

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

**Manzoor E Khoda  
Shahzada M Akram**

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### **Research adviser**

Advocate Sultana Kamal

Chairman, Board of Trustees, Transparency International Bangladesh (TIB)

Dr. Iftekharuzzaman

Executive Director, TIB

Professor Dr. Sumaiya Khair

Deputy Executive Director, TIB

Mohammad Rafiqul Hassan

Director, Research and Policy, TIB

### **Research and preparation of report**

Manzoor E Khoda, Programme Manager, Research and Policy

Shahzada M Akram, Senior Programme Manager, Research and Policy

### **Research Assistant**

Golam Mohiuddin, Programme Manager, Good Governance in Climate Finance, TIB

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### **Contact**

Transparency International Bangladesh

MIDAS Centre (Levels 4 & 5)

House #5, Road # 16 (New) 27 (Old)

Dhanmondi, Dhaka-1209

Phone: (+880-2) 9124788, 9124789

Fax: (+880-2) 9124715

Email: [info@ti-bangladesh.org](mailto:info@ti-bangladesh.org)

Website: [www.ti-bangladesh.org](http://www.ti-bangladesh.org)

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

## **Executive Summary\***

### **Background**

Labour migration is an important sector in 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. The contribution of the investment and use of technical skills by incoming migrants to the national economy cannot be undermined. Migration through employment, firstly, results in reduction in unemployment in the country. Secondly, through earning of foreign exchange, it helps maintain balance of payments in external transactions. The country received remittances amounting to US\$ 14,930 million in 2015-16 fiscal year and US\$ 15,310 million in 2014-13 fiscal year. The inflow of remittances has exceeded foreign exchange earnings from other sources such as official development assistance (ODA) and net export earnings. In 2015, the remittances sent by expatriates accounted for 7.83 per cent of the gross domestic product (GDP).

The Bureau of Manpower, Employment and Training (BMET) was established under the then Ministry of Labour and Employment in 1976. In 1982 the 'Emigration Ordinance 1982' was formulated 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 were framed in this regard. Bangladesh has also signed and ratified 10 international conventions including the most important one - the UN 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990'. To help develop the sector more efficiently, more initiatives have been taken consistently, such as introduction of the 'Expatriates Welfare and Overseas Employment Policy 2016', enactment of the 'Overseas Employment and Migrants Act 2013' through annulment of the Emigration Ordinance 1982 and founding of the 'Expatriate Welfare Bank' in 2013.

### **Rationale, Objectives and Methodology**

However, there is a dearth of in-depth research on good governance in migration-related institutions, legal framework and migration process. Despite various initiatives by the Government, different pre- and post-migration problems still prevail; and ensuring transparency in this sector has not been possible. In spite of legal and institutional frameworks on labour migration in Bangladesh, a number of problems have been identified in different research and newspaper reports. Moreover, establishment of good governance in migration has been emphasised in different studies, and it has also been mentioned that shortcomings of good governance in the labour migration sector instigates risky, irregular migration and human trafficking.

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 this research has been conducted, and accordingly, different challenges relating to good governance in labour migration process have also been identified.

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\*This is the summary of the research paper presented at the conference room of TIB on 9 March 2017.

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 Bangladesh's labour migration;
2. Identify the role of the concerned organisations in labour migration process and areas of coordination among them, their management and areas of 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.

The scope of this research includes the process of going abroad with jobs following formal procedure for international labour migration, review of governance structure relating to international labour migration, and investigation into value chain of international labour migration process, existing corruption and irregularities in it and causes of such irregularities.

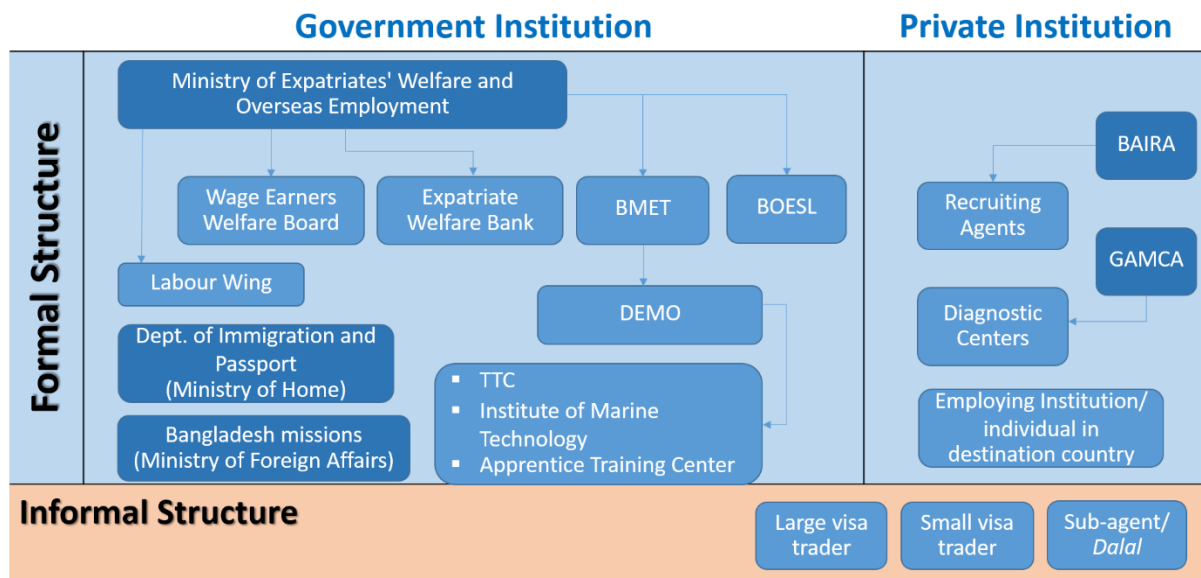
This research is based on qualitative analysis of information. Interviews with key informants, and in-depth interviews have been used as method of this research. Policies relating to labour migration, laws and rules, both published and unpublished research papers, articles, government and private sector information and documents, and news reports published in newspapers and other media have also been reviewed. Information collection, analysis, and report writing were done during March to December 2016. The draft report was shared with the officials of the Ministry of Expatriates' Welfare and Overseas Employment and other concerned public authorities on 12 February 2017. Based on their opinions and feedback the report was revised.

It may be noted that the findings of this study cannot be generalized and applicable to all the stakeholders equally since it is not based on a survey. However, the findings portray an indication of the existing situation of this sector.

### **Management Structure of Labour Migration**

Bangladesh's labour migration structure can be divided into two parts: Formal and informal. The formal structure includes different government bodies under a number of ministries, at the one hand, and the employer (institution/ individual), private recruiting agencies and diagnostic centres, on the other. It may be mentioned that these organisations are run and regulated by laws and rules. On the other hand, there are a few numbers of stakeholders in this sector, which play independent roles outside the recognised institutional structure and thus may be called informal structure.

**Figure 1: Management Structure of Labour Migration of Bangladesh**



The Ministry of Expatriates' Welfare and Overseas Employment plays an important role as the key institution in managing labour migration. The Ministry runs its overall activities through four departments/institutions: (1) The Bureau of Manpower, Employment and Training (BMET), (2) Bangladesh Overseas Employment and Services Limited (BOESL), (3) Wage Earners Welfare Board, and (4) Expatriate Welfare Bank. Another important wing of the Ministry is each of the Labour Wings at the Bangladesh missions abroad, which, taking necessary cooperation from Bangladesh missions in those countries and the Ministry of Foreign Affairs, has continued to work in expanding labour market. The Department of Immigration and Passport under the Ministry of Home Affairs provides the services of issuing new passports and renewal of old ones to facilitate the movement of Bangladesh nationals abroad. Besides, in 65 Bangladesh missions around the world, machine readable passports and machine readable visas are being issued.

Among the private players, the collective body of the recruiting agencies Bangladesh Association of International Recruiting Agents (BAIRA) is a dominant one in labour migration structure. The medium to complete the process of migration of Bangladeshi workers willing to go abroad is the private recruiting agencies that are licensed by the government. There are a total 1,037 recruiting agents in the country as of December 2016. Also, an important private organisation is the organisation of diagnostic centres of GCC Approved Medical Centres' Association (GAMCA).

The stakeholders in the informal structure of the labour migration include 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. The most important role in appointment of migrant workers is played by foreign recruiting organisation or employer, and the demand placed by it (recruiting organisation or employer) creates the opportunity for migrant workers to enter overseas job market and work there.

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 demand. 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. These traders play the role of 'wholesale visa traders' in the profitable visa trade in the labour market of two countries.

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 migrant workers, such Bangladeshi workers collect demand note for new migrant workers, either using the rapport with the employer or convincing him in exchange for money. 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 at a high price.

Bangladeshi recruiting agencies are dependent on middlemen or brokers for collecting migrant workers as per demand notes. Intending migrant workers do not have direct contact with the recruiting agencies. On the other hand, the recruiting agencies are basically based in Dhaka and Chittagong; they have no branch office or representatives at the grassroots. That is why the middlemen or brokers play as medium of communication between the migrant workers and recruiting agencies. However, there are differences between the middlemen or brokers themselves. In the first tier, the sub-agent or broker works directly with the recruiting agent and this group is connected to another group of brokers who maintain contacts at the grassroots with the potential migrant workers. The first tier broker has contacts with more than one grassroots brokers through whom the former collects migrant workers or sells visa. The first tier brokers have contacts among themselves.

### **Recent Government Initiatives**

The government has taken a number of steps in recent times to simplify the services of overseas employment. As part of the initiative to decentralise the services, fingerprint is being taken 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 expatriates has also begun from Chittagong and Sylhet. Facilities to know update of visa online are there on the BMET website and at Union Digital Centres so that intending migrant workers can follow the status of their visa online and mobile app has been prepared to facilitate checking of visa through mobile phone. The services are available for Bahrain, the United Arab Emirates, Qatar and Singapore. The countries that have suspended importing manpower from Bangladesh have recently resumed the process of hiring migrant workers from the country following the government's diplomatic initiatives. A memorandum of understanding (MOU) was signed on 18 February 2016 between Bangladesh and Malaysia to send workers through Government-to-Government (G2G) plus process.

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, hotline telephone has been introduced and a website has been launched to lodge complaints. Mentionable initiatives include disbursement of loans from Expatriate Welfare Bank for meeting the cost of migration, setting up of technical training centres and enhancing of capacity of these centers.

### **Labour Migration Process**

The process of labour migration from Bangladesh encompasses mainly three levels. At the first level, work orders or visas are traded because of corruption and irregularities committed

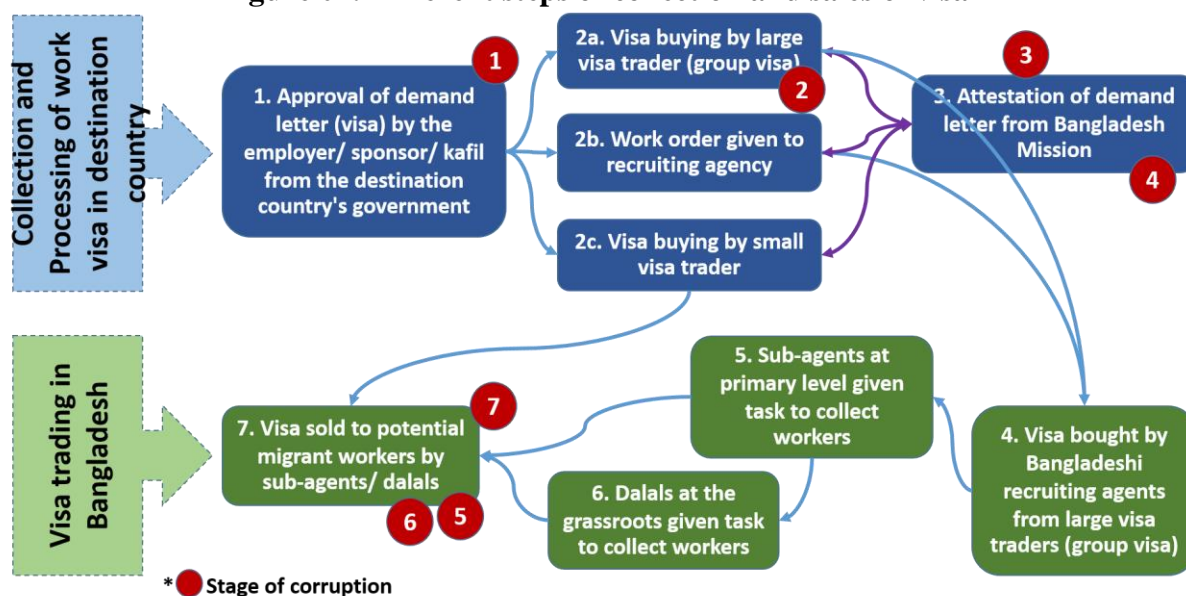
by employers of the country of destination and middlemen concerned, while on the other hand, there is corruption involving endorsement of visa at the labour wing of Bangladesh mission in the country of destination. The local recruiting agents siphon off money to the country of destination through illegal hundi to purchase work order or visa.

At the second level, visas are sold to the potential migrant worker. At this level, the recruiting agencies, operating through sub-agents or brokers at different tiers, select the migrant workers and the brokers sell visa to them (workers). The price of visa increases manifold due to changes of hands. It is also learned that money collected unlawfully from the female migrant workers although the process is supposed to be free of cost.

At the third level, a complex process is followed during the processing of visa where a number of stakeholder institutions are involved. It is learned from the outgoing workers that a significant amount of money was taken at every step from diagnosis, police clearance certificates, visa stamping, approval from the ministry, registration and pre-emigration training to collection of final emigration certificate.

Various stakeholders 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. In most cases, a number of middlemen join the process of establishing link or communications among these parties while providing certain assistance. 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) Organisations 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 active at first and third levels and (7) Potential migrant worker.

**Figure 02: Different steps of collection and sales of visa**



The first and 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 hiring organisations or employers in the recipient countries. Hiring organisations or employers in recipient countries issue demand note or work order to any recruiting agency that supplies migrant workers to

collect necessary migrant workers as per law. 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. as per law, prepare the demand notes as sponsors or *kofil* for migrant workers. In most cases, the organisations supplying migrant workers or 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 non-institutional visa traders - big and small, instead of recruiting agencies, in the country of destination. Photo copies 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.

A migrant worker has to spend up to Tk 1.2 million from about Tk 500,000 to go to Saudi Arabia with job whereas the government has fixed the cost at Tk 165,000. To migrate to Malaysia, Singapore and some other Middle East countries, a worker has to spend up to Tk 800,000 from a minimum amount of Tk 250,000. Different research findings show the cost of migration for a Bangladeshi worker in the labour market of the Middle East is several times higher than those who went there from other countries. According to International Organisation of Migration (IOM), the Bangladeshi migrant workers bear the highest cost of migration in South Asia. This cost increase in migration is largely because of the purchase of visa from the 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 3750 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 generally examine and attest the demand notes by the Bangladeshi embassy or high commission in the recipient country.

**Illegal sales of visa in country of destination and siphoning off money through hundi to buy visa:** It is seen in reality in most cases that a section of unscrupulous officials of the hiring organisations, 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 unlawful. 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 sell them at higher price. Since trading with visa is prohibited as per the laws of Bangladesh and recipient countries, it is impossible to send money to buy visa through legal banking



channels. As a result, Bangladeshi visa traders have to buy visa from the recipient countries through hundi.

**Irregularities and corruption in attesting demand notes:** Allegations have it that in many cases, the labour wing of the Bangladesh mission in the country of destination attest the demand notes without proper knowledge about the hiring authority of the migrant workers. In some destination countries of migrant workers, there are complaints of attestation of the demand notes in exchange of money and harassment unleashed by Bangladesh embassies.

**Table 02: Purchase price of visa and sales price for migrant workers, depending on country of destination** (Projection in accordance with 2016 data)

Serial	Country	90% male workers (2016)	Minimum purchase price of visa	Minimum sales price of visa	Total purchase price (Crore Tk)	Total sales price (Crore Tk)
1.	Saudi Arabia	68,064	68,064	5,00,000	817	3,403
2	Bahrain	64,879	70,000	2,50,000	454	1,622
3	Oman	1,57,815	70,000	2,50,000	1,105	3,945
4	Qatar	1,03,501	1,20,000	3,50,000	1,242	3,623
5	United Arab Emirates	2,692	1,00,000	2,50,000	27	67
6	Malaysia	36,087	1,00,000	3,50,000	361	1,263
7	Singapore	49,163	2,50,000	6,00,000	1,229	2,950
				<b>Total</b>	<b>5,234</b>	<b>16,873</b>

\*\* While making projection, 90 of male workers are taken into account

### **Sales of visa in Bangladesh**

The demand notes are sold to Bangladeshi recruiting agencies after attestation at Bangladesh mission in the recipient country and in some cases without attestation. Generally, the Bangladeshi recruiting agencies collect demand notes for hiring migrant workers from different recruiting agencies and hiring organisations in the recipient countries. Similarly, the recruiting agencies in the host countries collect demand notes for workers from non-institutional visa traders. The recruiting agencies also accomplish the job of processing individual visa collected by small visa traders or migrant already working in the recipient countries.

While selling out the visas collected through various means, the Bangladeshi recruiting agencies depend on middlemen brokers posted at different levels of their networks. After collecting or purchasing group visas, the recruiting agencies inform the brokers of all levels in their network about the country of visa, types of visa, facilities to be available, qualifications of the potential migrant workers and the selling price demanded by the brokers. A first tier broker then informs all the brokers at the grassroots about visa details and selling price of visa applicable for the grassroots brokers. Finally, the grassroots broker contacts with potential migrant workers, informs them about details of visa and selling prices of visa. The

recruiting agencies, in case of visa collected by them, make net profit ranging from Tk 30,000 to Tk 50,000 for each visa recovering all costs involved in the process.

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. Generally, fees for diagnostic tests, visa processing and other government charges, income tax and cost beyond knowledge are added to the final visa price applicable for migrant workers (See Table 03).

**Table 3: Sales price of visa, depending on countries (in Lakh Taka)**

Country	Hiring org	Foreign recruiting agency	Big visa trader	Small visa trader	Bangladesh recruiting agency	Broker (1st level)	Broker (grassroots level)
<b>Saudi Arabia</b>	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*
<b>Bahrain</b>	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
<b>Oman</b>	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
<b>Qatar</b>	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
<b>UAE</b>	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
<b>Malaysia</b>	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
<b>Singapore</b>	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

\* After resumption of formal migration to Saudi Arabia, visa prices fall

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

**Charging higher price during selling of visa to migrant workers by brokers:** The migrant workers commonly rely only on personal network and communication while making financial transactions for purchasing the visa from the brokers without knowing details of the services abroad. The migrant workers remain entirely dependent on brokers because of payment of money in installments starts much before confirmation of visa and reliance on social network. The migrant workers believe whatever information about the overseas jobs the brokers give them. The migrant workers are handed over the contracts of jobs just before their departure as they reach the airport. Since these brokers remain out of any institutional framework, there is no scope for their accountability. As a result, the brokers, in many cases, manage to cheat with the migrant workers, harass them for a long time and charge higher amounts through alluring them with lucrative job offers.

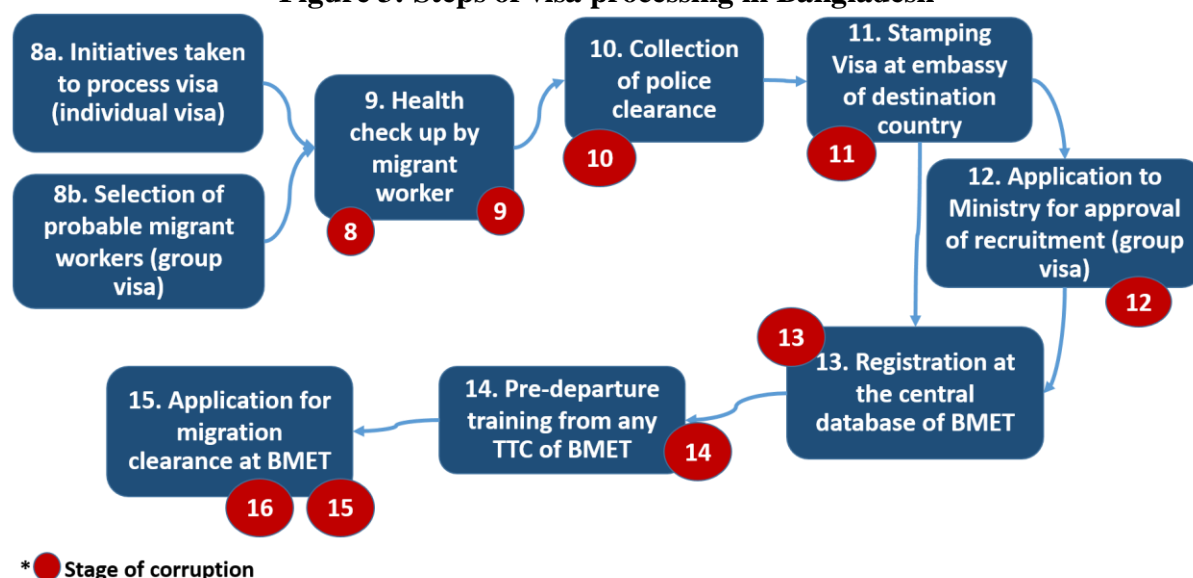
These brokers are charging Tk 10,000-Tk 15,000 from each female migrant worker willing to go to different countries of the Middle East including Saudi Arabia, as domestic helps, on the pleas of diagnostic test, collection of emigration clearance certificates, sending them to good cities, etc. although, according to rules, they are supposed to be provided the visa free of cost.

### **Visa processing and collection of emigration 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, what are done include approval from different

authorities, completing diagnostic test of migrant worker, collection of police clearance certificate, visa stamping in the worker's passport or collection of paper visa in the worker's name, registration of name with the central databank, and collection of emigration certificate through approval by the BMET. Subsequently, the migrant worker collects air ticket and flies to the host country.

**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 rules, 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 if required number of workers is not available on the database by publishing advertisement in the newspapers. However, currently, the recruiting agencies select the required number of migrant workers through their informal network of brokers, instead of taking the names from the database.

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 -- application has to be submitted to the BMET through a registered recruiting agency although in case of individual visa, the intending migrant worker himself can apply for 'one-stop' service seeking emigration certificate and collect required papers by submitting necessary documents. But practically hundred per cent migrant workers going abroad from Bangladesh are dependent on the recruiting agencies for their emigrant clearance certificates. In this case, the migrant worker has to pay certain charge to the recruiting agency for its payables in the form of income tax and other necessary fees.

**Diagnostic tests of migrant workers and allegations of irregularities:** There are specific diagnostic centres for health checkups of the migrant workers in accordance with demand and required standard of each host country. The recruiting agency collects specific number of slips from GAMCA office to complete diagnostic tests of migrant workers as per the demand notes. The migrant workers then go to the GAMCA office with the slips and register their

names by submitting photo and giving finger print. The GAMCA office informs the worker the name of the selected diagnostic centre for the diagnostic tests. Later on, the migrant worker does in the diagnostic test going to the centre with registration card taken from GAMCA office. An amount of Tk 5,850/ has to be submitted for the diagnostic test.

Some diagnostic centres allegedly charge much higher than the fixed amount set for the migrant workers. There are allegations that the centres do so by threatening the medically qualified migrant worker as medically unqualified. In some cases, a migrant worker has to undergo repeated medical tests on the plea of extra caution. Even allegations are there that some diagnostic centres issue medical certificates without carrying out the required tests.

**Visa stamping at the 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 migrant workers. Each worker has to collect his police clearance certificate with his own initiative. 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. There are also allegations of unnecessary delay, harassment and charging money illegally against some embassies of host countries while stamping visa on passports. In getting visa of some countries such as Oman, Bahrain and Qatar there is no requirement of stamping visa on passport.

**Charging money illegally while collecting police clearance certificates:** Most of the migrant workers allege that the police extort money illegally when they go to collect clearance certificates. The extorted amount is allegedly Tk 500 to Tk 1,000 in each case.

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

Once a migrant worker receives permission, he has to register name with the central database by attaching photo and finger print. Official fee for this is Tk 200. Currently, there are facilities for registering names with photos and finger print at the employment and manpower offices in 25 districts outside of Dhaka. 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, after getting the visa stamped on passport or receiving paper visa. A certificate is also issued for completing the training and it is submitted for securing emigration certificate.

**Different irregularities and corruption in the receipt of emigration certificates:** 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 -- are followed properly. The agent of the recruiting agency generally prepares separate files for each of the migrant workers seeking emigration certificates. Each file with signature of the concerned official confirming permission in the forwarding letter has to be submitted to the respective

section. The emigration 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. Later on, the recruiting agent collects the emigration certificate or smart card. At last, the signature of the concerned official of the BMET with the clearance number has to be put on the passport of the worker.

A dishonest section at the Ministry of Expatriates' Welfare and Overseas Employment allegedly charges Tk 13,000 to Tk 15,000 for each visa, unlawfully, for issuance of the permission for appointment. Besides, the recruiting agencies, in most cases, select migrant workers through informal network of brokers, instead of picking them from the database of the BMET. There are also allegations that migrant workers collect training certificates without taking part in the required training session or without being present there even, by paying additional money to the brokers. When the migrant workers collect emigration certificates, each of them is charged Tk 100 to Tk 200, in violation of rules, by the BMET.

Appointment of low-skilled and semi-skilled workers from Bangladesh remained suspended in Malaysia since 2009. But the 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 certificates from the BMET. In these cases, allegations have it, low-skilled and semi-skilled workers were sent showing them as skilled workers. The emigration 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, an amount between Tk 5,000 and Tk 15,000 was charged for issuing each of the emigration certificates for going to Malaysia.

**Table 4: Amount of money collected illegally for endorsement by different authorities in visa processing and clearance of certificates**

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

### **Causes of deficiencies in the governance of labour migration process**

The causes of deficiencies in the governance of labour migration process could be divided into three types -- legal, institutional and procedural. Some clear and realistic guidelines are missing in the major law on Bangladesh's labour migration -- Overseas Employment and Migrants Act 2013. It has no mention of the personal arrangement for labour migration although the lion portion (almost 90 per cent) of the labour migration from Bangladesh is

done through personal initiative. 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. Some of the clauses of the Act (such as selection of workers, determination of amount of compensation etc.) are stated merely as guidelines; not as obligations, which weakens the strength of the Act. For instance, Article 18 stipulates cancellation of license of the recruiting agents and compensation for the affected migrant workers but this has not been made mandatory. Moreover, the role of the brokers active in the sector has been kept outside the purview of the law.

There are certain inconsistencies visible in the migration rules and regulations. In the migration regulations, role and duties of the immigrant registrars and labour attachés have been defined but it has not specified any process to bring them under any accountability mechanism. Punishment for crimes and irregularities relating to migration has been mentioned in the regulations on recruiting agencies' license and conduct but no provision for compensation for the migrants has been specified here. No regulations based on Overseas Employment and Migrants Act 2013 has 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 cannot be possible.

A major cause of existing problems, corruption and irregularities in the labour migration process is the institutional limitation in the relevant agencies. Lack of capacity of the government agencies involved with the labour migration has been obvious. The budgetary allocation for the sector is inadequate on the one hand, and the money allocated cannot be fully utilised, on the other. There is shortage of manpower in both private and public agencies engaged in labour migration. The rate of vacancy at the Ministry of Expatriates' Welfare and Overseas Employment is 36.7 per cent. The training centres under the BMET suffer for manpower shortage, resulting in deficiency in pre-departure training for the migrant workers.

Decentralisation in the activities in visa processing and of recruiting agents is still lagging. The offices of the main agencies (recruiting agents, BMET, the Ministry, embassies of the host countries, diagnostic centres, travel agents etc.) dealing with activities at different stages of visa processing are located in Dhaka, meaning the intending migrant workers have to come to the city more than once to complete the formalities. As, the migrant workers, in most cases, are not much educated and not familiar with the atmosphere of Dhaka city (since they come from rural areas), they bank on the brokers for getting their works done. On the other hand, the offices of almost all recruiting agencies are in Dhaka (at best in Chittagong) and they have no branches at the grassroots level so, they, too, have to depend on the brokers for collecting migrant workers. As a result, the sector as a whole is dependent on *dalals* (brokers).

There is also lack of coordination among the stakeholders engaged at different stages of visa processing. For example, a migrant worker has to give bio metric 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. There are allegations of difference in opinions between the Ministry of Foreign Affairs and the Ministry of Expatriates Welfare and Overseas Employment around which ministry has the particular jurisdiction over the labour wings during their functioning at home or at the Bangladesh missions abroad. There are shortcomings in the process of regulation and monitoring the issues of sales and purchase of visa in the labour recipient countries,

examining the legality of employment in host country, and controlling the costs of migration in Bangladesh. The reasons of failure to provide required services by the labour wings also include distance of the mission in geographically large countries, lack of skilled officials and manpower and want of money to provide legal services to the migrant workers. Many missions do not have the kind of vehicles required to move from one part to another in large countries such as Saudi Arabia.

Procedural limitations are one of major causes of existing problems, corruption and irregularities in the labour migration process. The entire process of migration is complex and time-consuming. It involves 24-27 steps from collection of visa to collection of emigration clearance and smart card. Of them, there are 11 steps only at the BMET. For collecting visa, most of the migrant workers give money to brokers or small visa traders for a long time. It takes 3-5 days to receive emigration certificate in case of attested visa and 7-15 days in case of unattested visa. In this area, there are allegations of illegal transactions of money. Whether an approval process would be procrastinated or not depends on such unauthorised transactions. It takes 30-45 days to complete the entire process. On the other hand, the process of securing emigration certificate is hundred per cent dependent on agencies. According to rules, there is no scope for low-skilled and semi-skilled migrant workers to apply personally for emigration certificates. In the cases of group visa, applications have to be submitted simultaneously to the Ministry and the BMET.

The labour migration process is almost entirely dependent on *dalals* (brokers). 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 recruitment in 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, provide assistance in processing visa etc. For these reasons, a significant portion of the migrant workers cannot take receipt for any kind of financial transactions. Such practices make it impossible to preserve documentary evidence of spending for migration. The migration cost has not been fixed for all the countries. Due to lack of documentary evidence 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.

The 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 join an unholy competition and the middlemen have shown the tendency of making windfall profit.

The major portion of the Bangladeshi migrant workers has serious lack of 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 partners. Also there is discrepancy in publicity and publication of authentic information about labour migration. Decision of overseas employment is an important subject and it is essential to make available authentic information about this. Currently, information on overseas employment are disseminated from demo offices in 42 districts and a number of non-government organisations are providing such information.



However, these are very limited activities. On its part, the government is lacking in generating and disseminating necessary information on overseas employment, especially working opportunities in different destinations, pay package for each service, facilities available there etc. There is shortcoming in publicity and publication of information on the process of labour migration.

Enforcement of law to address the corruption and irregularities in the process of labour migration is quite inadequate. The High Court had issued a rule on 5 March 2015 asking the government to explain why no case was filed under Overseas Employment and Migrants Act 2013 against the culprits involved in human trafficking. So far eight cases were filed under the purview of this law but any of them is yet to be disposed of. On the other hand, after the enactment of Prevention and Suppression of Human Trafficking Act 2012, more than 200 cases were filed but none was ready for trial.

Most of the complaints raised by the victim migrant workers against the recruiting agents are not settled, on 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 per head compensation stood at Tk 10,000/=.

**Figure 04: Analysis based on the indicators of good governance**

Indicator	Sub-indicator	Problem
Transparency	<ul style="list-style-type: none"> <li>- Availability of information on migration</li> <li>- Publication 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 lucidly</li> <li>- No documentary evidence on actual cost of migration are available</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>- Strong monitoring and regulation of labour migration process</li> <li>- Divisions of jobs 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>- Accomplishment of similar tasks by more than one organisations</li> <li>- Accountability of all stakeholders is not ensured</li> </ul>
Capacity & Effectiveness	<ul style="list-style-type: none"> <li>- Full-fledged 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 the stakeholders involved</li> <li>- Complicated and long process</li> <li>- Informal process dependent on persons</li> <li>- Process requiring high costs</li> </ul>
Rule of law	<ul style="list-style-type: none"> <li>- Required legal and policy framework</li> <li>- Proper and fair</li> </ul>	<ul style="list-style-type: none"> <li>- Legal limitations</li> <li>- Limitation in enforcement of law</li> <li>- Prevalence of corruption and</li> </ul>



	enforcement of laws	irregularities in migration process - No guarantee of fair and accurate compensation
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### **Overall observations**

The findings of this research reveal that the legal framework of migration has not clearly spelt out some important issues like complaint mechanism, worker selection, compensation etc. Moreover, it has been difficult to enforce the existing laws in a proper manner due to the obscurity and limitation in the legal frameworks. On the other hand, there are deficiencies of capacity in relevant stakeholders to ensure oversight and control in the process of labour migration.

The process of labour migration in Bangladesh is still long, complicated and uncertain, and mostly Dhaka-based, which is likely to create potential risks of corruption and irregularities. Moreover, the existing process depends mostly on informal and personal dealings. Thus, it creates the room for cheating and depriving the potential migrant workers. There is also less institutional protection to get the compensation in case a worker is cheated. It happens as the transactions are done in an informal manner keeping no documents or evidence. Moreover, the lack of transparency about the work environment, facilities and entitlements of the jobs at the destination countries, VISA/migration cost etc for less educated migrant workers eventually enhances dependency on the brokers.

There exists irregularities and corruption in the labour migration process of Bangladesh. There are allegations that almost every stage in VISA processing entertains unauthorised transaction of money. This situation is instigated by the uncontrolled VISA trading which creates extra expenditure burden over the migrant workers. As a result, Bangladesh is failing to gain the returns from the labour migration at the expected level. High cost in labour migration instigates illegal overseas migration, which leads to putting the workers into a domain where there is a strong possibility to be declared as illegal migrants in the destination countries.

**Figure 05: Causes, results and impacts of governance deficiencies in labour migration process**

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 decentralization, coordination among stakeholders, oversight and control</li> <li>* Complex, long process</li> <li>* Dependence on informal (brokers) process</li> <li>* Excessive demand for visa compared to the needs</li> <li>* Lack of education, skills, and awareness of migrant workers</li> <li>* Information deficiency</li> <li>* Lack of evidence based dealings</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>* Institutionalisation of broker-dependent system</li> <li>* Illegal collection of money at different levels (demand note attestation, health diagnosis, police clearance, visa stamping, permission for appointment, emigration certificate)</li> <li>* No guarantee to get compensation</li> </ul>	<ul style="list-style-type: none"> <li>* Failing to gain the returns from labour migration at expected level</li> <li>* Risk of being deprived, cheated and looser</li> <li>* Tendency to migrate through illegal routes</li> <li>* Risk of being illegal on foreign land</li> </ul>

## Recommendations

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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