal and institutional formalities. In exchange for these services the recruiting agencies are paid commission at a certain rate by the hiring organisations.

### **Big visa trader/ supplier**

In the countries that receive Bangladeshi workers, a section of Bangladeshi and foreign traders buy visa from recruiting organisations or foreign recruiting agencies and sell them to Bangladeshi recruiting agencies. The main investment in this visa trade is good contact and rapport with the hiring organisations, foreign recruiting agencies and Bangladeshi recruiting agencies, and adequate monetary liquidity. These traders play the role of ‘wholesale visa traders’. They collect a lot of visa from the receiving countries and sell them to different recruiting agents in Bangladesh at a high price.

### **Small visa trader/ collector**

A portion of Bangladeshi migrant workers, while working at an organisation or under an employer for a long time, attains certain reputation and builds good rapport. When the organisation needs more workers, such Bangladeshi workers collect demand notes for the new recruits, using the rapport with the employer and convincing him in exchange for money. Usually, this happens in case of a small number of migrant workers to be hired at an organisation or a household. These visas collected at personal initiatives are mainly sold to the family members of the migrant workers, relatives, friends and neighbours. In Bangladesh, the most number of work visa that are processed is this type of single visa collected at personal initiative. According to the BMET data, 90 per cent of the Bangladeshi migrant workers who went abroad in 2916 through this kind of visa. These traders may be termed small visa traders or visa collectors, as in most cases, this kind of visa is collected in exchange for money and sold to potential migrant workers.

### **Sub-agents or *Dalals* (brokers)**

Bangladeshi recruiting agencies are dependent on middlemen or brokers for collecting migrant workers as per the demand notes. Aspirant migrant workers do not have direct contact with the recruiting agencies on one hand, while the recruiting agencies are basically based in Dhaka and Chittagong on the other. They do not have branch offices or representatives at the grassroots. That is why the middlemen or brokers play as the medium of communication between the migrant workers and recruiting agencies, who are commonly known as *dalals*.

However, the *dalals* operates at different tiers. In the first tier, the sub-agent or broker works directly with the recruiting agent. They have higher financial capacity, and as a result, they can afford to buy a lot of visas simultaneously. The first tier *dalals* have contacts with more than one grassroots *dalals* through whom the former collects migrant workers or sells visa. The first tier brokers have contacts among themselves.

### **Potential Migrant Workers**

The entire structure of labour migration is for the service rendered to the migrant worker. About two-thirds (64.15 percent) of the Bangladeshi migrant workers who go abroad are least skilled or semi-skilled. There is no scope on the part of these less educated aspirant migrant workers to directly contact the recruiting agents based in Dhaka or Chittagong. Hardly any channel of communications works between the potential migrant workers and the recruiting agents due to geographical distance, lack of information about the recruiting agents, and lack of trust in



making financial transactions with the recruiting agents. On the other hand, the recruiting agents, too, remain unwilling to establish direct contact with the migrant workers to avoid the hassles of communications and financial transactions. As a result, the aspirant migrant workers collect visa with the help of *dalals* they reach through their relatives, friends and socially acquainted persons. Since most of the potential migrant workers cannot pay the entire amount of migration cost in one chunk, they make payments to *dalals* in installments. Because of the installment process the migrant workers become dependent on the brokers for matters such as type of visa, country of destination and even the already paid amount. Besides, the brokers help the migrant workers in every stage of the long process from medical checkup to preparation of passport, collection of police clearance, registration of name with the BMET and collection of emigration certificate, stamping of visa on passport through recruiting agents, purchase of travel ticket and collection of employment contract. Taking advantage of the assistance to complete the process and helping the migrant workers to make payment in installments, the *dalals* charge very high rate for the visa.

### 2.3 Recent Government Initiatives

The government has taken a number of steps in recent years to simplify the services for overseas employment. As part of the initiative to decentralise the services, fingerprint is being taken to the district level. Till date, the process of registration has begun in 42 districts and finger print in 25 districts. Smart cards are being provided in Chittagong apart from Dhaka, by decentralising the authority to issue emigration clearance certificates. The process of issuing no-objection certificate (NOC) to the families and relatives of the Bangladeshi expatriates has begun also from Chittagong and Sylhet.

The facility of online visa checking has been introduced on the BMET website and at Union Digital Centres so that intending migrant workers can know the status of their visa<sup>84</sup> and a mobile app has been prepared to facilitate checking of visa through mobile phone. This service is available for Bahrain, the UAE, Qatar and Singapore.

The countries that has suspended importing manpower from Bangladesh have recently resumed the process of recruiting workers from Bangladesh following the government's diplomatic initiatives. An MoU was signed on 18 February 2016 between Bangladesh and Malaysia to send workers through Government-to-Government (G2G)-plus process. In February 2015, Bangladesh and Saudi Arabia signed an MoU, on the basis of which as many as 60,855 female workers migrated to Saudi Arabia between July 2015 and June 2016. On 10 August 2016, Saudi Arabia withdrew the ban on different categories of workers from Bangladesh.<sup>85</sup>

A Complaint Management Cell for Expatriate Female Workers has been set up at the BMET to ensure security of the female migrant workers and quickly resolve the complaints. Besides, a hotline telephone has been introduced to provide information on complaints, and a website has been launched as well.<sup>86</sup>

Other mentionable initiatives include disbursement of loans from the Expatriate Welfare Bank for meeting the cost of migration, setting up of technical training centres and enhancing of capacity of these centres.

### 2.4 Conclusion

It is clear from the discussion in this chapter that the legal structure for regulating and monitoring the labour migration from Bangladesh is quite strong. Although labour migration

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<sup>84</sup> Ministry of Expatriates' Welfare and Overseas Employment, *Annual Report 2015-16*, p. 19.

<sup>85</sup> *Ibid*, p. 16.

<sup>86</sup> Website to lodge complaints, [www.ovijogbmet.org.bd](http://www.ovijogbmet.org.bd)

began in the middle of the seventies of the last century, the policy in this sector was prepared 40 years later, and an ordinance was promulgated in 1982, but it was made a law much later. Even, the rules for the new act are yet to be formulated. A separate ministry was formed only in the initial part of this century following demand from the civil society stakeholder organisations given the importance of the sector in the national economy, and later initiatives were taken by the government. Still, it is important to know the process of migration to judge how far the legal and institutional framework for the labour migration has been effective.

In the next chapter, the process of labour migration from Bangladesh and the problems involved with the process have been discussed in detail.

## *Chapter 3*

# **Labour Migration Process**

The process of labour migration from Bangladesh is operated under both the government and the private sector's management. On behalf of the government, the lone state-owned company in the sector, BOESL, completes the process of recruiting migrant workers as per terms of the bilateral contract or MoU. In this case, the demand note and visa are collected at the official level of the two countries – through G2G method. However, the rate of labour migration under the government management compared that of the private management is negligible.<sup>87</sup>

In the private sector management, various parties including employers, organisations that supply migrant workers, and potential migrant workers are involved in the process of collecting work order or visa for migrant workers from different countries. The parties that play important role in collecting work order and processing visa from different countries for migrant workers are (1) employers/ sponsor/ *kofil*, (2) agencies supplying workers or recruiting agencies in receiving countries, (3) big visa trader/ collector, (4) small visa trader/ collector, (5) Bangladeshi recruiting agency, (6) sub-agent/ broker/ *dalal* active at central and grassroots levels, and (7) potential migrant worker.

In this chapter different stages of labour migration from Bangladesh has been discussed and problems, corruption and irregularities prevalent in each stage identified.

The clearance certificate or entry permission which is given to enter legally from one country to another is called visa. In the event of legal migration, the most important thing to a migrant worker is the visa of the country of destination. While giving permission to a migrant worker through stamping of visa on the passport, s/he is told about the objective and duration of his/her stay in that country. This visa process, in the case of labour migration from Bangladesh, is a very complex one.

The process of labour migration from Bangladesh to different destinations encompasses mainly three steps. At the first step, demand notes or visas are collected from different countries; at the second step, visas are sold to the potential migrant worker; and at the third step, the emigration clearance certificates are collected for the intending migrant workers after following processing of visa. In the subsequent part, different steps of labour migration and corruption and irregularities that take place in each step have been discussed.

### **3.1 Collection and Processing of Work Order/ Demand Notes in the Country of Destination**

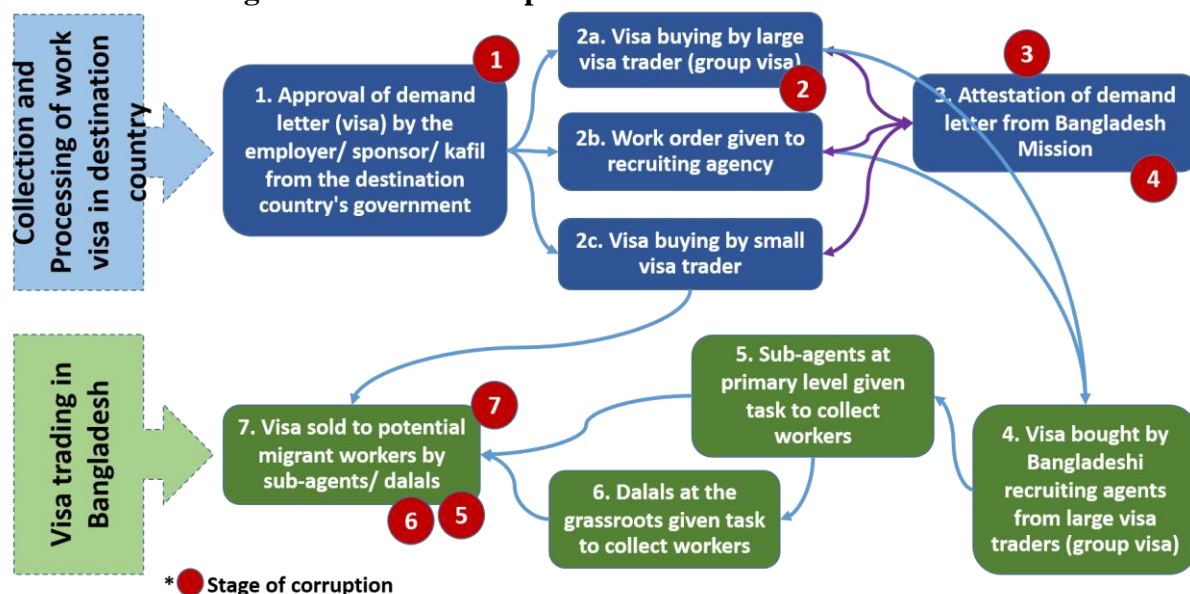
The most important step is the collection of demand note and visa for migrant workers from different countries. The process of collecting visa for migrant workers starts with preparation of demand note for migrant workers by possible recruiting organisations or employers in the recipient countries. First, the hiring organisations or employers in recipient countries issue demand note or work order as per demand and capacity of the employer. The process of preparing demand note is completed through attestation and approval for hiring migrant

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<sup>87</sup> It may be mentioned that in 2016 only 0.31 per cent of the migrant workers went to work abroad under government management and the rest (99.69 per cent) under private management. Source: <http://www.boesl.org.bd/UploadedDocument/NoticeboardAttachments/541.pdf> (12 December 2016).

workers from the chamber of commerce, the labour ministry, the home ministry and the foreign affairs ministry, in accordance with the rules applicable.

**Figure 4: Different Steps of Collection and Sales of Visa**



There is a legal provision that the hiring organisations or employers in recipient countries would issue demand note or work order to any recruiting agency in that country for supplying migrant workers, as required. In such case, the recruiting agency charges certain amount for providing the services of collecting migrant workers. Similarly, some rich people in recipient countries including those of the Middle East, who are capable of hiring migrant workers as domestic help, cleaning worker, chef, gardener, driver etc., prepare the demand notes as sponsors or *kofil* for migrant workers as per law and sell them at high price. In some cases, the hiring organisation or person issues much more number of demand notes than required for foreign migrant workers for making trade with visa and later sell the demand notes at a high price. This additional visa, processed at organisational or personal initiative, is called in Bangladesh as 'free visa'.

The demand for the so-called free visa, especially for the Middle Eastern countries, is higher than other contract visa and the selling price of this type of visa is also higher. Through 'free visa', a *kofil* or sponsor helps the migrant worker in migration process but it does not guarantee jobs. The migrant has to look for jobs, and in this case, the worker can be employed in more than one jobs and work for additional time. However, the migrant in Saudi Arabia, for example, has to pay a *kofil* 300 to 500 Riyal a month and at the end of the year, another 300 Riyal for renewal of the *aqama* (visa). In exchange, the *kofil* provides the migrant worker hassle from legal and police action since the system called free visa is not a legal one. Usually, the migrant workers whose family members, relatives, or friends stay in Saudi Arabia for quite a long time, are interested in availing free visa.

In most cases, the recruiting agencies buy the work orders from hiring organisations for supplying migrant workers as per demand notes. In some cases, the work orders are purchased at exorbitant rates by some visa traders – big and small – instead of recruiting agencies, in the country of destination. Photocopies of demand notes, and letter of power of attorney or authorisation letter or *okala* to recruit migrant workers on behalf of the employers are attached with the work orders.

In the 1980s when different countries of the Middle East including Saudi Arabia began to receive migrant workers from Bangladesh, no visa was sold. Rather the recruiting organisations bore the costs of air tickets and some other costs of migration. At the same time, the recruiting agents, too, received a certain amount as commission from the hiring organisations for providing each worker. Even at present, the migrant workers from the Philippines need not purchase visa; rather the Saudi employers bear the cost of migration, which is at least Riyal 3,750 per person.

However, the picture of migration in Bangladesh is quite the opposite. Bangladeshi recruiting agencies and other visa traders purchase visa at a high price after paying the levy payable for the employer or hiring organisation for each migrant worker. For the unhealthy competition of the recruiting agencies and visa traders, the Bangladeshi migrant workers have to pay the highest cost for buying a visa. For example, a migrant worker from Nepal, India or Pakistan has to spend Riyal 800-5,000 for migrating to Saudi Arabia whereas a Bangladeshi worker has to buy the same visa for Riyal 7,000-20,000. The cost of migration to Saudi Arabia for Bangladeshi worker has been fixed by the government at maximum Tk 165,000. But a worker has to spend about Tk 0.55 million and in some cases up to Tk 1.2 million. To go to other Middle Eastern countries and Malaysia and Singapore, the cost varies from a minimum of Tk 0.25 million to Tk 0.85 million. It takes a long time for the Bangladeshi worker to recover the cost, whereas migrant workers from other South Asian countries can recover the cost of migration in 2-3 months. In most cases, the validity of the visa and job contract of the migrant worker expires in the meantime.

According to different research findings, the cost of migration of Bangladeshi workers to the Middle East compared to workers from other countries working there is several times higher (ILO, 2014). IOM data show that the cost of migration of the Bangladeshi workers is the highest in South Asia. A significant portion of this expense is because of the purchase of visa from the labour recipient countries.

**Table 1: Comparative Price of Saudi Visa for Different Sending Countries**

Countries sending workers	Purchasing price of visa (Saudi Riyal)
Philippines	Free Worker is given 3,750 riyal for ticket and other costs
Nepal	500-800
India	1,000-1,500
Pakistan	3,000-5,000
Bangladesh	7,000-15,000

The recruiting agencies or visa traders that secure demand notes for supplying migrant workers usually verify and attest the demand notes by the Bangladeshi embassy or high commission in the country of destination. In this context, the embassy is supposed to send regular report attesting the demand notes submitted to the embassy after verifying whether the employer is capable of providing salaries and allowances, dining and lodging on a regular basis, whether visa/work permit for the worker is issued and if the employer is in a position to ensure employment for the specified number of workers.

### **Corruption and irregularities in collecting and attesting visa**

**1. Illegal visa trading in the country of destination:** In reality in most cases a section of unscrupulous officials of the hiring organisations, in almost all destinations of Bangladeshi workers, following consent from the authorities or beyond their knowledge, sell the demand notes or visa, instead of distributing them free of cost – a practice which is totally illegal. In some cases, the hiring organisations or persons prepare demand notes seeking higher than

required number of migrant workers to make business with visa and later sell them at higher price.<sup>88</sup>

**2. Siphoning of money from Bangladesh through hundi to buy visa:** Since trading of visa is prohibited as per laws of Bangladesh and the countries of destination, it is impossible to send the necessary money to buy visa through legal, banking channels. As a result, Bangladeshi visa traders send the required foreign currency to buy visa through undocumented channels such as *hundi* to the countries of destination.

**Table 2: Purchasing and Selling Price of Visa for Migrant Workers for Countries of Destination (estimated based on 2016 data) (in BDT)**

Sl.	Country	90% male workers* (2016)	Minimum purchasing price of visa	Minimum selling price of visa	Total purchasing price (Million Tk)	Total selling price (Million Tk)
1	Saudi Arabia	68,064	68,064	5,00,000	8,170	34,030
2	Bahrain	64,879	70,000	2,50,000	4,540	16,220
3	Oman	1,57,815	70,000	2,50,000	11,050	39,450
4	Qatar	1,03,501	1,20,000	3,50,000	12,420	36,230
5	UAE	2,692	1,00,000	2,50,000	270	670
6	Malaysia	36,087	1,00,000	3,50,000	3,610	12,630
7	Singapore	49,163	2,50,000	6,00,000	12,290	29,500
				<b>Total</b>	<b>52,340</b>	<b>168,730</b>

\* Ninety per cent (90%) of male workers are taken into account while estimating.

According to data on labour migration of 2016, a conservative estimate based on 90 per cent cases on migration to nine countries where most of the Bangladeshi male migrant workers had gone, shows that a minimum amount of Tk 52,340 million was spent only for purchasing visa and almost the entire amount was siphoned off through illegal channels / *hundi* (Table 2).<sup>89</sup>

**3. Attesting demand notes without verifying employer's information:** There are allegations that in many cases, the demand notes are attested by some of the unscrupulous officials of the labour wing of the Bangladesh mission in the country of destination without properly verifying details of the hiring organisations/ individuals.

**4. Attesting illegal demand note in exchange for money:** In some countries of destination, there are complaints of attestation of the demand notes in exchange for money and harassment against some of the officials of the Bangladesh embassies.

### 3.2 Visa Trading in Bangladesh

The demand notes are sold to Bangladeshi recruiting agencies after attestation at Bangladesh mission in the country of destination. In some cases, the demand notes are sold without such attestation. Generally, the Bangladeshi recruiting agencies collect demand notes for hiring migrant workers from different recruiting agencies and hiring organisations in the countries of destination. Similarly, the recruiting agencies in the host countries collect demand notes for workers from the visa traders. The recruiting agencies also process individual visas collected by small visa traders or migrants already working in the countries of destination.

<sup>88</sup> According to a research, 70 per cent of the visa issued in Saudi Arabia is sold in the black market (Shah, 2008).

<sup>89</sup> According to key informants, 90 per cent of the male migrant workers have to buy visa while the rest 10 per cent does not need to.



The Bangladeshi recruiting agencies are dependent on middlemen/ *dalals* posted at different levels of their networks for selling out the visas collected through various means. After collecting or purchasing group visas, the recruiting agencies inform the *dalals* of all levels in their network about the visa and other requirements – destination country, types of visa, facilities to be available, qualifications of the potential migrant workers, and the selling prices for the brokers. At this stage, the first tier *dalal*, depending on his financial capacity and network, deposits security money with the recruiting agency for purchasing a specific number of visa, against his name (booking). At the same time, the first tier *dalal* informs all the *dalals* at the grassroots about details of visa and sales price of visa applicable for the grassroots *dalals*. The recruiting agencies, deducting the costs for purchasing visa, make net profits worth Tk 30,000 – 50,000 for each visa.

*Dalals* at the grassroots usually maintain contact with potential migrant workers in their respective areas round the year. Based on potential migrant worker's level of skills, physical and financial ability, and personal choice assure them of specific visa and start taking money – in many cases in installments. When they collect the chosen visa they inform the migrant workers of it, take the remaining amount and send the passports and other information of the workers to the specific recruiting agency through the first broker.

The price of each visa, when it reaches the migrant worker's hand, increases manifold through value addition at different levels from the collection of visa and changes of hands of middlemen. At the final stage, fees for diagnostic tests, visa processing and other government charges, income tax and other informal costs are added to the price of visa at the end of the migrant worker (see Table 3).

**Table 3: Selling Price of Visa for Different Countries (in Hundred Thousand Taka)**

Country	Hiring organisation	Foreign recruiting agency	Big visa trader	Small visa trader**	Bangladeshi recruiting agency	<i>Dalal</i> (1 <sup>st</sup> level)	<i>Dalal</i> (grassroots level)
Saudi Arabia	1.2-2.8	1.5-3.2	2.0-3.7	1.2-2.8	4.0-5.5	4.5-6.5	5.0-12*
Bahrain	0.7-0.8	1.0-1.3	1.2-1.5	0.7-0.8	1.7-2.0	2.0-2.3	2.5-3.5
Oman	0.7-0.8	1.0-1.3	1.2-1.5	0.7-0.8	1.7-2.0	2.0-2.3	2.5-3.5
Qatar	1.2-1.5	1.5-1.7	1.7-2.0	1.2-1.5	2.2-3.0	2.5-3.0	3.5-5.0
UAE	1.0-1.5	1.3-1.8	1.5-1.8	1.0-1.5	2.5-3.5	2.8-4.0	2.5-8.0
Malaysia	1.0-1.4	1.2-1.5	1.5-2.0	1.0-1.4	2.5-3.0	3.5-5.0	3.5-6.5
Singapore	2.5-3.0	2.8-3.8	3.5-4.5	2.5-3.0	5.0-6.0	5.5-6.5	6.0-8.0

\* Visa prices fall after resumption of formal migration to Saudi Arabia.

\*\* Small visa traders generally purchase visa from employer and sell to migrant workers.

### **Corruption and irregularities in selling visa to migrant workers**

**5. Selling of visa by *dalals*/ brokers to migrant workers:** Migrant workers usually rely only on face-to-face communication while making financial transactions for purchasing the visa from the *dalals* without knowing details of the jobs abroad. They remain entirely dependent on the *dalals* because of payment of money in installments much before confirmation of visa and reliance created out of the social network. The migrant workers believe in whatever information about the overseas jobs the *dalals* provide them. Even in most cases the migrant workers are handed over the contracts of jobs just before their departure as they reach the airport.

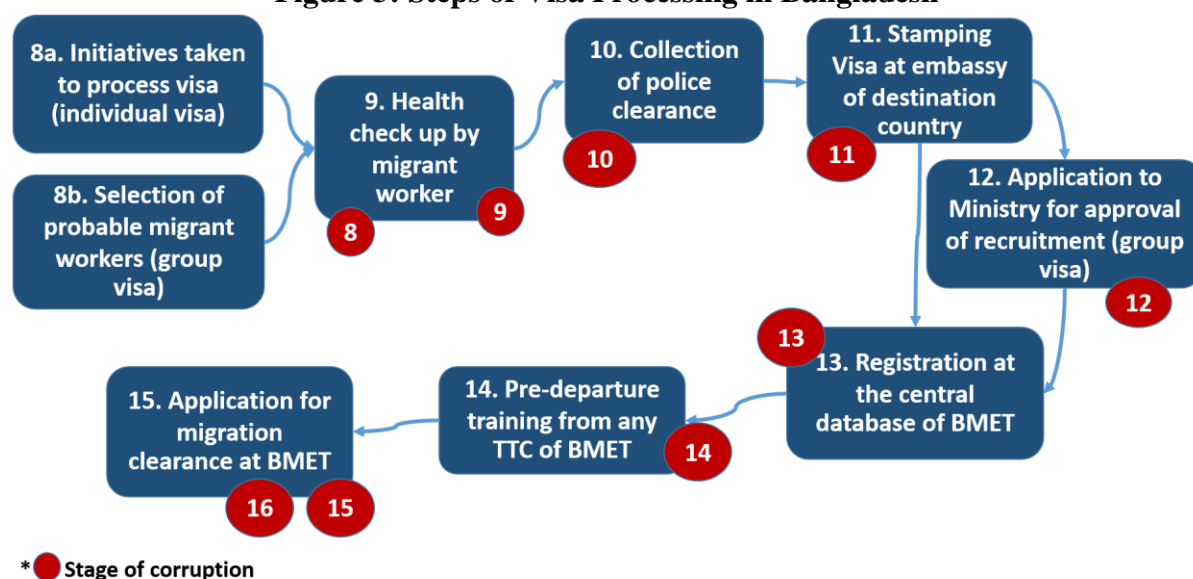
**6. Charging higher prices:** Since the *dalals* are not covered under any institutional framework, they are out of any kind of accountability framework. As a result, the *dalals*, in many cases, manage to cheat with the migrant workers, harass them for a long time and charge higher amounts alluring them with lucrative job offers.

**7. Female workers illegally charged:** The *dalals* often charge Tk 10,000 – 15,000 from female migrant workers willing to go to different countries of the Middle East including Saudi Arabia, as domestic helps, on the plea of diagnostic test, collection of emigration clearance certificates, sending them to good cities, etc., although, according to rules, they are supposed to be provided with visa free of cost.

### 3.3 Visa Processing and Collection of Emigration Clearance Certificates

The visa processing is completed at different levels in Bangladesh following collection of visa from the host country and confirmation of price of visa at the migrant workers' level after changes of hands. At this stage, approval from different authorities are done, after completing diagnostic test of migrant worker, collection of police clearance certificates, visa stamping in the worker's passport or collection of paper visa in the worker's name, registration with the central databank, and collection of emigration certificate through approval by the BMET. Subsequently, the migrant worker collects the air ticket and flies to the host country. The following figure (Figure 3) shows different steps of visa processing in Bangladesh.

**Figure 3: Steps of Visa Processing in Bangladesh**



**Selection of potential migrant workers:** In the case of group visa, intending migrant workers are selected in the first step. According to the law, the recruiting agencies are expected to collect names of potential migrant workers from the database of the BMET, following receipt of work order on migrant workers and approval by the Ministry of Expatriates' Welfare and Overseas Employment. There is scope for searching for additional workers by publishing advertisement in the newspapers if the required number of workers is not available on the database.<sup>90</sup> However, usually the recruiting agencies select the required number of migrant workers through their informal network of brokers, instead of drawing the list from the database.<sup>91</sup>

In case of choosing workers from the database, the recruiting agencies cannot charge visa cost as per their demand. In some cases, the migrant workers, too, are not interested in making financial transactions with the recruiting agencies that are unknown to them. It is often not possible to choose workers from the database as there is no information on the preference and skill of the aspirant migrants.

<sup>90</sup> The Overseas Employment and Migrants Act 2013, Article 19(3).

<sup>91</sup> The information on how many workers is chosen from the database is not preserved separately.



On the other hand, in the case of individual visa collected through personal initiative, the first step of visa processing is to contact a registered recruiting agency and make a contract for visa processing. Whatever may be the type of visa – group or individual – the application has to be submitted to the BMET through any registered recruiting agency, although in case of individual visa, the aspirant migrant himself can apply for the ‘one-stop’ service seeking emigration certificate and collect required papers by submitting necessary documents. However, practically all migrant workers going abroad from Bangladesh are dependent on the recruiting agencies for their emigration clearance certificates. In this case, the migrant worker has to pay a certain charge to the recruiting agency apart from income tax and other necessary fees.

**Diagnostic test of outgoing migrants:** The next step is the diagnostic test of the outgoing migrant worker. There are specific diagnostic centres for health checkups of the migrant workers in accordance with demand and required standard of each host country. The association of the diagnostic centres designated for the GCC countries, the major destination of most of the Bangladeshi workers, is GAMCA. The recruiting agency collects specific number of slips from GAMCA office to complete diagnostic tests of migrant workers. They then go to the GAMCA office with the slips and register their names by submitting photo and giving finger print. GAMCA then assigns the worker a selected diagnostic centre, where the migrant worker takes part in the diagnostic test. An amount of Tk 5,850 has to be submitted for this purpose. On completion of the diagnosis, the migrant worker has to submit the slip of health checkup to the recruiting agency which then collects diagnostic test report via online.

Subsequently, the competent jobseeker as declared in the medical report, has to apply through websites of different countries of the Middle East for attestation of the medical report. For example, for Saudi Arabia application for visa and attestation of the medical report has to be submitted to <https://enjazit.com.sa/>. A certain amount as fee in foreign currency has to be deposited with the Saudi National Bank. An application number (MOFA Number) is provided against an application on the website, subject to submission of correct information. Later, a list containing this application number and passport number, has to be submitted again to the diagnostic centre. Upon verification of the application number the diagnostic centre issues a medical card which is collected by the recruiting agency. There are different practices in attestation of diagnostic test report as well, depending on the destinations. In case of Malaysia, for example, there is no specific diagnostic centre for medical checkup and the test report need not be uploaded on the website.

### **Corruption and irregularities in diagnostic test**

**8. Declaring someone ‘unfit’ for money:** Some diagnostic centres allegedly charge much higher than the fixed amount from the migrant workers. There are allegations that the centres do so by threatening the medically qualified migrant worker that he would be declared unqualified. In some cases, a migrant worker has to undergo repeated medical tests on the plea of extra caution.

**9. Declaring someone ‘fit’ without test:** Some diagnostic centres allegedly issue medical certificates without carrying out the required tests.

**Visa stamping at embassy of host country:** The migrant workers, selected after diagnostic tests, have to secure stamping of visa on passport from the embassy of the host country. A separate visa application file containing necessary papers has to be prepared for each of the migrants. Each file should contain documents including visa application, photocopy of passport, police clearance, employment contract, medical cards, agency visa delegation copy, and forwarding letter for the embassy concerned. Each worker has to collect his police clearance report on his own. The visa stamping is done upon confirmation of authenticity of all

papers submitted to the embassy. If there is discrepancy or error in the information provided, the file is returned.

In getting visa of some countries such as Oman, Bahrain and Qatar there is no requirement of stamping visa on passport since the migrant workers are provided with visa papers printed with their names.

### **Corruption and irregularities in visa stamping**

**10. Extracting money illegally while issuing police clearance report:** Most of the migrant workers allege that the police illegally extract money for issuing clearance certificates. The amount is between Tk 500 to Tk 1,000 for each case.

**11. Extracting money while stamping visa:** There are allegations of unnecessary procrastination, harassment and extracting money illegally against some embassies of host countries while stamping visa on passports. The amount of money charged varies depending on types of visas and destination countries.

**Approval from the Ministry, registration and training:** Upon receipt of visa stamped on passport or paper visa from the host country, in case of group visa the application has to be submitted to the Ministry of Expatriates' Welfare and Overseas Employment seeking permission for appointment of the migrant workers. However, such procedure is not required in the case of processing individual visa.

Once the migrant worker receives permission, he has to register with the central database by attaching photo and finger print. The official fee for this is Tk 200. Currently, there are facilities for registration at the District Employment and Manpower Offices (DEMO) in 25 districts outside Dhaka.

After getting the visa stamped on passport or receiving paper visa a worker has to undergo at least a three-day pre-departure training session on migrating abroad at a designated training centre under the supervision of the BMET. A certificate is also issued for completing the training and it is submitted for securing the emigration clearance certificate.

**Receipt of the emigration clearance certificate from BMET:** As per law, the migrant has to collect emigration clearance certificate or manpower clearance from the BMET.<sup>92</sup> Emigration clearance certificates are of two types – single emigration clearance and group emigration clearance. An application submitted for emigration clearance for a maximum of eight workers under the same work order on a single day by a recruiting agent would be considered as a single visa. If such application is submitted for more than eight workers under the same terms and on the same day, it would be considered a group visa and in that case, permission from the Ministry should be taken before submitting the application to the BMET.

Before applying for emigration certificate at the BMET, a migrant worker has to make sure that all procedures – selection of required number of workers as per work order, visa stamping on passport or securing of paper visa upon successful diagnostic tests, registration of names of the workers with the central database with photo and fingerprint, completion of necessary pre-departure training, and permission for appointment in case of group visa – all are followed properly. Later, a file containing all relevant documents of the worker, depending on country of destination, has to be filed with the respective section of the BMET. In case of a single visa, the papers that need to be submitted are:

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<sup>92</sup> *The Overseas Employment and Migrants Act 2013*, Article 19, 20.

1. Application for emigration clearance by the recruiting agency/ in some cases the migrant worker's application;
2. Information on validity of the license of the recruiting agency;
3. Copy of visa;
4. Photocopy of stamping of visa on passport;
5. Employment contract;
6. Opinion of Arabic translator where applicable;
7. Acknowledgement/ undertaking of recruiting agency with training certificate;
8. Undertaking by the worker;
9. No objection letter from the family (in case of female workers);
10. Attestation by the concerned embassy (in case of female workers);
11. Information on payment of different government fees (receipt of income tax, Expatriates' Welfare Fund fee, smart card fee);
12. Declaration that cost of visa not exceeding the official threshold.

For emigration clearance in case of group visa, the original work order, power of attorney, approval for appointment from the Ministry, BMET's approval for appointment and all other papers that applicable for single visa are to be submitted to the BMET. Before submitting the application for emigration clearance to the BMET, different fees need to be deposited through pay order to scheduled banks and through pay order in favour of Bangladesh Bank or relevant branch of Sonali Bank.

**Table 4: Amount of Money Collected Illegally for Endorsement by Different Authorities in Visa Processing and Clearance of Certificate**

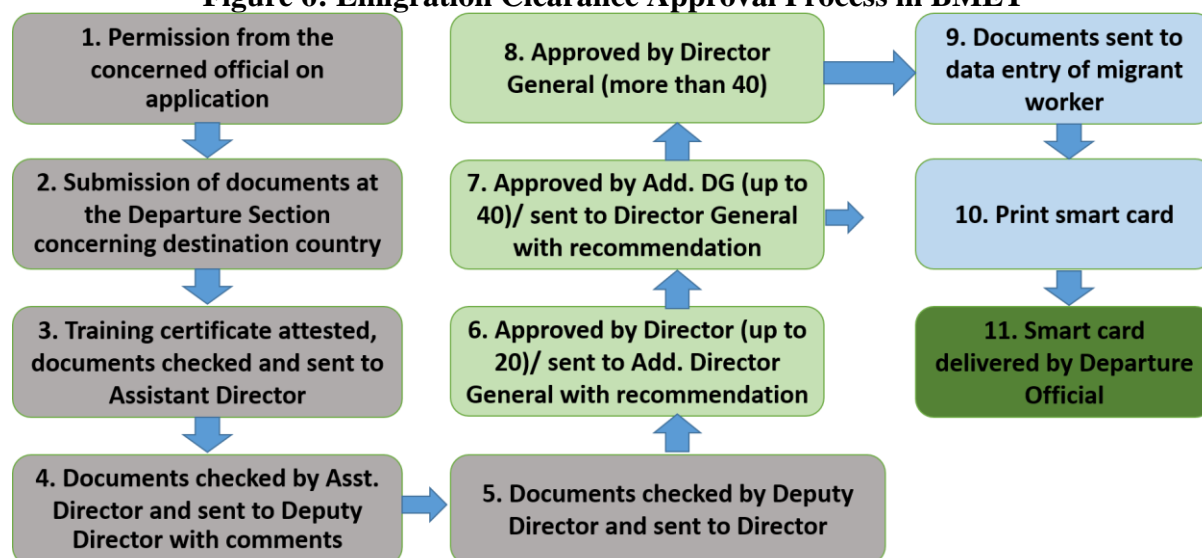
Sl.	Sectors of unlawful financial transactions	Amount charged for each visa	Number of visa in 2016
1.	Approval for group visa by the Ministry	13,000-15,000	61,122
2.	Emigration certificates from BMET for Malaysia-bound low-skilled, semi-skilled workers	5,000-15,000	40,126
3.	Approval from BMET for emigration certificates	100-200	6,83,107
4.	Collection of police clearance certificates	500-1,000	7,57,731

For receiving emigration clearance from the BMET, the migrant worker himself/ herself has apply or apply through a recruiting agent. However, in reality, the 'one-stop service' is not effective at all. It may be mentioned that only 301 workers received one-stop service in 2016. The agent of the recruiting agency generally prepares separate files for each of the migrant worker for emigration clearance. Each file with signature of the concerned official confirming permission in the forwarding letter has to be submitted to the respective section. The emigration clearance certificate is issued after examining the authenticity of the visa for the worker, contract with the employer, and undertaking and the certificate is given through smart card. At this stage, upon verification and attestation by the section clerk, the Assistant Director and the Deputy Director, the file is sent to the Director for endorsement.

The Director can approve emigration clearance for a maximum of 20 migrant workers simultaneously and if the number exceeds, s/he refers the file with recommendation to the Additional Director General for approval. The Additional Director General can approve emigration clearance for a maximum of 40 migrant workers simultaneously and if it exceeds 40, s/he refers the file with recommendation to the Director General. After approval, the file is returned to the section clerk for making entry of all the information in the file into the central database. Upon entry of all information, the smart card is printed. Later on, the recruiting agent collects the emigration clearance certificate or smart card. Finally, the signature of the concerned official of the BMET with the clearance number on the passport of the worker has

to be ensured. Generally, the emigration clearance is collected from the BMET on the same day.

**Figure 6: Emigration Clearance Approval Process in BMET**



### Corruption and irregularities in visa processing

**12. Extraction of money for approval of group visa:** A section of unscrupulous officials at the Ministry of Expatriates' Welfare and Overseas Employment allegedly charges Tk 13,000 to Tk 15,000 for each visa illegally for issuance of the permission for appointment. To avoid illegal payment while collecting the emigration clearance, many recruiting agencies often split the group with a maximum of eight workers and submit application on separate days.

**13. Selecting workers out of BMET database:** The recruiting agencies, in most cases, select migrant workers through their informal network of *dalals*, instead of picking them from the BMET database, whereas according to rules, if required number of workers is not available on the database, advertisement must be issued in the newspapers for searching for additional workers.<sup>93</sup>

**14. Collecting pre-departure training certificate in exchange of money:** There are allegations that the migrant workers, in some cases, collect training certificates without taking part in the required training session or without being present there even, by paying additional money.

**15. Extracting money illegally for emigration clearance:** When the migrant workers collect emigration clearance certificates, each of them is allegedly charged Tk 100 to Tk 200, in violation of rules, by a section of BMET officials.

**16. Emigration clearance for Malaysia issued in exchange of money:** Appointment of low-skilled and semi-skilled workers from Bangladesh to Malaysia remained suspended since 2009. The process resumed through the signing of an MoU in February 2016 to send workers under an official management through Government-to-Government (G2G) process. Although 1.5 million registered their names on the database, only 11,000 got the opportunity to go to Malaysia. According to BMET data, about 30,000 workers went to Malaysia with different kinds of visa in 2015 and about 40,000 in 2016 under private management taking emigration

<sup>93</sup> *The Overseas Employment and Migrants Act 2013*, Article 19(3).

clearance certificates from the BMET. In these cases, there are allegations that low-skilled and semi-skilled workers were sent showing them as skilled workers. According to the findings the emigration clearance certificates of these workers were endorsed in exchange for money illegally drawn by a section of unscrupulous officials of Malaysia Immigration, the embassy concerned, and other relevant authorities. At the BMET, it was alleged that an amount between Tk 5,000 and Tk 15,000 was charged for issuing each of the emigration certificates for going to Malaysia.

Recently an MoU has been signed for recruiting Bangladeshi workers under G2G-plus method or public-private joint management. In this process, Bangladesh recruiting agencies selected from Malaysia would be authorised to send workers. It has been alleged that only 10 out of 1,073 Bangladeshi agencies have been selected for the process. This kind of syndicate has rather created monopoly for charging high rates for migration.<sup>94</sup>

A picture of extracting money illegally for processing visa at different levels of the government authorities and collection of emigration clearance has been drawn from the above discussion (see Table 5).

**Table 5: Extracting Money Illegally in the Labour Migration Process (2016)**

Sl.	Concerned authority	Area of Illegal Transaction	Number of Visa in 2016	Amount of Money Collected for each Visa (Tk)
1	Ministry of Expatriates' Welfare and Overseas Employment	Approval for group visa	61,122	13,000 – 15,000
2	BMET	Approval of Emigration Clearance	757,731	100 – 200
3	Police	Police clearance	757,731	500 – 1,000
	<b>Country-wise money extraction</b>			
4	BMET	Emigration clearance for low-skilled or semi-skilled workers	40,126	5,000 – 15,000

### 3.4 Conclusion

The discussion in this chapter shows that the process of labour migration from Bangladesh mainly involves three steps. At the first step, work orders or visas are traded because of corruption and irregularities committed by employers of the country of destination and middlemen concerned. On the other hand, there is corruption involving endorsement of visa at the labour wing of Bangladesh mission in the country of destination. The local recruiting agents siphon off money to the country of destination through illegal hundi to purchase work order or visa.

At the second step of the labour migration, visa is sold to the potential migrant worker. At this stage, the recruiting agencies, operating through sub-agents or *dalals* at different tiers, select the migrant workers and the *dalals* sell visa to the aspirant migrants. The price of visa increases manifold due to changes of hands. Besides, money is collected unlawfully from the female migrant workers although they are supposed to be entitle to free of cost facility for migration.

At the third step, a complex process is followed during the processing of visa where a number of stakeholders are involved. A significant amount of money is collected illegally at every step

<sup>94</sup> For details see Porimol Palma and Belal Hossain Biplob, 'Malaysia may recruit through 10 agents', *The Daily Star*, 30 November 2016.

starting from diagnosis, police clearance certificates, visa stamping, approval from the ministry, registration and pre-emigration training to collection of final emigration certificate.

In the next chapter, the causes and impacts of corruption and irregularities are discussed.

## Causes and Impacts of Mal-governance in Labour Migration

A number of problems, corrupt practices and irregularities has been identified in the process of labour migration from Bangladesh. These have some short and long-term impacts. In this chapter the causes and impacts of these problems, corrupt practices and irregularities have been discussed.

### Causes of problems of governance in labour migration process

The problems of good governance in labour migration process could be divided into three categories – legal, institutional and procedural. These are discussed below.

#### 4.1 Legal and Enforcement Constraints

There are lack of some clear and realistic guidelines in the major law on Bangladesh's labour migration – the Overseas Employment and Migrants Act 2013. The personal arrangement for labour migration has not been mentioned in the law although the lion's portion (almost 90 per cent) of the labour migration from Bangladesh is done through individual initiatives. Rather it has been mentioned that the authority to send migrant workers abroad is of the government agencies and recruiting agents and liabilities of the employment contract are said to be of the recruiting agents alone or jointly with employers. As a result, those who try to migrate have to apply through the recruiting agencies, although in most cases, the recruiting agents have no knowledge about the migrant workers and the employer.

Some of the provisions of the law (such as selection of workers, determination of amount of compensation etc.) are simply directory in nature, not mandatory, which weakens the law. For instance, Article 18 stipulates cancellation of license of the recruiting agents and compensation for the affected migrant workers, however, which has not been made mandatory (Parvez *et al*, 2016). Moreover, the role of the brokers active in the sector has been kept out of the purview of the law, as it has mentioned that the authority to send migrant workers abroad is of the government agencies and recruiting agents. The control of all activities relating to recruitment and emigration of workers from Bangladesh for the purpose of overseas employment shall be vested in the Government or its delegated authorities,<sup>95</sup> but does not mention how far it would be controlled.

This law has not been effectively implemented till date because of the confusions in taking punitive measures under it. Article 14 of this law give authority to the First Class Judicial Magistrate or in some cases the Metropolitan Magistrate to implement this law. However, this provision contradicts Article 33 and 34 of this law since punitive measures specified under the two articles are beyond the jurisdiction of the mobile court. For example, according to the Code of Criminal Procedure 1898, a First Class Judicial Magistrate or the Metropolitan Magistrate in some cases can give a maximum sentence of five years of imprisonment and fine of Tk 10,000. This Act has been scheduled in the Mobile Court Act 2009. However, under this Act a judgement exceeding two years of imprisonment cannot be given.<sup>96</sup>

<sup>95</sup> *The Overseas Employment and Migrants Act 2013*, Article 3(1).

<sup>96</sup> RMMRU, *Ensuring Prosecution under the Overseas Employment and Migrants Act 2013*, Policy Brief 20, 2016.

The legal provision that the migrant workers should be selected from among the ones registered with the database is not realistic in view of Bangladesh realities. In fact, recruiting agencies choose migrant workers with the help of their own brokers. Furthermore, there are examples of giving approval to the workers who are chosen from outside the list of the database. The Ministry has issued orders more than once for giving approval to the applications violating the database.<sup>97</sup>

There are certain inconsistencies visible in the rules of the law on migration. In the migration regulations, the roles and duties of the Immigrant Registrars and Labour Attaché have been defined but any process to bring them under any accountability mechanism has not been specified. Punishment for crimes and irregularities relating to migration has been mentioned in the Rules on Recruiting Agencies' License and Conduct but no provision for compensation for the migrants has been specified. No regulations based on the Overseas Employment and Migrants Act 2013 have been framed as yet, so the regulations made in 2002 still remain effective. As a result, proper regulation and monitoring of the sector in view of the latest realities is not possible.

## **4.2 Institutional Constraints**

A major cause of existing problems, corruption and irregularities in the labour migration process is the institutional constraints of the partner organisations.

### **4.2.1 Lack of adequate institutional capacity**

**Lack of financial capacity:** Lack of financial capacity of the government organisations involved with the labour migration is noticeable. The budgetary allocation for the sector is inadequate at the one hand, and the money allocated cannot be fully utilised, on the other. In 2015-16 fiscal years, the allocation for the Ministry of Expatriates' Welfare and Overseas Employment was Tk 470,93,58,000 (about 50 per cent development budget), of which 372,61,36,000 (79 per cent) was utilised and Tk 98,32,22,000 remained unutilised.<sup>98</sup> The allocation for the BMET was 70.43 per cent of which 94 per cent was utilised but of their allocation of Tk 72,47,88,000, the labour wings managed to spend about 70 per cent of the allocation.

**Shortage of required manpower:** There is shortage of manpower in both private and public sector bodies engaged in labour migration. The vacancy rate is 36.7 per cent at the Ministry of Expatriates' Welfare and Overseas Employment, 18.6 per cent at BMET, 36.8 per cent at DEMO, and 43.8 per cent at TTCs.<sup>99</sup> The shortage of manpower at the BMET training centres results in deficiency in pre-departure training.<sup>100</sup>

Again, labour wings have been opened in the countries where the rate of migration of workers from Bangladesh is poor (only 2-3 per cent), while the manpower at the labour wings has not been increased in major destination countries. In most cases, only the high level officials are posted at the labour wings, who are reluctant to verify field level applications for appointments, and as a result, there is lacking in verifying the demand notes for appointment.

### **4.2.2 Lack of de-centralisation in labour migration activities**

De-centralisation in visa processing activities and recruiting agents is still lagging. The offices of the stakeholders (recruiting agents, BMET, the Ministry, embassies of the host countries,

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<sup>97</sup> For example, office order no. 49.003.514.00.2010-183 (6), 13 April 2014, the Ministry of Expatriates' Welfare and Overseas Employment, Source: *Expatriates' Manual*, Third Edition.

<sup>98</sup> The Ministry of Expatriates' Welfare and Overseas Employment, *Annual Report, 2015-2016*, p. 11.

<sup>99</sup> *Ibid*, p. 3.

<sup>100</sup> Source: RMMRU, Press Conference held on 28 December 2016.



diagnostic centres, travel agents etc.) in visa processing are largely located in Dhaka, which means that the aspirant migrant worker has to come to Dhaka more than once to complete all the formalities. As the migrant workers, in most cases, are less educated and not familiar with Dhaka city (since they come from rural areas), they have to depend on *dalals*. On the other hand, the offices of almost all recruiting agencies are in Dhaka (and in Chittagong) and they have no branch at the grassroots, and thus they too have to depend on the *dalals* for selection of the migrant workers. As a result, the sector as a whole is dependent on *dalals*.

#### **4.2.3 Lack of coordination among stakeholders**

There is also lack of coordination among the stakeholder organisations involved in visa processing. For example, a migrant worker has to give biometric identity, i.e., finger print and photo more than once as part of the migration process. Besides, in the cases of group visa and visa for unfamiliar nations application has to be submitted to both the Ministry and the BMET. This process involves complexity and procrastination and in cases creates scope for corruption.

There are allegations of difference of opinion between the Ministry of Foreign Affairs and the Ministry of Expatriates' Welfare and Overseas Employment on jurisdiction over the labour wings for functioning at home or at the Bangladesh missions abroad. There are allegations of non-cooperation from other ministries although they are supposed to work through to expand the labour market.<sup>101</sup>

#### **4.2.4 Shortcomings in regulation and monitoring**

There are shortcomings in the process of regulation and monitoring in addressing the issues of sales and visa trading in the destination countries, verify the legality of employment in host country, and costs of migration in Bangladesh. The reasons of failure to provide required services by the labour wings also include long distances in geographically large territories, lack of skilled officials and manpower and want of money to provide legal services to the migrant workers. Many mission do not have the kind of vehicles required to move from one part to another in large countries such as Saudi Arabia.<sup>102</sup>

There is huge shortcoming in appointment and training of the officials of Bangladesh's labour wings. A comparative report shows that there is no guideline with regard to appointing the labour wing officials in Bangladesh, whereas Sri Lanka appoints only the labour ministry officials at the labour wings. Instead of considering specialised skills in Bangladesh, cadre and non-cadre officials of different ministries are appointed at the labour wings. There are allegations of lobbying and political persuasion for giving appointments at the missions abroad. For appointment in one position, there are more than one candidates recommended by ministers and advisers. There are allegations that candidates who win in the power struggle get appointment.<sup>103</sup>

### **4.3 Procedural Constraints**

Procedural constraints are one of the major causes of existing problems, corruption and irregularities in the labour migration process.

#### **4.3.1 Complex and long migration process**

The entire process of migration is complex and time-consuming. It involves 27 steps from collection of visa to collection of emigration clearance and smart card. Of them, there are 11

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<sup>101</sup> *Bangladesh Protidin*, 'Labour wings of missions fails due to lobbying and politicised appointment', <http://www.bd-pratidin.com/last-page/2014/11/19/44504>.

<sup>102</sup> RMMRU, 2014, 'Institutional Strengthening of the office of Labour Attaché: Bangladesh, India and Sri Lanka'.

<sup>103</sup> *Ibid.*

steps only at the BMET. For collecting visa, most of the migrant workers keep on giving money to brokers or small visa traders for a long time. Upon collection of visa, 2-3 months are spent to complete the visa processing. It takes 3-5 days to receive emigration clearance certificate in case of attested visa and 7-15 days in case of unattested visa. There are allegations of illegal transactions of money and whether an approval process would be procrastinated depends on such transactions.

On the other hand, the process of securing emigration clearance certificate is totally dependent on recruiting agencies. According to rules, there is no scope for low-skilled and semi-skilled migrant workers to apply personally for emigration certificates. One-stop service is given to only a few people. According to BMET data, only 301 outgoing migrants were provided one-stop service in 2016.

### **Constraints in using database**

Questions are raised over how far the database under the management and control of the BMET is effective. According to rules, the intending migrant workers are expected to register with the BMET and recruiting agencies are expected to collect names of potential migrant workers from the database as per demand of the employers. But practically it is not useful. According to the rules, the workers were supposed to be selected from the database while sending workers to Saudi Arabia. However, an order was issued by the Ministry that those who began migration process before 2013 need not register with the BMET database. There are allegations that an amount of Tk 15,000 was charged for each passport for issuing the permission.

Also, it is not realistic to use this database. Preferred job and country is not mentioned in the database. After a long period of time people who had registered earlier might have lost interest or found a job. Since the recruiting agencies sell visa, the migrant workers are not interested in buying visa from unknown recruiting agencies if they are contacted picking from the database.

### **Dependence on informal method**

***Dalal-based migration process:*** The labour migration process is almost entirely dependent on *dalals*. Thus, a direct contact between the licensed recruiting agents and the worker willing to migrate is almost absent. The migrant workers are mostly dependent on brokers for information relating to hiring abroad and terms of services, migration, processing of migration etc. Similarly, the recruiting agents are also dependent on the brokers to select migrant workers from the grassroots, keep in touch with them, assistance in processing visa etc. For these reasons, a significant portion of the migrant workers cannot take receipt for any kind of financial transaction. Such practices make it impossible to present documentary evidence of spending in this sector.

***Scope to pay in installment:*** The local brokers offer the opportunity to make the payment in installments. The migrant workers in general cannot afford to pay the entire amount in one tranche. So they deposit certain amount with the local brokers and clear the payments once the visa is collected. Because of this ‘facility’ the migrant workers are dependent on brokers.

***Siphoning off money through informal process:*** According to the Overseas Employment and Migrants Act 2013 (Article 33), using unlawful means for collecting demand note, visa or work-permit for overseas employment, or for trading in such documents is a punishable offence. As a result, money to purchase work order or visa is sent through illegal means (*hundi*).

### **Lack of documentary evidence on actual costs of migration**

The migration cost has not been fixed for all the countries. For Saudi Arabia, the maximum permissible cost was fixed at Tk 165,000 on 30 August 2016. The expenses include different

government fees, diagnostic test fee, passport fee, and cost of the recruiting agency. Although a much higher amount is charged for migration, the recruiting agencies give the migrant workers a voucher mentioning the government approved amount. In most cases, the migrant workers do not deposit any amount with the recruiting agency as they pay the money to the brokers. At the one hand, the government does not have the information on migration costs applicable for other countries, while on the other hand, the amount that should be provided as compensation in case a migrant worker is cheated, cannot be fixed properly and the migrant worker concerned is deprived of proper compensation due to lack of documentary evidence.

### **Higher supply of migrant workers compared to demand**

A large portion of Bangladeshi youth is interested in going abroad with jobs. These potential migrant workers are willing to buy visa at any cost and deposit money with the brokers. On the other hand, the demand for labour in the countries of destination is limited and in the past few years migration to a number of major destinations remained suspended. As a result, there has been a tendency to migrate to those destinations going beyond the legal channels. Taking advantage of the situation, visa traders in the countries of destination created an unholy competition and the middlemen have shown the tendency of making windfall profit.

### **Lack of awareness of migrant workers**

The major portion of the Bangladeshi migrant workers lacks education and skills. Given the complex migration process and lack of necessary information on this, as well as advantage of social network of brokers, the migrant workers have their confidence and reliance on the brokers. They do not bother about the cautionary signals from the government and other stakeholders.

### **Information deficiency**

***Lack of publicity of authentic information about overseas employment:*** Decision of overseas employment is an important issue and it is essential to make authentic information about this available. Currently, information on overseas employment are disseminated from DEMOs in 42 districts and a number of non-government organisations are providing such information. However, the government is lacking in generating and distributing necessary information on overseas employment, especially working opportunities in different destinations, pay package for each service, facilities available there etc. The people who are willing to migrate abroad have to depend on informal persons to get information about migration. Even the relevant websites (of the Ministry, BMET and BAIRA, for example), no such information is available.

***Lack of publicity of authentic information about labour migration process:*** The entire process of labour migration is complex, which involves a number of steps and a number of stakeholders. Since most of the migrant workers come from rural areas, they are not familiar with this process and they have to depend on the brokers. There is shortcoming in information on the process of labour migration. For example, there are booklets at the DEMOs but their number is scarce.<sup>104</sup> Again, there is no clear information in lucid language about the labour migration in the websites of the Ministry, BMET, BOESL, and even BAIRA.

## **4.4 Deficiency in Enforcement of Law**

It is observed that optimum level of enforcement of law has not been possible in labour migration sector in the context of the corruption and irregularities in the migration process. The High Court issued a rule on 5 March 2015 asking the government to explain as to why no case

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<sup>104</sup> In 2015-16 fiscal year the number of leaflets was 55 thousand and booklets 38 thousand, which were distributed by BMET at divisional and district levels, whereas in 2016 the total number of outgoing migrants was more than seven hundred 57 thousand. Source: The Ministry of Expatriates' Welfare and Overseas Employment, *Annual Report, 2015-16*, p. 22.

was filed on human trafficking under the Overseas Employment and Migrants Act 2013.<sup>105</sup> So far eight cases were filed under the purview of this law but any of them is yet to be disposed of.<sup>106</sup> Despite occurrence of many incidents of victimisation, the victim cannot feel encouraged to take legal step, fearing that he would not be able to go abroad with jobs. Weak financial ability of the victim, intimidation by the powerful quarters, and lack of knowledge about the legal rights of the migrant workers are responsible for lack of enforcement of the law.<sup>107</sup>

Most of the complaints raised by the victim migrant workers against the recruiting agents are not settled, at the one hand, and even if some are settled, the compensation for the victims cannot be realised, on the other. For example, in 2015-16 financial year, only 89 (23.42 per cent) out of 380 such cases were resolved and only Tk 890,000 were realised as compensation after complaints were proved right, and thus the average compensation stood at Tk 10,000.<sup>108</sup> In 2015-16 in fiscal years, license of two recruiting agencies was cancelled and license for seven more agencies was suspended.<sup>109</sup>

A 23-member Vigilance Taskforce comprising representatives from the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Ministry of Civil Aviation and Tourism, the Ministry of Women and Children Affairs, and members of law enforcement agencies (Immigration Police, SB, BGB, Ansar-VDP, NSI and RAB) led by the Ministry of Expatriates' Welfare and Overseas Employment was formed in March 2012 in order to bring dynamism in labour migration, ensure transparency and accountability in the activities of the recruiting agencies, stop immoral financial competition on the visa, and prevent illegal and irregular migration of outbound workers.<sup>110</sup>

The Vigilance Taskforce carried out drives in different routes including the specific routes to prevent illegal migration. The Taskforce also visited some of the recruiting agencies engaged in illegal migration and pathological labs/clinics meant for health diagnosis of the migrant workers. The aim of these drives was to ensure that no migrant worker falls victim to illegal migration nor should he pay much higher amount for migration. The outbound passengers among the migrant workers at the immigration line of the airport were interviewed on the basis of random sampling and their papers (passport, employment visa, emigration clearance report from the BMET etc.) were verified in order to check if the migrant workers were going abroad by following the due process. If there was deficiency in required papers, the papers of the migrant workers were seized and they were stopped from travelling for the time being.<sup>111</sup>

The steps that are taken to address different irregularities relating to labour migration include requesting the BMET and the Ministry of Home Affairs to investigate into complaints against middlemen and brokers, taking steps to stop advertisement in the newspapers that allure people with lucrative jobs abroad, issuing show-cause notice and suing the recruiting agency/visa consultants sending semi-official letters to the Deputy Commissioners requesting for conducting mobile courts on complaints of labour migration, and requesting the Ministry of Home Affairs to conduct the mobile court by the RAB-appointed magistrates. In 2015-16, two recruiting agencies were fined under Article 32 of the Overseas Employment and Migrants Act

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<sup>105</sup> This rule was decreed following a writ lodged by RMMRU. Source: *The Daily Star*, 'Helping illegal migration: why not filing cases against offenders under migration act?', 6 March 2015.

<sup>106</sup> Based on the discussion at a seminar on the Overseas Employment and Migrants Act, held on 15 November 2016 by RMMRU.

<sup>107</sup> RMMRU, *Ensuring Prosecution under Overseas Employment and Migrants Act, 2013*, Policy Brief 20, 2016.

<sup>108</sup> The Ministry of Expatriates' Welfare and Overseas Employment, *Annual Report, 2015-16*, pp. 18, 11.

<sup>109</sup> *Ibid*, p. 18.

<sup>110</sup> *Ibid*, p. 13.

<sup>111</sup> *Ibid*, p. 20.

2013 for publishing advertisement in the newspaper without the permission of the Ministry.<sup>112</sup> However, there are question on how far this punishment is effective and whether there is any impact of this punishment.

#### 4.5 Analysis Based on Governance Indicators

The indicators, prepared on the basis of IOM-developed indicators and other research findings, that can be used for measuring governance in the labour migration sector are transparency, accountability, capacity and effectiveness, and rule of law. If labour migration is analysed on the basis of these indicators, it may be found that:

1. **Transparency** involves availability of information on migration and publication of information on migration process. In this case, information on migration (cost, terms, process) is not available, information on migration process is not published in lucid manner, and documentary evidence of actual expense of migration is not available.
2. **Accountability** involves strong monitoring and regulation of labour migration activities, separation of tasks in migration management, and accountability of all stakeholders. However, according to the study findings, there is shortcoming in terms of monitoring and regulation, duplication of tasks by different organisations, and lack of accountability of all stakeholders.
3. **Capacity and effectiveness** includes able and effective structure of migration management, smooth and quick migration process and lower cost of labour migration. But the stakeholder organisations have deficiency in terms of institutional capacity, the labour migration is complex, time-consuming, and dependent on individuals, and above all, the cost is very high.
4. Finally, although it is important to have legal and policy framework and proper and fair enforcement of law for ensuring **rule of law**, the main barriers (to rule of law) are legal constraints, deficiency in enforcement of law, existing corruption and irregularities in migration process, and failure to ensure fair and just compensation for victims.

**Table 6: Analysis Based on Governance Indicators**

Indicator	Sub-indicator	Problem
<b>Transparency</b>	<ul style="list-style-type: none"> <li>▪ Availability of information on migration</li> <li>▪ Dissemination of information on migration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Necessary information on migration (cost, terms, process etc.) are not available</li> <li>▪ Information on migration are not published in lucid language</li> <li>▪ Documentary evidence on actual cost of migration is not available</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>▪ Strong monitoring and regulation of labour migration process</li> <li>▪ Divisions of tasks in migration management</li> <li>▪ Accountability of all stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lack of monitoring and regulation</li> <li>▪ Duplication of similar tasks by more than one organisation</li> <li>▪ Accountability of all stakeholders not ensured</li> </ul>
<b>Capacity &amp; Effectiveness</b>	<ul style="list-style-type: none"> <li>▪ Able and effective structure for migration management</li> <li>▪ Smooth and quick migration process</li> <li>▪ Lower cost of labour migration</li> </ul>	<ul style="list-style-type: none"> <li>▪ Lack of capacity of stakeholders involved</li> <li>▪ Complex, long process</li> <li>▪ Informal process dependent on individuals</li> <li>▪ Process requiring high costs</li> </ul>
<b>Rule of law</b>	<ul style="list-style-type: none"> <li>▪ Necessary legal and policy framework</li> <li>▪ Proper and fair enforcement of laws</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limitations in law</li> <li>▪ Limitation in enforcement of law</li> <li>▪ Prevalence of corruption and irregularities in migration process</li> <li>▪ Fair and accurate compensation cannot be ascertained</li> </ul>

<sup>112</sup> *Ibid*, p. 20.

## 4.6 Impact of Governance Deficiency in Labour Migration

The above discussion confirms that there is significant deficiency in governance in labour migration from Bangladesh. A number of issues such as legal, institutional and procedural constraints are responsible for this situation. The impacts of governance deficiency are identified as follows.

### 4.6.1 Negative effects of siphoning off money on economy

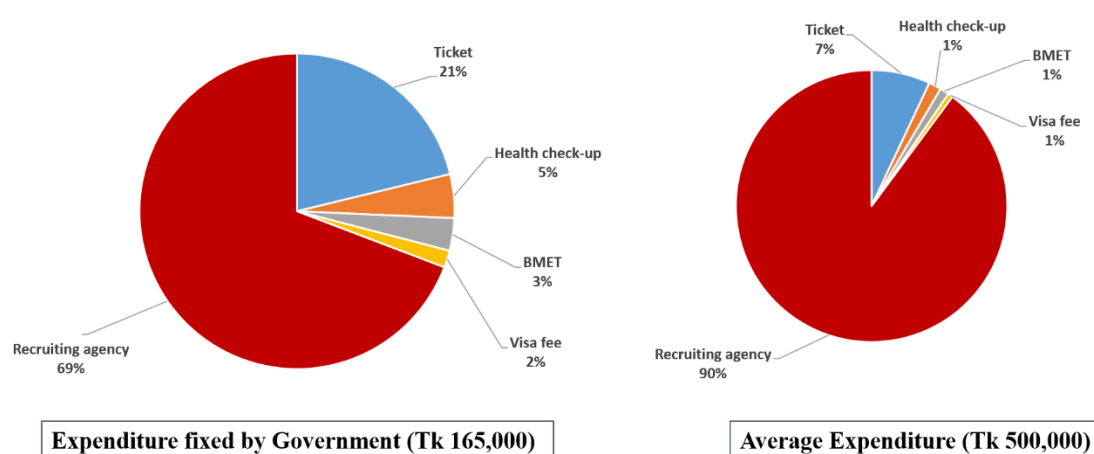
The money that is spent in the labour receiving countries for visa trading is sent illegally. That leaves a serious negative impact on the economy of Bangladesh. Based on 2016 data an estimate shows that the amount that was siphoned off for purchasing visa stood at Tk 52.34 billion, which accounts for 4.88 per cent of the total remittance received in that year.

### 4.6.2 Not getting optimum results of migration due to high migration cost

The involvement of the middlemen at different steps of migration, tendency to make windfall profit and corruption and irregularities in the partner organisations of the government lead to the increase in the cost of migration, which is ultimately borne by the migrant workers. The price of visa increases manifold through change in hands from the employer in the destination country to the grassroots brokers. Besides, the migrant workers are charged money unlawfully during the processing of visa at different steps. If there is no corruption and irregularities in the process, the migrant workers could have recovered the cost much earlier and earned much higher. As a result, a migrant worker cannot reap the optimum benefit of migration.

The breakdown of the government-fixed cost of migration can be found in an example of analysing the cost of migration to Saudi Arabia. The fixed cost of migration to this Middle Eastern country is Tk 165,000. If this sum of money is really charged, 31 per cent of this amount is spent for air ticket, health checkup and other fees, and the rest (69 per cent) for the recruiting agency. If the real amount charged (Tk 500,000 on average) is analysed, the percentage spent for air ticket, health checkup and other fees is only 10 per cent and the rest (90 per cent) is spent in favour of the recruiting agency (see Figure 7).

**Figure 7: Comparative Analysis of Cost of Migration for Saudi Arabia**



### 4.6.3 Risk of being cheated and deprived

The documentary evidence on transactions of money is not available, since the entire process of collection of visa is informal. In absence of clarity in information on types of job, salaries and other benefits, terms and migration cost, the outbound migrant workers run high risks of being cheated. At the same time, since there is no proper knowledge about the job, the migrant

workers bear the higher chance of being cheated and deprived in the country of destination. According to a report, 77 per cent of the migrant workers from South Asia in the Middle East do not get due wages.<sup>113</sup> Besides, many migrant workers on foreign land cannot get jobs after migration and face arrest and even deportation.<sup>114</sup>

#### **4.6.4 Deprived of due and just compensation**

The expenses the migrant workers make for collecting and processing visa are mostly not supported by evidence or slip. The migrant workers cannot show such documentary evidence even after spending much higher than fixed amount for migration. So, if a migrant worker sues an agency for compensation after being cheated, can at best get the government-fixed amount which is lower than the actual cost. For example, in 2015-16 financial year, only 89 (23.42 per cent) out of 380 such cases were settled and only Tk 890,000 or Tk 10,000 per head, was realised as compensation and handed over to the migrant workers.<sup>115</sup>

#### **4.6.5 Rising trends of migration through illegal routes**

Governance deficiency in the labour migration sector has been identified as the key reason for the rise in the tendency to go abroad through illegal routes in the past few years (Rashid and Ashraf, 2016). This research finds that the tendency of illegal migration to different countries has risen due to high cost of visa for failure to regulate its price, suspension of labour migration to a number of key destinations, lack of monitoring, and weak enforcement of law. For example, although migration to Malaysia remained suspended since 2007-08, the labour migration through obtaining of other kinds of visa, pretending as students or tourists did not stop. It is seen that innumerable people seeking migration in search of jobs through illegal routes in view of lower costs fall victim to human trafficking. According to the United Nations High Commissioner on Refugees, between 2012 and 2014 the number of people who fell victim to trafficking through sea routes was 120,000.<sup>116</sup> Moreover, the tendency to migrate to other countries without employment visa is also noticeable.

#### **4.6.6 Risk of being illegal abroad**

After spending a higher amount for migration, the migrant workers try to recover the cost as soon as possible. In order to increase income, the Bangladeshi migrant workers often change jobs and/or engage in more than one jobs violating the contract, and are bound to overstay beyond their tenure (validity of visa and contract). Thus Bangladeshi migrant workers run higher risks of becoming illegal abroad.

### **4.7 Conclusion**

The discussion in this chapter suggests that there are legal, institutional and procedural causes of problems, corruption and irregularities in the labour migration process. There are a number of negative effects of governance deficiency in the process. In the next chapter how to overcome the problems is discussed.

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<sup>113</sup> For details see, Rajib Ahmed, '77 per cent workers are deprived abroad', *Daily Prothom Alo*, 8 December 2016.

<sup>114</sup> See for example *Daily Prothom Alo*, 'Another 30 are returning after being jobless in Saudi Arabia', 17 November 2016; *Daily Prothom Alo*, 'HRW Reports on repression of house maids: I was sold', 14 July 2016; *Daily Prothom Alo*, '21 sold out in the name of job', 19 May 2016; *Daily Prothom Alo*, '22 Bangladeshis victims of fraudulence returning from Sudan', 7 September 2014; Shariful Hasan, 'Cost not recovered, Bangladeshis do not want to leave Iraq', *Daily Prothom Alo*, 22 July 2014.

<sup>115</sup> The Ministry of Expatriates Welfare and Overseas Employment, *Annual Report, 2015-16*, p. 18. Moreover, in 2014-15 financial year, only 82 cases were settled and Tk 5,039,400 (Tk 61,500 on average) was realised as compensation and handed over to the migrant workers. Source The Ministry of Expatriates Welfare and Overseas Employment, *Annual Report, 2015-16*, p. 11.

<sup>116</sup> Shariful Hasan, 'UNHCR's information: 1,25,000 human trafficked through sea route in three years', *Daily Prothom Alo*, 18 December 2014.



## Chapter 5

# Conclusion and Recommendations

### 5.1 Overall Observations

The findings of this research show that there is lack of clarity in the legal framework in some cases, such as lodging complaints, retrenchment of workers, and realisation of compensation. The relevant law is not being implemented at an optimum level due to some constraints in the enforcement of law. On the other hand, in monitoring and regulation of the labour migration there is deficiency in institutional capacity.

The process of labour migration from Bangladesh is long, complex, uncertain and still Dhaka-centric – a reality which is prone to corruption. This process is dependent on informal individuals and process, and as a result this enhances the risks of the migrant workers being cheated and deprived. After being cheated, a migrant worker cannot get the due compensation due to lack of documentary evidence in support of his payment. There is also shortcoming in openness of information and thus the migrant workers cannot know about the working environment in the country of destination, salary and other benefits, price of visa, and migration costs and that is why they depends on the brokers.

Irregularities and corruption are prevalent in the migration process from Bangladesh. There are allegations of illegal financial transactions at different stages of visa processing. Unregulated visa trading raises the cost of migration and the migrant workers have to bear the costs. As a result, the optimum benefits from the migration cannot be reaped. The high cost of migration also instigates migration through illegal routes and thus the migrant workers face a higher risk of being illegal abroad.

**Figure 8: Causes, Results and Impacts of Governance Challenges in the Labour Migration Process at a Glance**

Causes	Results	Impacts
<ul style="list-style-type: none"> <li>Legal and enforcement problem</li> <li>Lack of institutional capacity (budget, manpower)</li> <li>Lack of de-centralisation</li> <li>Missing coordination between stakeholders</li> <li>Shortcomings in monitoring and regulation</li> <li>Complex, long process</li> <li>Dependence on informal (brokers) process</li> <li>Excessive demand for visa</li> <li>Lack of education, skills, and awareness of migrant workers</li> <li>Information deficiency</li> </ul>	<ul style="list-style-type: none"> <li>Illegal sales of visa</li> <li>Siphoning off money for purchasing visa</li> <li>Attestation in exchange for money without verifying identity of employers</li> <li>Purchase of visa at high cost by migrant workers</li> <li>Burden of migration cost on migrant workers</li> <li>Broker-dependent system</li> <li>Illegal collection at different levels (demand note, attestation, health diagnosis, police clearance, visa stamping, permission for appointment, emigration certificate)</li> <li>Lack of documentary evidence on actual cost of migration</li> </ul>	<ul style="list-style-type: none"> <li>Negative impacts on national economy</li> <li>Missing expected benefits of migration</li> <li>Risk of being deprived and cheated</li> <li>Deprived of due, actual compensation</li> <li>Tendency to migrant through illegal routes</li> <li>Risk of being illegal on foreign land</li> </ul>

## 5.2 Recommendations

Based on the findings of the research, the following steps have been recommended to create an environment conducive towards good governance and effective accountability.

1. The Overseas Employment and Migrants Act 2013 requires following amendments:
  - Provisions for selection of workers, determination of amount of compensation and payment of compensation etc. must be made mandatory.
  - This law must be given priority while resolving complaints relating to migration, irrespective of provisions in any other laws.
2. For processing visa received on personal contact, 'one-stop service' should be introduced instead of the one dependent on recruiting agencies.
3. Capacity and skills of the labour wings in the countries that receive large number of Bangladeshi migrant workers should be strengthened in terms of budget and manpower.
4. Legal provision should be made to include *dalals* (brokers) as sub-agents or registered agents of the recruiting agencies to bring them under transparency mechanism.
5. Compensation to the cheated workers should be ensured, which should be made mandatory to provide at least five times of the migration cost set by the government.
6. The provision for taking permission from the Ministry for sending migrant workers under group visa should be scrapped;
7. The procedures like taking photos and finger print of the workers should be done in a coordinated manner to lessen the steps of providing same information to different agencies.
8. Diplomatic steps should be undertaken with labour receiving countries to ensure online VISA checking mechanism.
9. In order to raise awareness level of the migrant workers:
  - Information on different aspects of labour migration such as types of jobs abroad, migration cost as determined by the government, and legal process of migration should be made available;
  - Publicity on labour migration at the grassroots level (broadcasting in radio and television and street drama) should be increased;
  - On the websites of the Ministry, the BMET, BOESL and BAIRA, various information that are important for migrant workers such as types of jobs abroad, migration cost as determined by the government, and legal process of migration must be presented in a lucid manner.

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