

International Dialogue on Migration 2017

Understanding migrant vulnerabilities: A solution-based approach towards a global compact that reduces vulnerabilities and empowers migrants

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Panel 3

“Applying policy and operational frameworks in a migration context”

KEY POINTS (VERBAL STATEMENT AND OTHER POINTS NOT VERBALLY PRESENTED)

Nilambar Badal, Program Director, Asian Forum – Migrants' Center

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Thank you Moderator, Your Excellencies;

It is my great pleasure to be here today to share with you on the vulnerability of the migrants and the practices of the safe migration. I come from the region where the large population is directly or indirectly related to 'migration'. Almost every household are dependent on the remittances sent back home for their livelihood. And thousands of youth leave home for employment to go to the other countries.

Migration has evolved as a tradition in the South and South East Asian countries whether it's a home or a host country. People are desperate to leave the country and explore the employment at the destinations exposing themselves to the vulnerabilities. Especially the women and children are at the greater risk during all the stages of the migration cycle. The social, economical and political situation of the country has always been attracting and repelling the migrants. Countries are focusing on the curative majors trying to focus themselves in the management of the migration flow and are often not assessing the preventive majors adequately.

Some of the practices in the countries focusing on reducing the vulnerabilities of the migrants on the move are well designed but the implementation is really very poor. Some of the home countries have made the 'Pre Departure Orientation' mandatory in the process of migration. However the syllabus of the orientation and the generalized information on the overall migration process has not been able to attain a good result.

There should be 'Post arrival orientation' training as an induction to the work and familiarizing the workers to the local context as well. The training should be made mandatory and should be provided by the host country immediately upon arrival. The home country should provide an effective and informative 'pre departure orientation', mandatory in many countries, before they leave the country. The pre departure and post arrival orientations should be complementing each other and the syllabus should be designed in joint collaboration among the home and host countries.

It is necessary to set up the Information, Communication and Counseling Centers at the community level easily accessible to the migrant workers and their families. Such outreach centers should be institutionalized and need to be operated by the local government authorities in the support of the civil society organizations. The returnee migrants and the families of the migrants can be the resources for such centers. The information should reach out to the communities at the household level. The cooperation and collaboration among the communities has to be established in order to strengthen the support to redress mechanism. Regular dialogue among people including returnee and local authorities can suggest the practical solutions to the problems faced by the migrant workers and their families.

The interventions for the response to the migrants' issues should start from the community level. Local government should expand their engagement by planning and mobilizing the resources. Local authorities should have maximum involvement on the community activities and engage community members in awareness issues.

In the context of South Asia, the role of sub agents cannot be ignored in the recruitment process. Registration of the sub agents may not be the complete solutions to check the fraudulent activities at the household level but can be an example of the managing the agents and improve accountability. Sub agents are found to be more close to the migrants and their families and are trusted more than the recruitment agency because of the proximity and the family members' easy access to reach them.

Engagements of the police and the local government in the access to justice mechanism for the migrants can increase the scope and coverage of the response. The migrants and their families should have the easy access to the law enforcement system. The engagement of the police administration in the issues of the migration issues can reduce the vulnerability of the migrants to fall into the trap of the smuggling and trafficking rackets.

A safe recruitment practice is basis to reduce the vulnerability of the migrant workers in all the stages of the migration. Decision taken by the Government of Nepal to reduce the cost of migration by making it mandatory to cover the airfare and the visa cost by the employer themselves popularly known as the 'Free Visa Free Ticket' decision is a good practice in terms of minimizing the recruitment fee but it should be institutionalized and ultimately it should be the 'zero' recruitment fees and all the recruitment costs has to be borne by the employer.

Recognizing all workers including the migrants under the labour law at home or host countries should be devised and institutionalized in order to reduce the vulnerability of the migrants at the different stages of the migration cycle. Bilateral Agreement between the sending and receiving countries for the receiving and sending of the human resource, that covers the domestic workers as well, can be a tool to reduce the vulnerability of the workers. Policy coherence is a necessary component to avoid contract substitution and other recruitment related problems. The policy and the other relevant laws at the home and host country should be coherent and adhere to the international legal mechanism.

A mechanism for the Access to Information and Justice at the destination should be devised and institutionalized. The host country should design a simple and affordable, free as far as practicable, access to justice mechanism while the home country should provide the translation and other

facilitating services to the migrants at the destination countries. A similar mechanism for the information should also be made available for the migrants at the home and host countries.

A simple and accessible redress mechanism has to be developed jointly by the host and home country together. The complain mechanism should be simple and accessible to the migrant workers and should be available in the local languages of the migrant workers. The interpreter services should be made available to the migrant workers where the migrant workers can file their complaints through the hotline telephone services. The migrant workers should be provided the individual and prompt response to their complaints to avoid further vulnerability. All the services provided to the migrant workers should not just be made available to all the migrant workers at the home or host countries but should also be extended to the country of transit as well.

There should be a sub-regional standard of recruitment specific to the corridors; for example, South Asian Association for Regional Cooperation (SAARC) – Gulf Cooperation Council (GCC) corridor. All the countries should adhere to the regional standard and the implementation should never be compromised. There should be an independent assessment and evaluation mechanism that monitors the implementation and provide the feedback periodically. The standard should be abided by the principles of the human rights.

We have to consider the fact that the 'migration' in terms of its process and context are different in the different regions. The blanket policies and the structures may not be workable in all contexts. Therefore the region specific redress and protection mechanism should be established but adhering to the global standards. Protection of their borders should never be compromised with the dignity and respect of the human being. There are no opposition to the notion 'migrant workers are no commodities' but are still facing worse treatment. The attitude of the people have to change in order to realize a place where all the human rights standards are respected, protected and fulfilled. As long as the people do not understand that the migrant workers are contributing to the development of both the home and the host country the things are not going to change.

Governments around the world are concentrating themselves on the migration management and the border protection. The human protection and the social economical well being of the migrants are often the secondary priority. In this context the forum like this is very crucial. I would like to call the governments, civil societies and the private sectors, media, migrants and communities around the world to come together for the respect, protection and fulfillment of the rights of all the migrants regardless of their classifications and status.

Thank you very much